

DATE: July 13, 2020

MAIL-OUT #ML/MS 2020-01

TO: ALL MANUFACTURERS OF SMALL OFF-ROAD ENGINES (SORE)
ALL MANUFACTURERS OF LARGE SPARK-IGNITION (LSI) ENGINES
ALL MANUFACTURERS OF EQUIPMENT USING SORE AND LSI ENGINES
ALL MANUFACTURERS OF SORE AND LSI ENGINE EVAPORATIVE EMISSION CONTROL SYSTEM COMPONENTS
ALL PERSONS SELLING, LEASING, DELIVERING, IMPORTING, OR OFFERING FOR SALE OR LEASE SORE OR LSI ENGINES OR THEIR EVAPORATIVE EMISSION CONTROL SYSTEM COMPONENTS IN CALIFORNIA
ALL INTERESTED PARTIES

SUBJECT: REMINDER TO COMPLY WITH CERTIFICATION AND LABELING REGULATORY REQUIREMENTS FOR EVAPORATIVE EMISSION CONTROL SYSTEMS BEFORE ANY SORE OR LSI ENGINE OR THEIR COMPONENTS ARE MANUFACTURED FOR SALE OR LEASE FOR USE OR OPERATION IN CALIFORNIA, SOLD OR LEASED OR OFFERED FOR SALE OR LEASE FOR USE OR OPERATION IN CALIFORNIA, OR DELIVERED OR IMPORTED FOR INTRODUCTION INTO COMMERCE IN CALIFORNIA

Summary: This mail-out is a reminder of existing California Air Resources Board (CARB) regulations, which require small off-road engines and large spark-ignition engines to be certified and labeled for exhaust and evaporative emissions. Components of evaporative emission control systems subject to CARB's small off-road engine evaporative emission regulations must also be certified and labeled, either by themselves or as part of an evaporative emission control system. Engines or evaporative emission control system components sold in violation of these regulatory requirements, discussed further below, are subject to civil penalties.

It has come to the attention of California Air Resources Board (CARB) staff that small off-road engines (SORE) and large spark-ignition (LSI) engines that are certified and labeled for exhaust emissions are being sold in California without certified and labeled evaporative emission control systems. This mail-out is a reminder to engine manufacturers, including those who hold one or more valid Executive Orders for their engine or evaporative families, that they may not manufacture for sale or lease for use or operation in California SORE and LSI engines without a certified and labeled evaporative emission control system pursuant to Article 1 of Title 13, Division 2, Chapter 15 of the California Code of Regulations. This mail-out is also intended to

remind any person who sells, leases, delivers, imports or offers for sale or lease for use or operation in California any SORE or LSI engine that none of these engines may be offered for sale or lease for use or operation in California, sold or leased for use or operation in California or delivered or imported into California for introduction into commerce in California without a certified and labeled evaporative emission control system pursuant to Title 13 of the California Code of Regulations, sections 2750-2774. The statements made in this mail-out are restatements of current law and are not new regulatory requirements.

These certification and labeling requirements are codified in California Code of Regulations, Title 13, section 2751(a) for SORE and are mandatory for 1) model year 2006 and later engines with displacement greater than 80 cubic centimeters (cc) and 2) model year 2007 and later engines with displacement less than or equal to 80 cc. California Code of Regulations, Title 13, section 2433(b)(4)(B) requires that 2011 and later model year LSI engines with displacement less than or equal to 1.0 liter that run on a volatile liquid fuel must also have an evaporative emission control system¹ that has been certified and labeled pursuant to Title 13 of the California Code of Regulations, sections 2750-2774. Evaporative emission standards and labeling requirements for LSI engines with displacement greater than 1.0 liter are found in California Code of Regulations, Title 13, section 2433 and section 2434, respectively.

In addition, CARB regulations require certification and labeling for components of evaporative emission control systems before a person may manufacture, sell, lease, offer for sale or lease, deliver or import that component in California. Specifically, California Code of Regulations, Title 13, section 2751(b)(1)-(3) requires that no person shall manufacture for sale or lease for use or operation in California, sell or lease or offer for sale or lease for use or operation in California or deliver or import into California for introduction into commerce in California any component of an evaporative emission control system regulated by Title 13 of the California Code of Regulations, sections 2750-2774 unless that component has been certified, either by itself or as part of an evaporative emission control system, and labeled, pursuant to Title 13 of the California Code of Regulations, sections 2750-2774. Section 2751(b)(3) also provides that starting January 1, 2020, it is presumed that replacement components are subject to the SORE evaporative emission regulatory requirements if they are capable of being used on an evaporative emission control system on engines regulated under Title 13 of the California Code of Regulations, sections 2750-2774.

Note that California Code of Regulations, Title 13, section 2403(g)(2) describes requirements for SORE intended solely to replace engines in off-road equipment that

¹ Evaporative emission control system "means the fuel system and associated components that are designed to control evaporative emissions." (Title 13, California Code of Regulations, section 2752, subd. (a)(7).)

was originally produced with engines manufactured prior to the implementation date of SORE emission standards. If an engine manufacturer does not meet the criteria in California Code of Regulations, Title 13, section 2403(g)(2) and, as a result, the replacement SORE is not exempt from the emissions requirements in California Code of Regulations, Title 13, section 2403(b), offering for sale engines as "replacement engines" and selling them in California without certified and labeled evaporative emission control systems is not consistent with the requirements of the SORE evaporative emission regulations (California Code of Regulations, Title 13, sections 2750-2774).

Similarly, California Code of Regulations, Title 13, section 2433(e) describes requirements for LSI engines intended solely to replace LSI engines in off-road equipment that was originally produced with engines manufactured prior to the implementation date of LSI engine emission standards. If an engine manufacturer does not meet the criteria in California Code of Regulations, Title 13, section 2433(e)(2) and, as a result, the replacement LSI engine is not exempt from the emissions requirements in California Code of Regulations, Title 13, section 2433(b), offering for sale engines as "replacement engines" and selling them without certified and labeled evaporative emission control systems is not consistent with the requirements of the SORE evaporative emission regulations (California Code of Regulations, Title 13, sections 2750-2774 et seq.).

Engines or evaporative emission control system components sold in violation of these regulatory requirements, noted above, are subject to a maximum civil penalty of \$534 per unit for SORE or \$40,050 per violation for LSI engines. CARB adjusts the maximum penalties for violations of regulatory requirements for inflation based on the California Consumer Price Index, as described in California Health and Safety Code section 43016. As further provided in Health and Safety Code section 43016, these penalty amount adjustments are exempt from California Administrative Procedure Act rulemaking requirements.

Questions regarding this Mail-Out in relation to SORE may be directed to Jenna Ostad at jenna.ostad@arb.ca.gov. Questions regarding this Mail-Out in relation to LSI engines may be directed to Dr. Hung-Li Chang at hungli.chang@arb.ca.gov.

Sincerely,



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Assistant Division Chief
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Michael Carter
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Mobile Source Control Division