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Secretary for  
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# Air Resources Board

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Arnold Schwarzenegger  
Governor

May 8, 2007

Mail-Out #MSC 07-16

TO: Manufacturers of Verified Diesel Emission Control Systems

SUBJECT: ADVISORY ON IN-USE COMPLIANCE REQUIREMENTS

The purpose of this advisory is to remind manufacturers of verified systems under the Air Resources Board's (ARB) **Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines** (Procedure) (Title 13, California Code of Regulations, sections 2700-2710) that they are subject to all in-use compliance requirements.

The in-use compliance requirement of the Procedure applies to each diesel emission control strategy that has been verified, regardless of its current status. This testing requirement is initiated when 50 units within a given diesel emission control strategy family have been sold or leased in the California market. It is the responsibility of the applicant to comply with this requirement as stated in Section 2709 of the Procedure.

Applicants must submit an in-use compliance testing protocol for approval by the Executive Officer prior to conducting the testing. Applicants must also follow the testing procedure used for emission reduction verification as described in Section 2703 of the Procedure (both baseline and control tests are required). In addition, applicants must select the same test cycle(s) that they used to verify the diesel emission control strategy originally. Applicants should note that if alternate testing procedures were accepted during testing for initial verification, the applicant must follow the standard testing procedure for the in-use compliance testing. If a diesel emission control strategy is also verified by United States Environmental Protection Agency and must perform engine dynamometer testing with the Heavy-duty Transient Fuel Testing Procedure (FTP) cycle to fulfill the in-use compliance requirements of that program, but was verified by the ARB Executive Officer with chassis dynamometer testing, the Executive Officer will also accept testing with the Heavy-duty Transient FTP cycle for the in-use compliance requirements of this Procedure.

Applicants are responsible for tracking when the in-use compliance phase for each of their verified products should begin. All testing should be done in the time frames specified in the Procedure. Failure to comply with this requirement in its entirety may result in the de-verification of a manufacturer's diesel emission control strategy(ies),

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

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suspension of any verification activities which may be in progress, monetary penalties against the company, and/or other penalties as specified in Health and Safety Code Sections 43016 and 43212.

Complete information on the In-Use Compliance Requirements may be found in Section 2709 of the Procedure. This document is available on our website at:

<http://www.arb.ca.gov/diesel/verdev/verdev.htm> .

If you have questions regarding this requirement, please contact Ms. Shawn Daley, Manager, at (626) 575-6972 or by email to [sdaley@arb.ca.gov](mailto:sdaley@arb.ca.gov).

Sincerely,

/s/

Robert H. Cross, Chief  
Mobile Source Control Division

cc: Shawn Daley, Manager  
Retrofit Assessment Section