

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section. The vehicle and the engine exempted under this section must meet all applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers who use these engines, and all other persons as if these engines were used in a motor vehicle.

(c) If you meet all the following criteria and requirements regarding your new nonroad vehicle, it is exempt from the standards in this part:

(1) Your vehicle must be covered by a valid certificate of conformity under 40 CFR part 86.

(2) You must not make any changes to the certified engine or vehicle that we could reasonably expect to increase its exhaust emissions. For example, if you make any of the following changes, you do not qualify for this exemption:

(i) Change any fuel system parameters from the certified configuration.

(ii) Change any other emission-related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(3) You must demonstrate that fewer than 50 percent of the engine model's total sales, from all companies, are used in nonroad applications.

(4) The vehicle must have the label we require under 40 CFR part 86.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the equipment. In your engine's emission control information label, do the following:

(i) Include the heading: "Nonroad Engine Emission Control Information".

(ii) Include your full corporate name and trademark.

(iii) STATE: "THIS ENGINE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CONTROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW."

(iv) State the date you finished modifying the engine (month and year), if applicable.

(6) The original and supplemental labels must be readily visible after the engine is installed in the equipment or, if the equipment obscures the engine's

emission control information label, the equipment manufacturer must attach duplicate labels, as described in 40 CFR 1068.105.

(7) Send the Designated Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the vehicle models you expect to produce under this exemption in the coming year.

(iii) State: "We produce each listed engine or vehicle model for nonroad application without making any changes that could increase its certified emission levels, as described in 40 CFR 1039.610."

(d) If your engines do not meet the criteria listed in paragraph (c) of this section, they will be subject to the standards and prohibitions of this part. Producing these engines without a valid exemption or certificate of conformity would violate the prohibitions in 40 CFR 1068.101.

(e) If you are the original engine manufacturer of both the highway and nonroad versions of an exempted engine, you must send us emission test data on the applicable nonroad duty cycle(s). You may include the data in your application for certification or in your letter requesting the exemption.

(f) If you are the original manufacturer of an exempted engine that is modified by another company under this exemption, we may require you to send us emission test data on the applicable nonroad duty cycle(s). If we ask for this data, we will allow a reasonable amount of time to collect it. You are responsible for emission-related compliance under 40 CFR parts 85 and 86 for these engines, unless another company becomes the engine manufacturer for these engines (see paragraph (a) of this section).

(g) If you are not an engine manufacturer, you may produce nonroad equipment from motor vehicles under this section as long as the engine has the label we specify in paragraph (c)(5) of this section and you do not modify the engine in any way that may affect its emission control.

§ 1039.615 What special provisions apply to engines using noncommercial fuels?

In § 1039.115(e), we generally require that engines meet emission standards for any adjustment within the full range of any adjustable parameters. For engines that use noncommercial fuels significantly different than the specified test fuel of the same type, you may ask us to use the parameter-adjustment provisions of this section instead of

those in § 1039.115(e). Engines certified under this section must be in a separate engine family.

(a) If we approve your request, you may do the following:

(1) Certify the engine using the specified test fuel.

(2) Produce the engine without limits or stops to keep the engine adjusted within the certified range.

(3) Specify in-use adjustments different than the adjustable settings appropriate for the certified test fuel, consistent with the provisions of paragraph (b)(1) of this section.

(b) To produce engines under this section, you must do the following:

(1) Specify in-use adjustments needed so the engine's level of emission control is equivalent to that from the certified configuration.

(2) Add the following information to the emission control information label specified in § 1039.135:

(i) Include instructions describing how to adjust the engine to operate in a way that maintains the effectiveness of the emission-control system.

(ii) STATE: "THIS ENGINE IS CERTIFIED TO OPERATE IN APPLICATIONS USING NONCOMMERCIAL FUEL. MALADJUSTMENT OF THE ENGINE IS A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY."

(3) Keep records to document the destinations and quantities of engines produced under this section.

§ 1039.620 What are the provisions for exempting engines used solely for competition?

(a) As an equipment manufacturer, you may use an uncertified engine if your vehicle or equipment will be used solely for competition.

(b) The definition of nonroad engine in 40 CFR 1068.30 excludes engines used solely for competition. These engines are not required to comply with this part, but 40 CFR 1068.101 restricts the use of competition engines for non-competition purposes and this section requires that you label these engines.

(c) As an engine manufacturer, your engine is exempt without a request if you have a written request for an exempted engine from the equipment manufacturer, showing the basis for believing that the equipment will be used solely for competition.

(d) We consider a vehicle or piece of equipment to be one that will be used solely for competition if it has features that are not easily removed that would make its use other than in competition unsafe, impractical, or highly unlikely.

(e) We may discontinue your exemption if we find that engines