California Environmental Protection Agency
Air Resources Board

Enforcement Division

Advisory

To: Installers, Fleet Owners, Distributors and Manufacturers of Verified Diesel Emission Control Strategies (DECS)

Number: 420 **September 2010**

DECS COMPONENT SWAPPING AND RE-DESIGNATION REQUIREMENTS

***NOTE*: Not all DECS manufacturers may allow component swapping and/or re-designation. A DECS manufacturer that allows these practices may have grounds to deny a warranty claim if component swapping or DECS re-designation is performed and either:**

1. **The policies approved by the DECS manufacturer are not followed, or**
2. **The DECS manufacturer's policies are not approved in writing by the Air Resources Board (ARB).**

On January 24, 2008, ARB adopted amendments to the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* (Procedure) that included restrictions on how DECS could be swapped or re-designated among different vehicles and equipment. The purpose of this advisory is to alert owners, installers, distributors, and manufacturers of verified DECS to the specific requirements that must be met when swapping components from one DECS to another or moving an entire DECS from one vehicle to another (re-designation). These requirements of the Procedure can be found in Title 13, California Code of Regulations, Section 2706(i). An overview of this section is provided below. Please refer to the Procedure for further details.

DECS Component Swapping Requirements

Some DECS may include components that an owner would like to move from one vehicle to another, such as the section of a diesel particulate filter system which contains the filter. Being able to swap a filter in need of cleaning with an identical spare is a convenient way to minimize vehicle downtime. The DECS manufacturer may choose to allow this practice of component swapping provided the following conditions are met:

- The DECS manufacturer must obtain written approval from ARB for the swapping practices it intends to establish. The DECS manufacturer must describe these practices and list the components that are approved for swapping in the owner's manual and installation manual.

- Vehicles among which DECS components are swapped must be in the same "common ownership fleet." A common ownership fleet means all off-road, on-road, and stationary engines being owned or managed day to day by the same person, corporation, partnership, or association. Note that ARB adopted a new amendment to the Procedure this year which will remove the common ownership fleet limitation once it becomes effective.

- A vehicle that receives a DECS component that was previously on another vehicle must be fitted with a device that has the same DECS family name. Please note that similar devices with the same trade name do not necessarily have the same DECS family name. A vehicle from which a DECS component is removed must subsequently have an identical component installed such that the DECS remains in compliance with the terms and conditions of the applicable Executive Order. All DECS components must be present and functional.

DECS Re-Designation Requirements

As a fleet owner plans out how he or she will comply with a given fleet rule, it may be useful to move a complete DECS from one vehicle to another. The DECS manufacturer may choose to allow this practice of DECS re-designation provided the following conditions are met:

- The DECS manufacturer must obtain written approval from ARB for the re-designation practices it intends to establish. The DECS manufacturer must describe these practices in the owner's manual and installation manual.

- Vehicles involved in a DECS re-designation must be in the same common ownership fleet. Selling a used, verified DECS is not permitted.

- Any party which removes a verified DECS from a vehicle must also remove the verified DECS label from the engine. If the engine label cannot be removed intact, it must be destroyed.

- Any party which moves a DECS to another vehicle which had never previously been retrofit with the same DECS must obtain and properly install an appropriate DECS engine label.

- Any party which removes a verified DECS from a vehicle must ensure that the vehicle returns to its original factory configuration.

- If a DECS is over ten years old or its age cannot be determined, it cannot be re-designated to another vehicle. The age of a DECS is determined either by the month and date printed on the DECS label or by contacting the DECS manufacturer and providing the serial number.

Additional Requirements

The following additional requirements apply to both component swapping and DECS re-designation practices:

- The owner must ensure that the vehicle receiving the component or entire DECS meets all the terms and conditions of the Executive Order for that DECS. Note that ARB adopted a new amendment to the Procedure this year which, once it becomes effective, will require both the owner and the installer to ensure that the recipient vehicle meets the terms of the verification.

- The DECS manufacturer must honor the remaining original warranty and warranty period associated with the component or DECS being moved to another vehicle. If the original warranty on a re-designated DECS has expired, the installer must issue a new warranty to guard against potential installation defects for a period of one year from the date of installation. Note that ARB adopted a new amendment to the Procedure this year which, once it becomes effective, will also require the new one-year installation warranty for swapped components.

Penalty Assessments

Health and Safety Code, Section 39674 (a) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed one thousand dollars ($1,000) for each day in which the violation occurs.

Health and Safety Code, Section 39674 (b) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed ten thousand dollars ($10,000) for each day in which the violation occurs.

The ARB Enforcement Division will immediately pursue complaints and cases against violators of DECS component swapping or re-designation requirements. If ARB is not able to reach a mutually agreed upon settlement with the violator, the case will be referred to the Attorney General for prosecution.

For questions regarding enforcement of the regulation, please contact Mr. Tajinder Gill, Staff, Heavy-Duty Diesel Enforcement Section, Mobile Source Enforcement Branch, at (626) 459-4304 or tgill@arb.ca.gov. For questions about the verification program, please contact Ms. Susan Reed, Staff, Retrofit Assessment Section, Heavy-Duty Diesel In-Use Strategies Branch, at (626) 575-6847 or sreed@arb.ca.gov. Further information about the verification program and the text of the Procedure itself can be found on our website at: http://www.arb.ca.gov/diesel/verdev/verdev.htm.