

Proposed Regulatory Order

California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles

- (a) **Applicability.** These procedures apply to all manufacturers of aftermarket critical emission control parts for use on highway motorcycles in California, including those covered under the original vehicle emission warranty.
- (b) **Definitions.** The definitions in title 13, California Code of Regulations, section 1900(b), apply to these procedures with the following additions:
 - (1) “Aftermarket critical emission control part” means a modified part or system that is intended to replace the original part used primarily for the reduction of emissions (exhaust, evaporative, or both) from a highway motorcycle. Examples include, but are not limited to, catalytic converters and oxygen sensors.
 - (2) “Highway motorcycle” means a motor vehicle as defined in Vehicle Code section 400 and that is not subject to the exclusions set forth in title 13, California Code of Regulations, section 1958(a).
 - (3) “Manufacturer” means, for the purposes of this section and unless specified otherwise, any manufacturer of aftermarket critical emission control parts for any highway motorcycle.
- (c) **Exemption Procedures.** Manufacturers of aftermarket critical emission control parts for use on highway motorcycle, including those covered by the original vehicle emission warranty, must obtain an exemption from the prohibitions in Vehicle Code sections 27156 and 38391 using these procedures. An exemption Executive Order is required before any aftermarket critical emission control part can be advertised, sold, offered for sale or installed on a highway motorcycle in California. All manufacturers of aftermarket critical emission control parts seeking an exemption Executive Order must comply with the requirements as set forth below.
 - (1) **Emissions Testing.** A manufacturer must demonstrate that its aftermarket critical emission control part when installed on a highway motorcycle can comply with both the exhaust and evaporative emission standards applicable to the certified highway motorcycle for which the part(s) will be installed on, pursuant to title 13, California Code of Regulations, sections 1958(b) and 1976(b)(2), respectively.
 - (A) **Test Vehicle Selection.** The manufacturer must choose a highway motorcycle determined to be the worst-case configuration for exhaust

emissions. This highway motorcycle will be considered the manufacturer's test vehicle. The selection must be done for each highway motorcycle engine family that the manufacturer wishes to be covered by an exemption Executive Order and must meet the following minimum criteria.

- (i) Heaviest loaded vehicle weight per engine family, including all offered accessories and parts by the highway motorcycle manufacturer;
- (ii) Highest engine speed-to-vehicle speed (N/V) ratio, and;
- (iii) Highest projected sales for the manufacturer's aftermarket critical emission control part.

Other criteria as determined by the Executive Officer to be appropriate may be considered for the test vehicle selection. Manufacturers are advised to consult with the Air Resources Board staff before selecting a test vehicle and conducting any testing in support of their exemption application.

- (B) The manufacturer will install the aftermarket part on the test vehicle in accordance with the instructions it provides to its installers and ultimate purchasers. The test vehicle with the aftermarket critical emission control part installed shall be assumed to have zero miles of mileage accumulation at the time the part is installed. Mileage accumulation on the test vehicle shall be conducted to determine deterioration factors in accordance with 40 CFR Sections 86.432-78 through 86.436-78.
- (C) The exhaust emission test procedures for determining compliance with exhaust emission standards are set forth in title 13, California Code of Regulations, section 1958(c). The manufacturer may offer part configurations that are different from stock provided they comply with the highway motorcycle's applicable emission standards as required by this section. The evaporative emission test procedures are set forth in title 13, California Code of Regulations, section 1976(c). A manufacturer may request the Executive Officer to waive the evaporative emission tests if it can provide technical justification that the part does not affect evaporative emissions. Any proposed deviations to either of these test procedures must be submitted by the manufacturer for consideration by the Executive Officer.
- (D) Confirmatory Testing. The Executive Officer may require that any test vehicle be submitted to the Air Resources Board, at such place or places as the Air Resources Board may designate, for the purpose of conducting confirmatory emissions tests. The Executive Officer may also specify that such testing be conducted at the manufacturer's selected laboratory facility, in which case instrumentation and equipment specified by the Executive Officer

must be made available by the manufacturer for test operations. Confirmatory testing will be done within 30 days after ARB's receipt of all required vehicle emission test data obtained pursuant to paragraph (c)(1)(C). Failure to comply with the applicable standards for any regulated pollutant during the confirmatory test will result in the rejection of the manufacturer's exemption request.

(2) Emission Warranty.

(A) The manufacturer shall warrant to the highway motorcycle owner with the aftermarket critical emission control part installed and to each subsequent purchaser of the modified vehicle that the aftermarket critical emission control part is designed and manufactured to comply with the applicable requirements of these procedures and is free from defects in materials and workmanship which cause the part to fail to conform with the applicable requirements of these procedures or cause damage to any original part on the highway motorcycle. This emissions warranty requirement will be valid for the applicable warranty period specified in title 13, California Code of Regulations, section 2036(c), of each subject highway motorcycle pursuant to title 13, California Code of Regulations, section 2035 et seq.. A sample warranty statement in accordance with this paragraph must be submitted to the Executive Officer for approval.

(B) The manufacturer or its authorized installers must also warrant that each of the aftermarket critical emission control parts is installed correctly in accordance with the manufacturer's specified instructions, and will not cause failure of the part to conform to the applicable requirements in these procedures or cause damage to any original part on the highway motorcycle due to incorrect installation. This installation warranty will be valid for the applicable warranty period specified in section 2036(c), title 13, California Code of Regulations, of each subject highway motorcycle. A sample warranty statement in accordance with this paragraph must be submitted to the Executive Officer for approval

(3) **Labeling.** The manufacturer must supply an identification label or plate that is to be permanently affixed either directly on the aftermarket critical emission control part or close to the original vehicle emission control identification label on the highway motorcycle. The identification label or plate must be in a visible location, readable, and resistant to heat, cold, and corrosive materials. The label or plate must be affixed by either the manufacturer or authorized installer upon complete installation of the aftermarket critical emission control part. A sample label must be submitted to the Executive Officer for approval.

- (A) The label must contain the following information:
 - (i) The manufacturer's name. If another name is desired (e.g., a brand or equipment name), the manufacturer must make a request to the Executive Officer before proceeding.
 - (ii) The name or model number of the aftermarket critical emission control part. The part name must match the name/number stated on the exemption Executive Order.
 - (iii) The exemption Executive Order number.
 - (B) The part number associated with the aftermarket critical emission control part must be either stamped on the part itself or listed on the identification label. This part number must match the part number provided in the exemption Executive Order.
- (4) **Application Submittal.** The manufacturer of an aftermarket critical emission control part shall submit an application for exemption for each highway motorcycle engine family that the part will be installed. The application shall be in writing, and must be signed by a person authorized to act on behalf of the manufacturer. The manufacturer must submit the information from paragraphs (c)(1), (c)(2), and (c)(3) to the Air Resources Board in the format prescribed by the Executive Officer. The manufacturer must also submit the following information in the application for exemption:
- (A) Description of the aftermarket critical emission control part. This includes drawings, dimensions, theory of operation, operational parameters, and a description of the part's configuration on the highway motorcycle if different from the stock configuration (e.g., a manufacturer uses a single exhaust system whereas the stock configuration is dual exhausts). If the part is, or includes, a catalytic converter system, the manufacturer must also provide the following specific information:
 - (i) Catalyst supplier and address.
 - (ii) General catalyst type: oxidation, single-bed three-way, dual-bed, etc.
 - (iii) Location: close-coupled, integrated muffler, bolt-on muffler.
 - (iv) Number and type of each catalyst used per converter.
 - (v) Substrate - configuration construction technique (e.g., extruded, laid-up, formed, Dravo disk, etc.), composition, supplier and address, composition of active constituents in substrate. For monolithic substrates, number of cells per square inch of frontal area with the design tolerances, and nominal cell wall thickness. For pelleted substrates, pellet shape and dimensions, pellet bulk density, and, if applicable, usage of more than one type of pellet (e.g., Rh or Pt/Pd), the geometrical distribution of pellets, and the mean impregnation depth of active materials with the production tolerances.

- (vi) Washcoat - composition of active constituents, and total active material loading in washcoat.
 - (vii) Active material - composition of active constituents, loading of each active material including design tolerances, and total active material loading including design tolerances.
 - (viii) Container - dimensions, volume, materials used, technique of containment and restraint, method of constructing container, canner (if different from catalyst supplier), and insulation and shielding (converter and/or vehicle).
 - (ix) Physical description - dimensions (e.g., length, width, height, etc.), weight, volume including design tolerances, active surface area (BET), and total active surface area including design tolerances.
- (B) Installation instructions for each highway motorcycle model that the aftermarket critical emission control part can be installed on.
- (C) A list of authorized installers and installation locations for the manufacturer's aftermarket critical emission control part.
- (D) A written statement that the aftermarket critical emission control part will not in its operation, function, or malfunction result in any unsafe condition endangering the highway motorcycle, its occupants, or persons or property in close proximity to the highway motorcycle.
- (E) After review of the submitted test data and required information, an exemption Executive Order will be issued to the manufacturer only if the application and its information are in compliance with all of the provisions of these procedures. An exemption Executive Order is valid for the parts and highway motorcycle engine families described in the application. The manufacturer must not use the exemption Executive Order as an endorsement or approval by the Air Resources Board.

(5) Audit Reporting.

- (A) The manufacturer must submit production reports of its aftermarket critical emission control part within 30 days after the last day in each calendar quarter for each approved exemption Executive Order. These production reports must also specify the vehicle identification numbers (and corresponding explanation of the identification code) of the highway motorcycles that have the manufacturer's aftermarket critical emission control part installed on them.
- (B) The Air Resources Board may require the manufacturer to test one (1) aftermarket critical emission control part for every 500 sold. The

part must be aged for at least 250 kilometers and tested in accordance with the test procedures in paragraph (c)(1)(C).

- (6) **Defects Reporting.** The manufacturer must report in-use failures of all aftermarket critical emission control parts covered by an exemption Executive Order to the Air Resources Board on a quarterly basis pursuant to title 13, California Code of Regulations, sections 2166 through 2174.
 - (7) **In-Use Enforcement Testing.** Manufacturers of aftermarket critical emission control parts shall, upon order by the Executive Officer, perform in-use enforcement testing of their products but no more than 20 percent of the manufacturer's exempted engine family applications per year. In-use testing shall be performed pursuant to title 13, California Code of Regulations, sections 2136 through 2140.
 - (8) **In-Use Recall.** Emission failures of four percent (4%) or 25 highway motorcycles, whichever is greater, for an aftermarket critical emission control part covered by an exemption Executive Order pursuant to these procedures will subject the manufacturer to a violation of these procedures. Under this condition, the manufacturer must implement recall procedures pursuant to title 13, California Code of Regulations, sections 2166 through 2174.
- (d) **Penalties.** Failure to comply with any number of the provisions required by this section will be deemed a violation by the Executive Officer, and result in the revocation of any affected exemption Executive Orders issued to the subject manufacturer.

NOTE: Authority cited: section 43000, Health and Safety Code; section 27156, Vehicle Code. Reference: section 38391, Vehicle Code