



# Regulatory Advisory

January 2013



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## SALES OF AFTERMARKET PARTS FOR DIESEL ENGINES

To legally sell an aftermarket part in California that may impact the design or performance of a certified diesel engine's pollution control system, the aftermarket part must either be:

1. Exempted by the Air Resources Board (ARB) from the anti-tampering prohibitions of Section 27156 (or Sections 38390 and 38391 for off-road equipment) of the *Vehicle Code*, or
2. Verified by ARB as a diesel emission control strategy (DECS) under Sections 2700-2711 of the *California Code of Regulations*.

It is illegal to sell or offer for sale an aftermarket part for a certified diesel engine which has neither been exempted nor verified by ARB, even if the part is under review by ARB and the manufacturer expects to receive certification or verification shortly.

Although exempted aftermarket parts are legal for sale, fleet owners and truck operators cannot use them to comply with ARB's in-use diesel fleet rules. Only verified DECS qualify as compliance options for these rules.

### Prohibition on Converting a Certified Aftermarket Part into a Verified DECS

In the past, some DECS manufacturers have chosen to obtain aftermarket parts exemptions for their products and then sell them to customers that are subject to ARB's fleet rules, with the promise of obtaining verification in the near future. Upon verification of the DECS by ARB, the manufacturer would intend to make any necessary modifications to in-field systems for them to be consistent with the verified system.

ARB is now clarifying that our aftermarket parts exemption and verification programs are distinct, and that products with an aftermarket parts exemption are not eligible for subsequent conversion to verified DECS after installation as of March 1, 2013. New products sold under one form of approval must remain identified as such and cannot be subsequently modified. This prohibition will simplify the marketplace, reduce the risk and inconvenience to end-users, and uphold the significance and value of verification.

### More Information

For further information about ARB's DECS verification program, please visit <http://www.arb.ca.gov/diesel/verdev/verdev.htm>. A list of currently verified DECS is provided here: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>.