**STATE OF CALIFORNIA**

**AIR RESOURCES BOARD**

**Proposed Amendments to the Evaporative )**

**Emission Requirements for Small Off-Road )** **Hearing Date:**

**Engines – ) November 17, 2016**

**Notice of Public Availability of Modified Text )**

**And Availability of Additional Documents – ) Comment Deadline**

**15 Day Changes ) June 7, 2017**

**COMMENTS OF THE**

**TRUCK AND ENGINE MANUFACTURERS ASSOCIATION**

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**TRUCK AND ENGINE MANUFACTURERS ASSOCIATION**

 The Truck and Engine Manufacturers Association (“EMA”) hereby submits its comments on the California Air Resources Board’s (“CARB’s”) Proposed Amendments to the Evaporative Emission Requirements for Small Off-Road Engines (the “SSI Evaporative Regulation Amendments”) 15-Day Changes published on May 23, 2017.

 EMA is the trade association that represents the world’s leading manufacturers of non-handheld small spark-ignition engines. More specifically, EMA’s members are the manufacturers of the engines that CARB regulates directly, or indirectly through their equipment manufacturer customers under the SSI Evaporative Regulation for engines greater than 80 cc. Accordingly, EMA and its members have a direct and significant stake in the regulatory proposal at issue. EMA supports the comments provided by the Outdoor Power Equipment Institute (OPEI) for engines less than or equal to 80 cc not included in EMA’s comments, and OPEI’s for engines greater than 80 cc that are covered by both organizations.

# Overview

EMA supports CARB’s objective to align the test fuel utilized for evaporative compliance with the test fuel utilized for exhaust emission compliance. The revisions included in the 15-Day Changes represent a significant improvement over the regulatory package initially presented to the CARB Board on November 17, 2016. Certain issues, however, should be clarified or revised before the final SSI Evaporative Regulation Amendments are approved by the Office of Administrative Law (OAL).

# Proposed Regulation Amendments

The 15-Day Changes to the SSI Evaporative Regulation Amendments raise two required clarifications: (i) fuel tank cap durability; and (ii) canister purge. In addition there are two areas of concern for EMA member companies: (i) reporting requirements; and (ii) compliance testing requirements.

## Fuel Tank Cap Durability

## The 15-Day Changes added a requirement to the Regulation Order that fuel caps must meet the durability requirements specified in TP-902 per §2756(c). It is not clear if this requirement is applicable to all SSI products covered by the Regulation Order or only those products tested for diurnal emissions per TP-902. Further CP-902 lists information required for submission concerning the fuel cap, but there is no mention of cap durability. Products certified using the design based option require submission of the Executive Order numbers for the fuel tank, fuel line, and canister but nothing regarding the fuel cap. If the fuel cap durability is required for all products covered by the Regulation Order EMA recommends that an item be added to the “Fuel cap information” list in CP-902 that reads: “A statement that the cap complies with the durability requirement specified in TP-902.” If the fuel cap durability is only required for diurnal tested products §2756(c) of the Regulation Order should be revised to limit its applicability.

## Canister Purge

## EMA and its members appreciate that CARB is proposing to reinstate the 400 bed volume canister purge in TP-902 §5.2. However, the previously removed canister purge language in §3 has not been reinstated. To ensure there is no confusion regarding the canister purge requirement, EMA recommends the previously stricken language in §3 be reinstated.

## Reporting Requirements:

## EMA member companies strongly support the change from sales volume to production volume reporting. However, the newly added requirement that production volume be reported for each equipment type by engine family and fuel tank volume within each evaporative family is overly burdensome and, in many cases not feasible.

## CARB has not provided any guidance with respect to how equipment types should be differentiated for reporting purposes. Thus, each Holder may interpret CARB’s requirements differently and CARB will be unable to compile any meaningful information through the required reporting.

## In addition, engine manufacturers that are the Holder for an evaporative family cannot provide the production volumes by equipment type. In many cases, the same engine with a complete fuel system is utilized by many different equipment manufacturers (OEMs) to power multiple equipment types. Production volumes of those equipment types constitute OEM’s confidential business information and are not available to the engine manufacturer. In addition, complete engines are often sold to small volume OEMs or individuals through distributors and/or dealers. Just like an engine manufacture’s relationship with its OEMs, the distributor/dealer relationship with its customer does not provide a means to provide equipment type volume information back to the engine manufacturer.

## EMA recommends that the new sentence “Production volume must be provided for each equipment type by engine family and fuel tank volume within each evaporative family” be deleted from the final regulation.

## Compliance Testing Requirements

## EMA and its members greatly appreciate the addition of a means to test engines or equipment to overcome compliance test failures under CARB’s single unit test. However, the requirement for “independent testing” of those additional engines or equipment raises concern. As CARB Staff reported on many occasions, the proposed regulatory changes are intended to increase compliance with diurnal emission standards. While the design-based approach to certify engines or equipment has been retained, the compliance determination based on diurnal testing has sent a clear message to the regulated industry that engine and equipment manufacturers need to have diurnal emission testing capability. Historically, many engine and equipment manufacturers have elected not to install and operate diurnal emission testing facilities because of the significant expense involved. If a manufacturer does invest in diurnal testing facilities, and those facilities meet all the regulatory requirements required for certification testing, those facilities also should be acceptable for compliance testing. Any concerns regarding a laboratory’s equipment or capability to conduct a valid test can be addressed through inspection or audit of the facilities. If there is a concern associated with laboratories outside of the U.S. that cannot be audited, acceptable laboratories should be limited by location (in the U.S.), rather than be required to be independent.

## EMA recommends that the newly proposed language that reads “….selected by the Executive Officer for independent testing under this subsection…” be revised to read “….selected by the Executive Officer for testing under this subsection…”. If necessary, the provision also could require that “The test facility utilized must be accessible for inspection per §2769.”

# Conclusion

EMA and its member companies appreciate the changes made in response to EMA’s previous comments. However, it is important that the changes described above are made prior to final approval of the proposed Amendments to the SSI Evaporative Regulation Amendments by OAL. Those changes represent critical improvements to the proposed Amendments.

 Respectfully submitted,

TRUCK AND ENGINE

MANUFACTURERS ASSOCIATION