STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION — REGULAR

STD. 400 (REV. 2-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY			AGENCY FILE NUMBER *(If any)*
AIR RESOURCES BOARD			
AL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER: 95-0609-09S	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

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OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. TOPIC OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Utility Engines			
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other	4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY ACTION ON PROPOSED NOTICE: ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

TITLE(S)

SECTIONS AFFECTED

ADOPT

AMEND: 2400-2407 and the document incorporated by reference

REPEAL

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

September 14, 1994 - September 29, 1994

4. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code § 11346.2)*

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other *(Specify)*

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY N/A

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Michael L. Terris, Senior Staff Counsel	(916) 322-2884

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
For Tom Cackette	6/9/95

TYPED NAME AND TITLE OF SIGNATORY

Tom Cackette, Chief Deputy Executive Officer

FINAL REGULATION ORDER

CALIFORNIA REGULATIONS FOR 1995 AND LATER UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES

Adopted: March 20, 1992
Amended: April 8, 1993
Amended: May 26, 1995

NOTE: This document is printed in a style to indicate changes from the existing provisions. All existing language is indicated by plain type. All additions and deletions are indicated by underline and ~~strikeout~~, respectively.

Final Regulation Order

Title 13, California Code of Regulations, Chapter 9 Off-Road Vehicles and Engines Pollution Control Devices

Article 1. Utility and Lawn and Garden Engines

2400. Applicability.

(a) (1) This article shall be applicable to utility and lawn and garden engines produced on or after January 1, 1995 and any utility and lawn and garden equipment which uses engines produced on or after January 1, 1995.

(2) Every new utility and lawn and garden equipment engine that is manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce in, or imported into California which is subject to any of the standards prescribed in these provisions is required to be covered by an Executive Order, issued pursuant to these provisions.

(b) Each part of this article shall be deemed severable, and in the event that any part of this chapter is held to be invalid, the remainder of this article shall continue in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2401. Definitions.

DEFINITIONS

(a) The definitions in Section 1900 (b), Chapter 3, Title 13 of the California Code of Regulations, shall apply with the following additions:

(1) "ARB Enforcement Officer" means any officer or employee of the Air Resources Board so designated in writing by the Executive Officer ~~(or by his designee)~~. or by the Executive Officer's designee.

(2) "Assembly-Line Tests" are those tests or inspections which are performed on or at the end of the assembly-line.

(3) "Basic Engine" means an engine manufacturer's unique combination of engine displacement, number of cylinders, fuel system, emission control system and other engine and emission control system characteristics specified by the Executive Officer.

(4) "Calendar Year" is defined as the twelve month period commencing on January 1 through December 31.

(5) "Complete Engine Assembly" or "Engine Configuration" means an assembly of a basic engine and all of the specific applicable components (e.g., air inlet, fuel and exhaust systems, etc.) and calibrations (e.g., carburetor jet size, valve timing, etc.) in order that the assembly can be installed into a new unit of equipment.

~~(4)~~ (6) "Crankcase Emissions" means airborne substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

~~(5)~~ (7) "Emission Control System" includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine.

~~(6)~~ (8) "End of Assembly-Line" is defined as that place where the final inspection test or quality-audit test is performed.

(9) "Engine Family" is a subclass of a basic engine based on similar emission characteristics. The engine family is the grouping of engines that is used for the purposes of certification.

(10) "Engine Family Name" means a multi-character alphanumeric sequence that represents certain specific and general information about an engine family.

~~(7)~~ (11) "Engine Manufacturer" means the manufacturer granted certification.

~~(8)~~ (12) "Exhaust Emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust port of an off-highway vehicle.

~~(9)~~ (13) "Final Calendar Quarter Production" is defined as the calendar quarter in which the production of an engine family ends.

~~(10)~~ (14) "First Calendar Quarter Production" is defined as the calendar quarter in which the production of an engine family begins.

~~(11)~~ (15) "Fuel System" means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, or all fuel system vents.

~~(12)~~ (16) "Gross Engine Malfunction" is defined as one yielding an emission value greater than the sum of the mean plus three (3) times the standard deviation. This definition shall apply only for determination of control limits.

(17) "Incomplete Engine Assembly" means a basic engine assembly that does not include all of the components necessary for designation as a complete engine assembly, and is marketed in order to be a part of, and assembled into, a new unit of equipment that is marketed to ultimate purchasers.

~~(13)~~ (18) "Lawn and Garden and Utility Engines" or "Lawn and Garden and Utility Engines and Equipment" or "Engines" are identified as: small two-stroke and four-stroke, air-cooled, liquid-cooled, gasoline and diesel and alternate fuel powered engines under 25 horsepower (18.6 kW). They are designed for powering lawn, garden and turf maintenance implements and timber operations equipment; for generating electricity; and for pumping fluids. They are designed to be used in, but not limited to use in, the following applications: walk-behind mowers, riding mowers/lawn tractors, garden tractors, snow blowers, edge trimmers, string trimmers, blowers, vacuums, tillers, chain saws, pumps, generators, compressors, shredders, grinders, welding machines, stumpbeaters, vibrators/finishers, portable saw mills and refrigeration units, and other miscellaneous applications. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

~~(14)~~ (19) "Off-Road Vehicle " means any non-stationary device, powered by an internal combustion engine or motor, used primarily off the highways to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in any of the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

~~(15)~~ (20) "Quality-Audit Test" is defined as the test performed on a sample of production engines produced for sale in California.

~~(16)~~ (21) "Scheduled Maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the engine manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

~~(17)~~ (22) "Third-Party Distributor" is a party that is not an engine or equipment manufacturer, and that engages in wholesale and/or retail sales of complete and/or incomplete utility and lawn and garden equipment engine assemblies.

~~(18)~~ (23) "Ultimate Purchaser" means, with respect to any new utility and lawn and garden equipment or engines ~~and~~ used in such equipment, the first person who in good faith purchases a new utility and lawn and garden equipment or engine used in such equipment for purposes other than resale.

~~(19)~~ (24) "Unscheduled Maintenance" means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

~~(20)~~ (25) "Warrantable Condition" means any condition of an engine which triggers the responsibility of the manufacturer to take corrective action pursuant to Section 2405.

~~(21)~~ (26) "Warranted Part" means any emissions-related part installed on a engine by the equipment or engine manufacturer, or installed in a warranty repair, which is listed on the warranty parts list.

~~(22)~~ (27) "Warranty period" means the period of time that the engine or part is covered by the warranty provisions.

~~(23)~~ (28) "Warranty station" means a service facility authorized by the equipment or engine manufacturer to perform warranty repairs. This shall include all manufacturer distribution centers which are franchised to service the subject equipment or engines.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, Health and Safety Code

2402. Test Procedures.

Test procedures referred to in this chapter may be obtained from the State Air Resources Board at 9528 Telstar Avenue, El Monte, California 91731

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2403. Exhaust Emission Standards and Test Procedures - Utility and Lawn and Garden Equipment Engines.

(a) This section shall be applicable to utility and lawn and garden equipment engines produced on or after January 1, 1995.

(b) Exhaust emissions from new utility and lawn and garden equipment engines, ~~sold in this state~~ manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce in, or imported into California, shall not exceed:

Exhaust Emission Standards
(grams per brake horsepower-hour)

Calendar Year	Engine Class (1)	Hydro-carbon plus oxides of nitrogen (2)	Hydro-carbon (2)	Carbon monoxide	Oxides of nitrogen	Particulate
1995 to 1998	I	12.0	-	300	-	0.9 ~~(2)~~(3)
	II	10.0	-	300	-	0.9 ~~(2)~~(3)
	III (4)	-	220	600	4.0	-
	IV (4)	-	180	600	4.0	-
	V (4)	-	120	300	4.0	-
1999 and subsequent	I, II	3.2	-	100	-	0.25 ~~(3)~~(5)
	III, IV, V (4)	-	50	130	4.0	0.25 ~~(3)~~(5)

(1) "Class I" means utility and lawn and garden equipment engines less than 225 cc in displacement.
"Class II" means utility and lawn and garden equipment engines greater than or equal to 225 cc in displacement.
"Class III" means hand held utility and lawn and garden equipment engines less than 20 cc in displacement.
"Class IV" means hand held utility and lawn and garden equipment engines 20 cc to less than 50 cc in displacement.
"Class V" means hand held utility and lawn and garden equipment engines greater than or equal to 50 cc in displacement.

(2) The Executive Officer may allow gaseous-fueled (i.e., propane, natural gas) engine families, that satisfy the requirements of the regulations, to certify to either the hydrocarbon plus oxides of nitrogen or hydrocarbon emission standard, as applicable, on the basis of the non-methane hydrocarbon (NMHC) portion of the total hydrocarbon emissions.

~~(2)~~(3) Applicable to all diesel-cycle engines. ~~Early~~

~~(3) Applicable to all diesel and all two-stroke engines only.~~

(4) These standards may be used for engines that meet the requirements of (i) and (ii) below, and for two-stroke engines that exclusively power snow throwers.

(i) The engine must be used in a hand-held piece of equipment. To be classified as a hand-held piece of equipment, the equipment must require its full weight to be supported by the operator in the performance of its requisite function.

(ii) The engine and equipment must require multi-positional characteristics for use (e.g. it must be capable of operating in any position, upside down, or sideways as required to complete the job).

(5) Applicable to all diesel-cycle engines, and all two-stroke engines.

(c) The test procedures for determining compliance with the standards for exhaust emissions from new utility and lawn and garden equipment engines ~~sold in the state~~ are set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted March 20, 1992, and last amended ~~April 8, 1993~~ May 26, 1995.

(d) In 1995 and subsequent years, fire and police departments, and other entities which specialize in emergency response may purchase emergency equipment powered by a non-California certified engine ~~emergency equipment~~ only when such equipment with a California-certified ~~utility~~ engine is not available. For purposes of this section, a request to purchase ~~of~~ emergency equipment powered by a non-California certified ~~emergency equipment~~ engine shall be ~~requested~~ submitted for approval ~~application~~ to the Executive Officer.

(e) No new engines shall be produced for sale to replace pre-1995 model equipment after January 1, 1999, unless those engines comply with the 1995 model emission standards.

(f) Any new equipment engine certified to comply with California emission standards and test procedures for on-road or other off-road applications may, upon approval by the Executive Officer be in compliance with these regulations.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2404. Emission Control Labels - 1995 and Later Utility and Lawn and Garden Equipment Engines

(a) Purpose. The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emission standards. The purpose of these specifications is to require engine or equipment manufacturers to affix a label (or labels) on each production engine (or equipment, as applicable) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use.

(b) Applicability.

(1) These specifications shall apply to 1995 and later utility and lawn and garden equipment engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code Section 43013.

(2) Engine manufacturers and original equipment manufacturers, as applicable, that who have certified such engines shall be responsible for complying with these specifications.

(3) Original equipment manufacturers, regardless of whether they have certified the engine, to the extent that their equipment obscures such certified engines.

(c) Engine Label Content and Location.

(1) A plastic or metal tune-up label shall be welded, riveted or otherwise permanently attached by the engine manufacturer to an area on the engine (i.e., block or crankcase) in such a way that it will be readily visible to the average person after installation of the engine in the equipment. If such an attachment on the engine itself is not feasible, the Executive Officer may allow the label to be attached on components of the engine or equipment assembly (as applicable) that satisfy the requirements of Subsection (c)(2). Such labels shall be attached on all engine assemblies (incomplete and complete) that are produced by an engine manufacturer. ~~If the equipment obscures the label on the engine, the equipment manufacturer shall attach a supplemental label such that it is readily visible to the average person.~~

(2) In selecting an acceptable location, the engine manufacturer shall consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each engine label shall be affixed in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any engine (or equipment, as applicable) part which is likely to be replaced during the engine's (or equipment's, as applicable) useful life. The engine label~~(s)~~ shall not be affixed to any engine (or equipment, as applicable) component which is easily detached from the engine.

(3) The engine label information shall be written in the English language and use block letters and numerals (i.e., sans serif, upper-case characters) which shall be of a color that contrasts with the background of the label.

(4) The engine label shall contain the following information:

(A) The label heading shall read: ~~"Important Engine Information."~~ "IMPORTANT ENGINE INFORMATION".

(B) The ~~F~~full corporate name and trademark of the engine manufacturer.

(i) An engine manufacturer may request the Executive Officer's approval to delete its name and trademark, and substitute the name and trademark of another engine manufacturer, original equipment manufacturer, or third-party distributor.

(ii) Such an approval shall not relieve the engine manufacturer granted an engine family Executive Order of any requirements imposed by these provisions on the applicable engines.

(C) ~~"This (specify equipment or engine, as applicable) is certified to operate on (specify operating fuel(s))."~~ "THIS ENGINE IS CERTIFIED TO OPERATE ON (specify operating fuel(s))."

(D) Identification of the Exhaust Emission Control System. ~~Abbreviations may be used and~~ The method utilized to identify the exhaust emission control systems shall conform to the emission-related nomenclature and abbreviations method provided in the Society of Automotive Engineers' procedure J1930, "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations and Acronyms", September 1991; and as specified in Section 1977, Title 13, ~~CCR~~, California Code of Regulations, ~~entitled "Diagnostic Acronyms, Terms, and Definitions for Electrical/Electronic Systems"~~.

(E) For otto-cycle engines, the maintenance specifications and adjustments recommended by the engine manufacturer, including, ~~if~~ as applicable: valve lash, ignition timing, idle air/fuel mixture setting procedure and value (e.g., idle CO, idle speed drop), and high idle speed. For diesel-cycle engines, the specifications and adjustments recommended by the engine manufacturer, including, ~~if~~ as applicable: initial injection timing, and fuel rate (in mm^3/stroke) at ~~advertised~~ rated horse power. These specifications shall indicate the proper transmission position, (if applicable), during tune-up and what accessories, if any, should be in operation, and what systems, if any (e.g., vacuum advance, air pump), should be disconnected during the tune-up. If the engine manufacturer does not recommend adjustment of the foregoing specifications, the engine manufacturer ~~shall~~ may include in lieu of the "specifications" the single statement ~~"No other adjustments needed."~~ "NO OTHER ADJUSTMENTS NEEDED". For all engines ~~or equipment~~, the instructions for tune-up adjustments shall be sufficiently clear on the engine label to preclude the need for a mechanic or equipment owner to refer to another document in order to correctly perform the adjustments.

(F) Any specific fuel or engine lubricant requirements (e.g., lead content, research octane number, engine lubricant type).

(G) The date of engine manufacture (month and year).

(H) An unconditional statement of compliance with the appropriate calendar year California regulations; for example, "This engine conforms to 1995 California regulations for utility and lawn and garden equipment engines as applicable." "THIS ENGINE MEETS 1995 CALIFORNIA EMISSION REGULATIONS FOR UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES".

(I) Total eEngine displacement (in cubic centimeters) of the engine upon which the engine label is attached.

(J) The engine family identification (i.e., engine family name).

(5) If there is insufficient space on the engine to accommodate an engine label including that contains all of the information required in sSubsection (b) (4) above, the engine manufacturer may delete or alter modify the engine label as indicated below: follows: The information deleted from the label shall appear in the owner's manual.

(A) Exclude the information required in Subsections (4)(C), (D), and (F) from the engine label. The fuel or lubricant information may shall be specified elsewhere on the equipment engine, or in the owner's manual.

(B) Substitute the information required in Subsection (4)(E) with the statement "Refer to owner's manual for maintenance specifications and adjustments".: "REFER TO OWNER'S MANUAL FOR MAINTENANCE SPECIFICATIONS AND ADJUSTMENTS". When such a statement is used, the information required by Subsection (4)(E) shall appear in the owner's manual.

(C) Exclude the information required by sSubsection (4)(G) on the engine label, if the date the engine was manufactured is stamped permanently on the engine., and this stamped date is readily visible.

(6) The manufacturer of any engine equipped with an emisison control device which the Executive Officer has determined would be significantly impaired by the use of leaded gasoline shall:

(A) At the time of engine manufacture, affix a permanent legible label specifying the appropriate operating fuel(s) (for example, "Methanol Fuel or Unleaded Gasoline Only" for fuel-flexible equipment).

(B) The label shall be located immediately adjacent to each fuel tank filler inlet and outside of any filler inlet compartment. It shall be located so that it is readily visible to any person introducing fuel to such filler inlet; Provided, however, that the Executive Officer shall upon application from an engine manufacturer, approve other label locations that achieve the purpose of this paragraph. If the engine is manufactured separately from the equipment, the label shall be affixed to the engine and located so that it is readily visible. Such labels shall be in English and in block letters which shall be of a color that contrasts with their background.

(C) For purposes of this section, utility and lawn and garden equipment shall be deemed to be equipped with an emission control device which would be significantly impaired by the use of leaded gasoline if any alcohol fuel, unleaded gasoline, or a blend of these fules were used in any testing relating to the emission certification of said equipment or engines installed therein.

(d) The provisions of these specifications shall not prevent an engine manufacturer from also stating on the engine label that such engine ~~or equipment~~ conforms to any applicable federal emission standards for new equipment engines~~,~~; or any other information that ~~such~~ the engine manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the ~~equipment or~~ engine.

(e) Supplemental Engine Label Content and Location.

(1) When a final equipment assembly that is marketed to any ultimate purchaser is manufactured and the engine label attached by the engine manufacturer is obscured (i.e., not readily visible), the manufacturer of the final equipment assembly (i.e., original equipment manufacturer) shall attach a supplemental engine label upon the engine or equipment. The supplemental engine label shall be of plastic or metal, and shall be welded, riveted or otherwise attached permanently to an area of the engine or equipment assembly so as to be readily visible to the average person.

(2) The manufacturer required to attach a supplemental engine label shall consider the possibility of accidental damage to the supplemental engine label in the determination of the label location. Such a label shall not be attached to any engine or equipment component that is likely to be replaced during the useful life of the engine or equipment (as applicable). Such a label shall not be attached to any engine or equipment component that is detached easily from the engine or equipment (as applicable).

(3) The written information required to be displayed upon a supplemental engine label shall be in the English language and in block letters and numerals that shall be of a color that contrasts with the background of the label.

(4) A supplemental engine label shall contain the information as specified in Subsection (c)(4), except that the date of engine manufacture specified in (c)(4)(G) may be deleted from the supplemental engine label. When the date of engine manufacture does not appear on the supplemental engine label, the responsible original equipment manufacturer shall display (e.g., label, stamp, etc.) the date elsewhere on the engine or equipment so as to be readily visible.

~~(e)~~ (f) As used in these specifications, readily visible to the average person shall mean that ~~the~~ a label shall be readable from a distance of ~~eighteen inches (46 centimeters)~~ (18 inches) without any obstructions from equipment or engine parts (including all engine manufacturer or original equipment manufacturer (as applicable) available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection. Alternatively, information required by these specifications to be printed on the engine and supplemental engine (as applicable) shall be no smaller than 8 point type size provided that no equipment or engine parts (including all manufacturer available optional equipment), except for flexible parts, obstruct the label(s).

~~(f)~~ (g) The labels and any adhesives used shall be designed to withstand, for the engine's or equipment's ~~total expected~~ useful life, typical equipment environmental conditions in the area where the labels required by this section ~~is~~ are attached. Typical equipment environmental conditions shall include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, water, ethylene glycol). The engine manufacturer shall submit, with its certification application, a statement attesting that its labels comply with these requirements.

~~(g)~~ (h) The engine manufacturer shall obtain approval from the Executive Officer for all label formats and locations ~~prior to use~~ in conjunction with the engine family certification. Approval of the specific maintenance settings is not required; however, the format for all such settings and tolerances, if any, is subject to review. If the Executive Officer finds that the information on the label is vague or subject to misinterpretation, or that the location does not comply with these specifications, ~~he or she~~ the Executive Officer may require that the label or its location be modified accordingly.

~~(h)~~ (i) Samples of all actual production labels used within an engine family shall be submitted to the Executive Officer within thirty days after the start of production. Engine manufacturers shall provide samples of their own applicable production labels, and samples of applicable production original equipment manufacturer labels that are accessible to the engine manufacturers due to the direct market arrangement between such manufacturers.

~~(i)~~ (j) The Executive Officer may approve alternate label locations or may, upon request, waive or modify the label content requirements provided that the intent of these specifications is met.

~~(j) The manufacturer of any engine shall furnish to the Executive Officer, at the beginning of the calendar year, any engine identification number coding system which identifies whether such engine(s) are covered by an Executive Order.~~

(k) (1) If the Executive Officer finds any engine ~~(or equipment)~~ manufacturer using labels which are different from those approved or which do not substantially comply with the readability or durability requirements set forth in these specifications, the engine manufacturer shall be subject to being enjoined from any further sales, or distribution, of such ~~products~~ noncompliant engine families, or subgroups within the engine families, in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an engine manufacturer, the Executive Officer shall consider any information provided by the engine manufacturer.

(2) If the Executive Officer finds any original equipment manufacturer using labels for which it has responsibility for attaching that are different from those approved or which do not substantially comply with the readability or durability requirements set forth in these specifications, the equipment manufacturer shall be subject to being

enjoined from any further sales, or distribution, of the applicable equipment product line that uses such noncompliant labels in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an equipment manufacturer, the Executive Officer shall consider any information provided by the equipment manufacturer.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2405. Defects Warranty Requirements for 1995 and Later Utility and Lawn and Garden Equipment Engines.

(a) Applicability. This section shall apply to 1995 and later utility and lawn and garden equipment engines. The warranty period shall begin on the date the engine or equipment is delivered to an ultimate purchaser.

(b) General Emissions Warranty Coverage. The manufacturer of each utility and lawn and garden equipment engine shall warrant to the ultimate purchaser and each subsequent purchaser that the engine is:

(1) Designed, built, and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in Chapters 1 and 2, Part 5, Division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to the part as described in the engine manufacturer's application for certification for a period of two years.

(c) The warranty on emissions-related parts shall be interpreted as follows:

(1) Any warranted part which is not scheduled for replacement as required maintenance in the written instructions required by Subsection (d) shall be warranted for the warranty period defined in Subsection (b)(2). If any such part fails during the period of warranty coverage, it shall be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under the warranty shall be warranted for the remaining warranty period.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by Subsection (d) shall be warranted for the warranty period defined in Subsection (b)(2). A statement in such written instructions to the effect of "repair or replace as necessary" shall not reduce the period of warranty coverage. Any such part repaired or replaced under warranty shall be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as required maintenance in the written instructions required by Subsection (d) shall be warranted for the period of time prior to the first scheduled replacement point for that part. If the part fails prior to the first scheduled replacement, the part shall be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under warranty shall be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the owner at a warranty station.

(5) Notwithstanding the provisions of Subsection (4) above, warranty services or repairs shall be provided at all manufacturer distribution centers which are franchised to service the subject engines.

(6) The owner shall not be charged for diagnostic labor which leads to the determination that a warranted part is in fact defective, provided that such diagnostic work is performed at a warranty station.

(7) The engine manufacturer shall be liable for damages to other engine components approximately caused by a failure under warranty of any warranted part.

(8) Throughout the engine's warranty period defined in Subsection (b)(2), the engine manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts.

(9) Any replacement part may be used in the performance of any warranty maintenance or repairs and must be provided without charge to the owner. Such use shall not reduce the warranty obligations of the engine manufacturer.

(10) Add-on or modified parts may not be used. Such use shall be grounds for disallowing a warranty claim made in accordance with this article. The engine manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of such an add-on or modified part.

(11) The Executive Officer may request and, in such case, the engine manufacturer shall provide, any documents which describe that manufacturer's warranty procedures or policies.

(d) Each manufacturer shall include a copy of the following emission warranty parts list with each new engine, using those portions of the list applicable to the engine.

(1) Fuel Metering System
  (i) Carburetor and internal parts (or fuel injection system).
  (ii) Air/fuel ratio feedback and control system.
  (iii) Cold start enrichment system.

(2) Air Induction System
  (i) Controlled hot air intake system.
  (ii) Intake manifold.

(3) Ignition System
  (i) Spark Plugs.
  (ii) Magneto or electronic ignition system.
  (iii) Spark advance/retard system.

(4) Exhaust Gas Recirculation (EGR) System
  (i) EGR valve body, and carburetor spacer if applicable.
  (ii) EGR rate feedback and control system.

(5) Air injection System
  (i) Air pump or pulse valve.
  (ii) Valves affecting distribution of flow.
  (iii) Distribution manifold.

(6) Catalyst or Thermal Reactor System
  (i) Catalytic converter.
  (ii) Thermal reactor.
  (iii) Exhaust manifold.

(7) Particulate Controls
  (i) Traps, filters, precipitators, and any other device used to capture particulate emissions.

(8) Miscellaneous items Used in Above Systems

(i) Vacuum, temperature, and time sensitive valves and switches.

(ii) Electronic controls.

(iii) Hoses, belts, connectors, and assemblies.

(e) Each manufacturer shall furnish with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions shall be consistent with this article and applicable regulations contained herein.

(f) Each engine manufacturer shall submit the documents required by Subsection (d) with the engine manufacturer's ~~preliminary~~ application for engine certification for approval by the Executive Officer. Approval by the Executive Officer of the documents required by Subsection (d) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by Subsection (d) within 90 days of the date such documents are received from the engine manufacturer. Any disapproval shall be accompanied by a statement of the reasons thereof. In the event of disapproval, the engine manufacturer may file for an adjudicating hearing pursuant to Title 17, California Code of Regulations, Section 60040 et seq., to review the decision of the Executive Officer.

(g) In the application for engine certification, each engine manufacturer shall include a statement in regards to the maintenance of the engine for clean air. The statement shall include, but not be limited to, information on carburetor adjustment, air filter care and replacement schedule, spark plug maintenance and inspection, proper fuel/oil ratio for low emissions, use of ~~no lead~~ appropriate fuel, proper fueling and fuel mixing, proper method of disposing of oil and oil containers, engine maintenance, and a maintenance schedule to ensure that the owner returns to a servicing center to check for deposits, debris build-up, etc.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2406. Emission Control System Warranty Statement.

(a) Each manufacturer shall furnish a copy of the following statement with each new 1995 and later utility and lawn and garden equipment engine, using those portions of the statement applicable to the engine.

CALIFORNIA EMISSION CONTROL WARRANTY STATEMENT

YOUR WARRANTY RIGHTS AND OBLIGATIONS

The California Air Resources Board (and manufacturer's name, optional) is pleased to explain the emission control system warranty on your (year) (utility or lawn and garden) equipment engine. In California, new utility and lawn and garden equipment engines must be designed, built and equipped to meet the State's stringent anti-smog standards. (Manufacturer's name) must warrant the emission control system on your (utility or lawn and garden) equipment engine for the periods of time listed below provided there has been no abuse, neglect or improper maintenance of your (utility or lawn and garden) equipment engine.

Your emission control system may include parts such as the carburetor or fuel-injection system, the ignition system, and catalytic converter. Also included may be hoses, belts, connectors and other emission-related assemblies.

Where a warrantable condition exists, (manufacturer's name) will repair your (utility or lawn and garden) equipment engine at no cost to you including diagnosis, parts and labor.

MANUFACTURER'S WARRANTY COVERAGE:

The 1995 and later utility and lawn and garden equipment engines are warranted for two years. If any emission-related part on your engine is defective, the part will be repaired or replaced by (manufacturer's name).

OWNER'S WARRANTY RESPONSIBILITIES:

- As the (utility or lawn and garden) equipment engine owner, you are responsible for the performance of the required maintenance listed in your owner's manual. (Manufacturer's name) recommends that you retain all receipts covering maintenance on your (utility or lawn and garden) equipment engine, but (manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of all scheduled maintenance.

- As the (utility or lawn and garden) equipment engine owner, you should however be aware that (manufacturer's name) may deny you warranty coverage if your (utility or lawn and garden) equipment engine or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

- You are responsible for presenting your (utility or lawn and garden) equipment engine to a (manufacturer's name) distribution center as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed **30 days**.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXX-XXXX.

(b) Commencing with the 1995 calendar year, each manufacturer shall furnish with each new engine a warranty statement which generally describes the obligations and rights of the ~~engine~~ manufacturer and owner under this article. ~~Engine~~ Manufacturers shall also include in the warranty statement a phone number the consumer may use to obtain their nearest franchised service center.

(c) Each manufacturer shall submit the documents required by Subsections (a) and (b) with the manufacturer's preliminary application for new engine certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the documents to the extent the submitted documents do not satisfy the requirements of Subsections (a) and (b). Approval by the Executive Officer of the documents required by Subsections (a) and (b) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by Subsections (a) and (b) within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

2407. New Engine Compliance and Quality-Audit Testing - New Utility and Lawn and Garden Equipment Engine Selection, Evaluation, and Enforcement Action.

(a) Compliance Test Procedures.

(1) The Executive Officer may, with respect to any new engine family or subgroup being sold, offered for sale, or manufactured for sale in California, order an engine manufacturer to make available for compliance testing and/or inspection a reasonable number of engines, and may direct that the engines be delivered to the state board at the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California or where specified by the Executive Officer. The Executive Officer may also, with respect to any new engine family or subgroup being sold, offered for sale, or manufactured for sale in California, have an engine manufacturer compliance test and/or inspect a reasonable number of engines at the engine manufacturer's facility under the supervision of an ARB Enforcement Officer. Engines shall be selected at random from sources specified by the Executive Officer according to a method approved by ~~him/her~~ the Executive Officer, which insofar as practical shall exclude engines which would result in an unreasonable disruption of the engine manufacturer's distribution system.

A subgroup may be selected for compliance testing only if the Executive Officer has reason to believe that the emissions characteristics of that subgroup are substantially in excess of the emissions of the engine family as a whole.

(2) For all 1995 and subsequent utility and lawn and garden equipment engines selected for compliance testing, the selection and testing of engines and the evaluation of data shall be made in accordance with the procedures set forth herein.

(3) These procedures are applicable, commencing with the 1995 calendar year, to any engine family or any subgroup within an engine family selected for compliance testing pursuant to this section.

(4) All testing shall be conducted in accordance with the applicable calendar year certification emission test procedures. Any adjustable engine parameters shall be set to values or positions that are within the range available to the ultimate purchaser (e.g., an engine carburetor with an adjustable idle fuel/air mixture shall be compliance tested at any mixture position that is within the range of adjustment available to the end-use operator). Engine service accumulation (i.e., Bbreak-in) before testing may be performed on test engines to the same extent it is performed on assembly-line quality audit testing engines (See sSubsection (b)). No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on engines chosen for compliance

testing without the written consent of the Executive Officer. Such consent shall not be unreasonably withheld where such adjustment or alteration is required to render the engine testable and reasonably operative.

(5) If the engine manufacturer elects to specify a different break-in or adjustments, they will be performed by the engine manufacturer under the supervision of ARB personnel.

(6) Correction of damage or maladjustment which may reasonably be found to have resulted from shipment of the engine is permitted only after test of the engine, except where 100 percent of the engine manufacturer's production is given that inspection or maintenance by the engine manufacturer's own personnel. The engine manufacturer may request that the engine be repaired from shipping damage, and be retested. If the Executive Officer concurs, the engine may be retested, and the original test results may be replaced by the after-repair test results.

(7) Engines shall be randomly chosen from the selected engine family or subgroup. Each chosen engine shall be tested according to the "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines" ("Emission Standards and Test Procedures"), adopted March 20, 1992, and last amended ~~April 8, 1993~~ _____, to determine its emissions. Unique specialty hardware and personnel normally necessary to prepare the engine for the performance of the test as set forth in the Procedures shall be supplied by the engine manufacturer within seven days after ~~request~~ the request for such specialty hardware or personnel. Failure to supply this unique specialty hardware or personnel may not be used by the engine manufacturer as a cause for invalidation of the subsequent tests.

(8) Engines shall be tested in groups of five until a "Pass" or Fail" decision is reached for each pollutant independently for the engine family or subgroup in accordance with the following table:

Number of Engines Tested	Decide "Fail" If "U" is greater than or equal to	Decide "Pass" If "U" is less than or equal to
5	2.18	-0.13
10	2.11	0.51
15	2.18	0.88
20	2.29	1.16

where:

$$U = \frac{\sum_{i=1}^{n} (x_i - \mu_o)}{\left(\sum_{i=1}^{n} (x_i - \mu_o)^2\right)^{0.5}}$$

x_i = the projected emissions of one pollutant for the ith engine tested.

μ_o = the applicable calendar year emission standard for that pollutant.

n = the number of engines tested.

(9) The Executive Officer shall find that a group of engines has failed the compliance testing pursuant to the above table if ~~he or she~~ the Executive Officer finds that the average emissions of the engines within the selected engine family or subgroup exceed the applicable calendar year new engine emission standard for at least one pollutant.

(10) If no decision for a pollutant or pollutants, can be reached after 20 engines have been tested, the Executive Officer shall not make a "Fail" decision for the selected engine family or subgroup on the basis of these 20 tests alone. Under these circumstances the Executive Officer shall elect to test 10 additional engines. If the average emissions from the 30 engines tested exceed any one of the exhaust emission standards for which a "Pass" decision has not been previously made, the Executive Officer shall render a "Fail" decision.

(11) If the Executive Officer determines, in accordance with the procedures set forth in ~~s~~Subsection (a) that an engine family, or any subgroup within an engine family, exceeds the emission standards for one or more pollutants, the Executive Officer shall:

(A) Notify the engine manufacturer that the engine manufacturer ~~shall~~ may be subject to being enjoined from any further sales, or distribution, of ~~such products~~ the noncompliant engines in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an engine manufacturer, the Executive Officer shall consider quality audit test results, if any, and any additional test data or other information provided by the engine manufacturers and other interested parties.

(B) Notify the equipment manufacturer that the equipment manufacturer may be subject to being enjoined from any further sales, or distribution, of the equipment manufacturer's equipment product line(s) that are, or utilize engines that are, noncompliant with the applicable emission regulations pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an equipment manufacturer, the Executive Officer shall consider quality audit test results, if any, and any additional test data or other information provided by the equipment manufacturer and other interested parties.

(12) Engines selected for inspection shall be checked to verify the presence of those emissions-related components specified in the engine manufacturer's application for certification, and for the accuracy of any adjustments, part numbers and labels specified in that application. If any engine selected for inspection fails to conform to any applicable law in Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, or any regulation adopted by the state board pursuant thereto, other than an emissions standard applied to new engines to determine "certification" as specified in Chapter 9, the Executive Officer shall:

(A) nNotify the engine manufacturer and may seek to enjoin the engine manufacturer from any further sales, or distribution, of ~~such products~~ the applicable noncompliant engine families or subgroups within the engine families in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an engine manufacturer, the Executive Officer shall consider any information provided by the engine manufacturer and other interested parties.

(B) Notify the equipment manufacturer and may seek to enjoin the equipment manufacturer from any further sales, or distribution, in the State of California of the equipment manufacturer's equipment product line(s) that are, or utilize engines that are, noncompliant with the applicable emission regulations pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an equipment manufacturer, the Executive Officer shall consider any information provided by the equipment manufacturer and other interested parties.

(b) Quality-Audit Test Procedures

(1) Beginning with the engines produced in the 1996 calendar year, utility and lawn and garden equipment engines certified for sale in California, shall be subject to the Quality-Audit requirements specified herein. Each engine manufacturer shall use the quality-audit test procedures as specified herein unless it can satisfactorily provide an alternate method which shows an equivalent assurance of compliance. The purpose of providing alternate sampling, testing methods, and procedures is to help reduce sample size and testing costs, while providing a reasonable assurance that production engines comply with the applicable emission standards. No later than 90 days Pprior to 1996 calendar year production,

or any subsequent calendar year production if a change is proposed, the engine manufacturer shall submit to the Executive Officer the method of quality-audit testing for approval.

(2) ~~These procedures specify the quality-audit test procedures in conjunction with the Emission Standards and Test Procedures, adopted March 20, 1992. An engine is in compliance with these quality-audit standards and test procedures only when all portions of these quality-audit test procedures and specified requirements from the Emission Standards and Test Procedures are fulfilled.~~ Standards and Test Procedures. The emission standards, exhaust sampling and analytical procedures shall be those described in the Emission Standards and Test Procedures, and which shall be applicable to engines tested only for exhaust emissions. The quality-audit test procedures are specified in conjunction with the Emission Standards and Test Procedures. An engine is in compliance with these quality-audit standards and test procedures only when all portions of these quality-audit test procedures and specified requirements from the Emission Standards and Test Procedures are fulfilled, except for the provisions as follows:

(i) A handheld equipment engine manufacturer may request that the Executive Officer allow the values of rated engine power and speed determined in the engine family certification be used in lieu of the determination of the engine power and speed of a quality-audited production engine. This request shall include a specification of the particular power absorption device (e.g., dynamometer, water brake, etc.) used to apply the test load to the production engines. An engine manufacturer shall request and must receive approval from the Executive Officer for this allowance before the quality-audit tests are conducted. The engine manufacturer should establish equivalent assurance of compliance by providing emission data from a statistically valid sample of engines for comparison between the proposed procedures and the required procedures.

(ii) Any adjustable engine parameters shall be set to any value or position that is within the range available to the ultimate purchaser.

(3) Air Resources Board (ARB) personnel and mobile laboratories shall have access to engine or equipment assembly plants, distribution facilities, and test facilities for the purpose of engine selection, testing, and observation. Scheduling of access shall be arranged with the designated engine manufacturer's representative and shall not unreasonably disturb normal operations (See sSection 31 of the Emission Standards and Test Procedures).

(4) Engine Sample Selection

(A) The engine engine manufacturer shall randomly select one percent of the California sales volume of engines from each engine family for quality-audit testing. The engines shall be representative of the engine manufacturer's California sales. All engine models within the engine family shall be included in the sample pool. Each selected engine

for quality-audit testing must pass the inspection test, by being equipped with the appropriate emission control systems certified by the ARB. The procedure for randomly selecting engines or units of equipment must be submitted to the Chief, Mobile Source Division, 9528 Telstar Avenue, El Monte, CA, 91731, prior to the start of production for the 1996 calendar year.

(B) If an engine manufacturer cannot provide actual California sales data, it shall provide its total production and an estimate of California sales. The engine manufacturer shall also provide supporting material for its estimate.

(C) The Executive Officer may, upon notice to the engine manufacturer, require the sample rate to be increased to a maximum of ten percent of production (not to exceed 30 additional engines or units of equipment) of the calendar quarterly production of any engine family.

(5) Engine Preparation and Preconditioning

(A) No emissions tests may be performed on an engine ~~or equipment~~ prior to the first quality-audit test.

(B) The engine or unit of equipment shall be tested after the engine manufacturer's recommended break-in period. The engine manufacturer shall submit to the Executive Officer the schedule for ~~hours of use~~ engine service accumulation or (i.e., engine ~~run-in~~ break-in) and any changes to the schedule with each quarterly report. This schedule must be adhered to for all quality-audit testing within an engine family and subgroup or engine family and assembly plant as appropriate.

(C) If an engine or unit of equipment is shipped to a remote facility for quality-audit testing, and adjustment or repair is necessary because of such shipment, the engine manufacturer shall perform the necessary adjustments or repairs only after the initial test of the engine or equipment. Engine manufacturers shall report to the Executive Officer in the quarterly report, all adjustments or repairs performed on engines or equipment prior to each test. In the event a retest is performed, ~~application~~ a request may be made to the Executive Officer, within ten days of the production quarter, for permission to substitute the after-repair test results for the original test results. The Executive Officer will either affirm or deny the ~~application~~ when requested by the engine manufacturer within ten working days from receipt of the request.

(D) If an engine manufacturer determines that the emission test results of an engine or unit of equipment are invalid, the engine or equipment must be retested. Emission results from all tests shall be reported. The engine manufacturer shall include a detailed report on the reasons for each invalidated test in the quarterly report.

~~(6) Standards and Test Procedures. The emission standards and the exhaust sampling and analytical procedures shall be those described in the Emission Standards and Test Procedures, which shall be applicable to engines or equipment tested for exhaust emissions only.~~

~~(7)~~ (6) Alternate Quality-Audit Engine Selection Criteria

(A) An engine manufacturer may be allowed to use the alternate engine selection method that is outlined in this Subsection instead of the one-percent sample rate engine selection method that is required.

~~(A)~~(B) Engines or equipment shall be randomly selected at a rate of 1.0 percent of engine family production at the beginning of production. When test results of the first 10 engines or units of equipment have been accumulated, an evaluation as indicated below shall be made.

~~(B)~~(C) Calculate the family mean and standard deviation of each pollutant (HC, CO, NOx and PM) if applicable). Identify engines or units of equipment which have emission levels greater than three standard deviations above the mean. Eliminate these emission data points and recalculate the mean and standard deviation. Continue the calculation until there are no values greater than three standard deviations above the mean. Count the number of these data points greater than the emission standard (outliers). If the total number of outliers is equal to or less than the allowable number in Table 1 for each pollutant, the engine family is eligible to continue to a second evaluation, shown in paragraph (eD) below. Otherwise, sampling must continue at a rate of 1.0 percent of production for the rest of the month.

~~(C)~~(D) If the allowable outlier criterion is met, the family mean standard deviation, and sample size determined for each contaminant before excluding any outliers, are substituted in the following expression:

$$\frac{(\text{emission standard} - \text{mean})\ (N)}{(\text{standard deviation})}$$

~~(D)~~(E) If the expression is greater than C in Table 2 below, and the engine manufacturer reasonably estimates that the quarterly engine family production will exceed 5,000 engines or units of equipment, the sampling rate for the remaining portion of the calendar month following the date of selection of the last of the 10 engines or equipment shall be 10 per month, applied on a prorated basis. If the expression is greater than C in Table 2 below, and the engine manufacturer reasonably estimates that the quarterly engine family production will be 5,000 engines or units of equipment or less, the sampling rate for the remaining portion of the

calendar month following the date of selection of the last of the 10 engines or equipment shall be 5 per month, applied on a prorated basis. If the expression is equal to or less than C in Table 2, the sampling rate shall continue to be 1.0 percent of production for the remaining portion of the month in which selection of the 10 engines or equipment is completed. The value of C is a function of the coefficient of variation (standard deviation/mean). The coefficient of variation and "C" shall be rounded to the number of decimal places shown in Table 2.

Table 1

Sample Size	Allowable Outliers	Sample Size	Allowable Outliers
1- 32	1	430-478	11
33- 68	2	479-528	12
69-107	3	529-578	13
108-149	4	579-629	14
150-193	5	630-680	15
194-238	6	681-731	16
239-285	7	732-783	17
286-332	8	784-835	18
333-380	9	836-887	19
381-429	10	888-939	20

Table 2

Coefficient of Variation	C
0.1	0.5
0.2	1.2
0.3	1.8
0.4	2.5
0.5	3.1
0.6	3.8
0.7	4.4
0.8	5.1
0.9	5.7

~~(E)~~(F) ~~For each remaining calendar month in the quarter, both mathematical procedures set forth in paragraphs b and c shall be repeated at the end of the preceding month, using all of the test data accumulated in the quarter. The sampling rate for each remaining calendar month shall be 10 engines or units of equipment per month, or 1.0 percent of the production as determined under the standards in paragraph (G).~~ At the conclusion of each month of quarterly engine family production, the emission test data shall be evaluated in order to determine the sampling rate as set forth in Paragraphs C and D above. This evaluation shall utilize all test

data accumulated in the applicable quarter. The sample rate for the next month of production shall be determined as follows: ten (10) engines per month when the engine manufacturer's estimated quantity of quarterly engine family production is greater than 5,000; five (5) engines per month when the engine manufacturer's estimated quantity of quarterly engine family production is equal to or less than 5,000; or, one (1) percent of the quarterly engine family production as determined by the sampling evaluation method set forth in Paragraphs D and E.

~~(F) At the engine of the quarter, all of the data accumulated during the quarter are evaluated, and the compliance of the engine family with the particular emission standards is determined.~~

(G) For each subsequent quarter, the preceding sample selection method shall be followed. The sample rate determination for the first month of each subsequent quarter shall be based on the accumulated data from the previous quarter. The sample rate for the succeeding months of the quarter shall be determined as previously set forth.

(H) If the start of production does not coincide with the first of a quarter, the sequence for sample rate determination shall be followed, but references to remaining calendar months may not be appropriate.

(I) Where an engine manufacturer has sampled engines or equipment at a rate of 5 per month following a reasonable estimate that the quarterly engine family production will be 5,000 engines or units of equipment or less, and subsequently determines, or reasonably should determine based on information available to the engine manufacturer, that the quarterly engine family production will exceed 5,000 engines or units of equipment, the engine manufacturer shall increase the sampling rate for the quarter such that the requirements of pParagraph ~~(G)~~ D applicable to families reasonably estimated to exceed a quarterly production of 5,000 engines or units of equipment are satisfied.

(7) Compliance Evaluation

(A) Each engine manufacturer shall review the test results of the first 10 test engines or equipment of each engine family, from each calendar quarter of production or from the start of calendar year production. It shall also review the quarter's cumulative test results of each engine family at the end of each month. If 10 or more engines or units of equipment have been tested, the engine manufacturer shall notify the Chief of the Mobile Source Division, in writing within ten working days whenever an engine family exceeds an emission standard.

(B) At the end of the quarter, all of the data accumulated during the quarter are evaluated, and the compliance of the engine family with the emission standards is determined. If a sample size for a particular production quarter is less than ten engines, the data from that

quarter shall be combined with all of the data from each successive quarter of the calendar year until data from at least ten engines that have been quality-audit tested are included in the quarterly evaluation. If the sample size for the first quarter's production for a calendar year does not contain at least ten engines, the data available for that quarter are evaluated. However, compliance of the engine family with the emission standards is not determined until subsequent quarterly production data is available that includes evaluations of at least ten engines. If the sample size for the last final quarter's production for a calendar year does not contain at least ten engines, the data from the last final quarter shall be combined with all the data from each preceding quarter of the calendar year until the sample size contains at least ten engines.

(C) When the average value of any pollutant that is rounded off, in accordance with ASTM E 29-90 (August 1990), to the same number of significant digits as is the standard exceeds the applicable calendar-year exhaust emission standard; or, when the engine manufacturer's submitted data reveal that the assembly-line quality-audit tests were performed improperly, the Executive Officer shall:

(i) Notify the engine manufacturer that the engine manufacturer may be subject to being enjoined from any further sales, or distribution, of the noncompliant engines in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an engine manufacturer, the Executive Officer shall consider all information provided by the engine manufacturer, and other interested parties, such as corrective actions applied to the noncompliant engine family, etc.

(ii) Notify the equipment manufacturer that the equipment manufacturer may be subject to being enjoined from any further sales, or distribution, of the equipment manufacturer's equipment product line(s) that are, or utilize engines that are, noncompliant with the applicable emission regulations pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin an equipment manufacturer, the Executive Officer shall consider all information provided by interested parties.

(8) ~~REPORTS~~ Reports

(A) ~~Each engine or equipment manufacturer shall submit a~~ written report to the ARB within 45 calendar days of the end of each calendar quarter~~, and of the calendar year. Each engine or equipment manufacturer shall review the test results of the first 10 test engines or equipment of each engine family, from each calendar quarter of production or from the start of production. It shall also review the quarter's cumulative test results of each engine family at the end of each month. If 10 or more engines or units of equipment have been tested, the manufacturer shall notify the Chief of the Mobile Source Division, in writing within ten working days whenever an engine family exceeds an emission standard.~~

(B) The quarterly report shall include the following:

(i) The total production and sample size for each engine family.

(ii) A description of each test engine or equipment (i.e., date of test, engine family, engine size, engine or equipment identification number, fuel system, dynamometer power absorber setting in horsepower or kilowatts, engine code or calibration number, and test location).

(iii) The exhaust emission data for PM, CO, NOx and HC for each test engine or equipment. The data reported shall be rounded to one provide two significant figures beyond the number of significant figures in the applicable emission standard as follows for all engines or equipment:

HC	CO	NOx	PM
.XX	.X	.XX	.XXX

(iv) The retest emissions data, as described in paragraph (iii) above for any engine or unit of equipment failing the initial test, and description of the corrective measures taken, including specific components replaced or adjusted.

(v) A statistical analysis of the quality-audit test results for each engine family stating:

1. Number of engines or units of equipment tested.

2. Average emissions and standard deviations of the sample for HC, CO, NOx and PM.

(vi) Every aborted test data and reason for the aborted test.

(vii) The final applicable quarterly report shall include the date of the end of the engine manufacturer's calendar year production for each an engine family.

(viii) If the engine or equipment from different calendar years are produced in any production quarter, separate reports shall be submitted for each calendar year. The required information for all engine families in production during the quarter regardless of sample size.

(ix) The start and stop dates of batch-produced engine family production.

(C) Each engine manufacturer shall submit a copy of the report that has been stored (e.g., computer disc), or may be transmitted, in an electronically digitized manner, and in a format that is specified by the Executive Officer. This electronically based submission is in addition to the written submission of the report.

~~(9) When a specified percentage of assembly-line engines exceed an emission standard or or when data submitted by the manufacturer indicates that assembly-line quality-audit testing is being improperly performed, the manufacturer shall be subject to being enjoined from any further sales of such products in the State of California pursuant to Section 43017 of the Health and Safety Code. Prior to seeking to enjoin a manufacturer, the Executive Officer shall consider any information provided by the manufacturer.~~

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code.
Reference: Sections 43013, 43017 and 43018, Health and Safety Code.