

**§ 85.1412**

**40 CFR Ch. I (7–1–10 Edition)**

equipment, and the name of the equipment certifier or other party designated to determine the validity of warranty claims. The label containing the information must be made durable and readable for at least the in-use compliance period of the equipment.

(b) The package in which the certified retrofit/rebuild equipment is contained, or an insert as described in paragraph (c) of this section, must have the following information conspicuously placed thereon:

(1) The statement “Certified by (name of certifier or warranter) to EPA Urban Bus Engine Rebuild Emission Standards”; and

(2) A list of the vehicles or engines (in accordance with § 85.1407(a)(1)(ii)) for which the equipment is certified, unless such information is provided as specified in paragraph (d) of this section.

(c) The package in which the certified retrofit/rebuild equipment is contained must include the following information provided on a written insert:

(1) A list of the vehicles or engines (in accordance with § 85.1407(a)(1)(ii)) for which the equipment is certified, unless such information is provided as specified in paragraph (d) of this section;

(2) A list of all of the parts and identification numbers for the parts included in the package;

(3) The instructions for proper installation of the equipment;

(4) A statement of the maintenance or replacement interval for which the retrofit/rebuild equipment is certified; and

(5) A description of the maintenance necessary to be performed on the retrofit/rebuild equipment in the proper maintenance and use of the equipment.

(d) The information required by paragraphs (b)(2) and (c)(1) of this section may be provided in a catalog rather than on the package or on an insert, provided that access to the catalog is readily available to purchasers and installers of the equipment.

(e) When an equipment certifier desires to certify existing in-service stocks of its products, it may do so provided:

(1) The equipment does not differ in any operational or durability char-

acteristic from the equipment specified in the notification made pursuant to § 85.1407; and

(2) An information sheet is made available to all parties selling the equipment.

(i) The information sheet shall be provided with all equipment sold as certified; and

(ii) The information sheet shall contain all of the information specified in paragraph (b) of this section.

EFFECTIVE DATE NOTE: Information collection requirements in § 85.1411 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

**§ 85.1412 Maintenance and submittal of records for equipment certifiers.**

(a) For each certified retrofit/rebuild equipment, the equipment certifier must establish, maintain and retain for 5 years from the date of certification the following adequately organized and indexed records:

(1) Detailed production drawings showing all dimensions, tolerances, performance requirements and material specifications and any other information necessary to completely describe the equipment;

(2) All data obtained during testing of the equipment and subsequent analyses based on that data, including the mileage and the vehicle or engine configuration determinants;

(3) All information used in determining those vehicles or engine for which the equipment is represented as being equivalent from an emissions standpoint to the original equipment being replaced;

(4) A description of the quality control plan used to monitor production and assure compliance of the equipment with the applicable certification requirements;

(5) All data taken in implementing the quality control plan, and any subsequent analyses of that data; and

(6) All in-service data, analyses performed by the equipment certifier and correspondence with vendors, distributors, consumers, retail outlets or engine manufacturers regarding any design, production or in-service problems associated with 25 or more pieces of any certified equipment.

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(b) The records required to be maintained in paragraph (a) of this section shall be made available to the Agency upon the written request of the MOD Director.

(c) If the equipment certifier is selling equipment that is not certified as available to all affected urban bus operators under § 85.1403(b) and § 85.1407, then the equipment certifier shall submit to EPA, at the time an offer is made, a copy of all offers made to affected urban bus operators for which the equipment certifier has offered to sell its certified equipment for less than the life cycle cost limits specified in § 85.1403(b)(1)(iii) or § 85.1403(b)(2)(iii). The equipment certifier may assert that some of the information is entitled to confidential treatment as provided in § 85.1414.

**EFFECTIVE DATE NOTE:** Information collection requirements in § 85.1412 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

### § 85.1413 Decertification.

(a) The MOD Director may notify an equipment certifier that the Agency has made a preliminary determination that certain retrofit/rebuild equipment should be decertified.

(1) Such a preliminary determination may be made if there is reason to believe that the equipment manufactured has failed to comply with §§ 85.1405 through 85.1414. Information upon which such a determination will be made includes but is not limited to the following:

(i) The equipment was certified on the basis of emission tests, and the procedures used in such tests were not in substantial compliance with a portion or portions of the heavy-duty engine Federal Test Procedure contained in 40 CFR part 86 or an alternative test prescribed under 40 CFR 85.1414; or

(ii) Use of the certified equipment is causing urban bus engine emissions to exceed emission requirements for any regulated pollutant; or

(iii) Use of the certified equipment causes or contributes to an unreasonable risk to public health, welfare or safety or severely degrades driveability operation or function; or

(iv) The equipment has been modified in a manner requiring recertification pursuant to § 85.1410; or

(v) The certifier of such equipment has not established, maintained or retained the records required pursuant to § 85.1412 or fails to make the records available to the MOD Director upon written request pursuant to § 85.1412; or

(vi) The life cycle cost of the equipment exceeds the limits specified in § 85.1403(b)(1)(iii) or § 85.1403(b)(2)(iii).

(2) Notice of a preliminary determination to decertify shall contain:

(i) A description of the noncomplying equipment;

(ii) The basis for the MOD Director's preliminary decision; and

(iii) The date by which the certifier must:

(A) Terminate the sale of the equipment as certified equipment; or

(B) Make the necessary change (if so recommended by the Agency); or

(C) Request an opportunity in writing to dispute the allegations of the preliminary decertification.

(b) If the equipment certifier requests an opportunity to respond to the preliminary determination, the certifier and other parties interested in the MOD Director's decision whether to decertify the equipment shall, within 15 days of the date of the request, submit written presentations, including the relevant information and data, to the MOD Director. The MOD Director, in his or her discretion, may provide an opportunity for oral presentations.

(1) Any interested party may request additional time to respond to the information submitted by the equipment certifier. The MOD Director upon a showing of good cause by the interested party may grant an extension of time to reply up to 30 days.

(2) The equipment certifier may have an extension of up to 30 days to reply to information submitted by interested parties. Notification of intent to reply shall be submitted to the MOD Director within 10 days of the date information from interested parties is submitted to the MOD Director.

(c) If an equipment certifier has disputed the allegations of the preliminary decisions, the MOD Director shall,