

g/m²/day for testing at a nominal temperature of 40 °C.

(2) For small-volume emission families, you may not use fuel tanks with a family emission limit that exceeds 8.0 g/m²/day for testing at a nominal temperature of 28 °C, or 13.3 g/m²/day for testing at a nominal temperature of 40 °C.

(3) FEL caps do not apply to fuel caps that are certified separately to meet permeation standards.

(c) *Running loss.* Running loss requirements apply as specified in 40 CFR 1060.104.

(d) *Diurnal emissions.* Nonhandheld equipment may optionally be certified to the diurnal emission standards specified in 40 CFR 1060.105, in which case the permeation standards specified in paragraphs (a) and (b) of this section do not apply.

(e) *Other requirements.* The provisions of 40 CFR 1060.101(e) and (f) include general requirements that apply to all nonroad equipment subject to evaporative emission standards.

(f) *Engine manufacturers.* To the extent that engine manufacturers produce engines with fuel lines or fuel tanks, those fuel-system components must meet the requirements specified in this section. The timing of new standards is based on the date of manufacture of the engine.

[73 FR 59259, Oct. 8, 2008, as amended at 73 FR 73789, Dec. 4, 2008]

§ 1054.115 What other requirements apply?

The following requirements apply with respect to engines that are required to meet the emission standards of this part:

(a) *Crankcase emissions.* Crankcase emissions may not be discharged directly into the ambient atmosphere from any engine throughout its useful life, except as follows:

(1) Snowthrower engines may discharge crankcase emissions to the ambient atmosphere if the emissions are added to the exhaust emissions (either physically or mathematically) during all emission testing. If you take advantage of this exception, you must do the following things:

(i) Manufacture the engines so that all crankcase emissions can be routed

into the applicable sampling systems specified in 40 CFR part 1065.

(ii) Account for deterioration in crankcase emissions when determining exhaust deterioration factors.

(2) For purposes of this paragraph (a), crankcase emissions that are routed to the exhaust upstream of exhaust aftertreatment during all operation are not considered to be discharged directly into the ambient atmosphere.

(b) *Adjustable parameters.* Engines that have adjustable parameters must meet all the requirements of this part for any adjustment in the physically adjustable range. An operating parameter is not considered adjustable if you permanently seal it or if it is not normally accessible using ordinary tools. We may require that you set adjustable parameters to any specification within the adjustable range during any testing, including certification testing, production-line testing, or in-use testing. You may ask us to limit idle-speed or carburetor adjustments to a smaller range than the physically adjustable range if you show us that the engine will not be adjusted outside of this smaller range during in-use operation without significantly degrading engine performance.

(c) *Altitude adjustments.* Engines must meet applicable emission standards for valid tests conducted under the ambient conditions specified in 40 CFR 1065.520. Except as specified in § 1054.145(c), engines must meet applicable emission standards at all specified atmospheric pressures, except that for atmospheric pressures below 94.0 kPa you may rely on an altitude kit for all testing if you meet the requirements specified in § 1054.205(r). If you rely on an altitude kit for certification, you must identify in the owners manual the altitude range for which you expect proper engine performance and emission control with and without the altitude kit; you must also state in the owners manual that operating the engine with the wrong engine configuration at a given altitude may increase its emissions and decrease fuel efficiency and performance. See § 1054.145(c) for special provisions that apply for handheld engines.

(d) *Prohibited controls.* You may not design your engines with emission-control devices, systems, or elements of design that cause or contribute to an unreasonable risk to public health, welfare, or safety while operating. For example, this would apply if the engine emits a noxious or toxic substance it would otherwise not emit that contributes to such an unreasonable risk.

(e) *Defeat devices.* You may not equip your engines with a defeat device. A defeat device is an auxiliary emission control device that reduces the effectiveness of emission controls under conditions that the engine may reasonably be expected to encounter during normal operation and use. This does not apply for altitude kits installed or removed consistent with § 1054.655. This also does not apply to auxiliary emission control devices you identify in your application for certification if any of the following is true:

(1) The conditions of concern were substantially included in the applicable duty-cycle test procedures described in subpart F of this part.

(2) You show your design is necessary to prevent engine (or equipment) damage or accidents.

(3) The reduced effectiveness applies only to starting the engine.

§ 1054.120 What emission-related warranty requirements apply to me?

The requirements of this section apply to the manufacturer certifying with respect to exhaust emissions. See 40 CFR part 1060 for the warranty requirements related to evaporative emissions.

(a) *General requirements.* You must warrant to the ultimate purchaser and each subsequent purchaser that the new engine, including all parts of its emission control system, meets two conditions:

(1) It is designed, built, and equipped so it conforms at the time of sale to the ultimate purchaser with the requirements of this part.

(2) It is free from defects in materials and workmanship that may keep it from meeting these requirements.

(b) *Warranty period.* Your emission-related warranty must be valid during the periods specified in this paragraph (b). You may offer an emission-related

warranty more generous than we require. The emission-related warranty for the engine may not be shorter than any published warranty you offer without charge for the engine. Similarly, the emission-related warranty for any component may not be shorter than any published warranty you offer without charge for that component. If an engine has no hour meter, we base the warranty periods in this paragraph (b) only on the engine's age (in years). The warranty period begins on the date of sale to the ultimate purchaser. The minimum warranty periods are as follows:

(1) The minimum warranty period is two years except as allowed under paragraph (b)(2) or (3) of this section.

(2) We may establish a shorter warranty period for handheld engines subject to severe service in seasonal equipment if we determine that these engines are likely to operate for a number of hours greater than the applicable useful life within 24 months. You must request this shorter warranty period in your application for certification or in an earlier submission.

(3) For engines equipped with hour meters, you may deny warranty claims for engines that have accumulated a number of hours greater than 50 percent of the applicable useful life.

(c) *Components covered.* The emission-related warranty covers all components whose failure would increase an engine's emissions of any regulated pollutant, including components listed in 40 CFR part 1068, Appendix I, and components from any other system you develop to control emissions. The emission-related warranty covers these components even if another company produces the component. Your emission-related warranty does not cover components whose failure would not increase an engine's emissions of any regulated pollutant.

(d) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem through improper maintenance or use, as described in 40 CFR 1068.115.

(e) *Owners manual.* Describe in the owners manual the emission-related warranty provisions from this section