Voluntary emission recall means a repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer to remedy any emission-related defect for which engine owners have been notified.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

§ 1068.31 What provisions apply to nonroad or stationary engines that change their status?

This section specifies the provisions that apply when an engine previously used in a nonroad application is subsequently used in an application other than a nonroad application, or when an engine previously used in a stationary application (i.e., an engine that was not used as a nonroad engine and that was not used to propel a motor vehicle, an aircraft, or equipment used solely for competition) is moved.

(a) Changing the status of a stationary engine to be a new nonroad engine as described in paragraph (b) of this section is a violation of §1068.101(a)(1) or (b)(3) unless the engine has been certified to be compliant with all requirements of this chapter that apply to new nonroad engines of the same type (for example, a compression-ignition engine rated at 40 kW) and model year, and is in its certified configuration. Note that the definitions of “model year” in the standard-setting parts generally identify the engine’s original date of manufacture as the basis for determining which standards apply if it becomes a nonroad engine after it is no longer new. For example, see 40 CFR 1039.801 and 1048.801.

(b) A stationary engine becomes a new nonroad engine if—

(1) It is used in an application that meets the criteria specified in paragraphs (1)(i) or (ii) in the definition of “nonroad engine” in §1068.30.

(2) It meets the criteria specified in paragraph (1)(iii) of the definition of “nonroad engine” in §1068.30 and is moved so that it fails to meet (or no longer meets) the criteria specified in paragraph (2)(ii) in the definition of “nonroad engine” in §1068.30.

(c) A stationary engine does not become a new nonroad engine if it is moved but continues to meet the criteria specified in paragraph (2)(iii) in the definition of “nonroad engine” in §1068.30 in its new location. For example, a transportable engine that is used in a single specific location for 18 months and is later moved to a second specific location where it will remain for at least 12 months is considered to be a stationary engine in both locations. Note that for engines that are neither portable nor transportable in actual use, the residence-time restrictions in the definition of “nonroad engine” generally do not apply.

(d) Changing the status of a nonroad engine to be a new stationary engine as described in paragraph (e) of this section is a violation of §1068.101(a)(1) unless the engine complies with all the requirements of this chapter for new stationary engines of the same type (for example, a compression-ignition engine rated at 40 kW) and model year. For a new stationary engine that is required to be certified under 40 CFR part 60, the engine must have been certified to be compliant with all the requirements that apply to new stationary engines of the same type and model year, and must be in its certified configuration. Note that the definitions of “model year” in the standard-setting parts generally identify the engine’s original date of manufacture as the basis for determining which standards apply if it becomes a stationary engine after it is no longer new. For example, see 40 CFR 60.4219 and 60.4248.

(e) A nonroad engine ceases to be a nonroad engine and becomes a new stationary engine if—

(1) At any time, it meets the criteria specified in paragraph (2)(iii) in the definition of “nonroad engine” in §1068.30. For example, a portable generator engine ceases to be a nonroad engine if it is used or will be used in a single specific location for 12 months or longer. If we determine that an engine will be or has been used in a single specific location for 12 months or longer, it ceased to be a nonroad engine when it was placed in that location.

(2) It is otherwise regulated by a federal New Source Performance Standard
promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411).

(f) A nonroad engine ceases to be a nonroad engine if it is used to propel a motor vehicle, an aircraft, or equipment used solely for competition. See 40 CFR part 86 for requirements applicable to motor vehicles and motor vehicle engines. See 40 CFR part 87 for requirements applicable to aircraft and aircraft engines. See §1068.235 for requirements applicable to equipment used solely for competition.


§ 1068.35 What symbols, acronyms, and abbreviations does this part use?
The following symbols, acronyms, and abbreviations apply to this part:

§ U.S. dollars.
disp engine displacement.
EPA Environmental Protection Agency.
kW kilowatt.
L/cyl liters per cylinder.
NARA National Archives and Records Administration.
NOX Oxides of nitrogen.
SAE Society of Automotive Engineers.
SEA selective enforcement audit.
U.S. United States.

§ 1068.40 What special provisions apply for implementing changes in the regulations?
(a) During the 12 months following the effective date of any change in the provisions of this part, you may ask to apply the previously applicable provisions. We will generally approve your request if you can demonstrate that it would be impractical to comply with the new requirements. We may consider the potential for adverse environmental impacts in our decision. Similarly, in unusual circumstances, you may ask for relief under this paragraph (a) from new requirements that apply under the standard-setting part.

(b) During the 60 days following the effective date of any change in the provisions of this part, you may use the previously applicable provisions without request if they meet either of the following criteria:

1. The new provisions require you to redesign your engines/equipment, modify your engine/equipment labels, or change your production procedures.
2. The new provisions change what you must include in an application for certification that you submit before the end of this 60-day period. You are not required to amend such applications to comply with the new provisions for that model year; however, this allowance does not apply for later model years, even if you certify an engine family using carryover emission data. This allowance does not affect your obligation to provide information that we request separate from an application for certification.

(c) Prior to the dates listed you may comply with earlier versions of applicable regulations as follows:

1. Prior to June 1, 2010, you may comply with the provisions of §1068.240 that were in effect on April 30, 2010.
2. [Reserved]

[75 FR 23059, Apr. 30, 2010]

§ 1068.45 General labeling provisions.
The provisions of this part and the standard-setting part include a variety of labeling requirements. The following general provisions apply:

(a) Permanent labels. Where we specify that you apply a permanent label, you must meet the following requirements unless the standard-setting part includes other specific label requirements:

1. Attach the label so no one can remove it without destroying or defacing it.
2. Make sure it is durable and readable for the engine/equipment’s entire life.
3. Secure it to a part of the engine/equipment needed for normal operation and not normally requiring replacement.
4. Write it in English.
5. Make the labels readily visible to the average person after all installation and assembly are complete.

(b) Removable labels. Where we specify that you apply a removable label, it must meet the following conditions:

1. You must attach the label in a way that does not allow it to be separated from the engine/equipment without a deliberate effort. Note that for