§ 86.007–30 Certification.

(a)(1)(i) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under §86.091–7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraphs (a)(1)(ii) and (c) of this section.

(ii) Gasoline-fueled and methanol-fueled heavy-duty vehicles. If, after a review of the statement(s) of compliance submitted by the manufacturer under §86.094–23(b)(4) and any other pertinent data or information, the Administrator determines that the requirements of the Act and this subpart have been met, he will issue one certificate of conformity per manufacturer with respect to the evaporative emission family(ies) covered by paragraph (c) of this section.

(ii) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary or appropriate to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part.

(b) (4)(iii)(G)–(b)(6) [Reserved]. For guidance see §86.004–25.

(b)(7)–(h) [Reserved]. For guidance see §86.094–25.

(i) Notwithstanding the provisions of §86.004–25(b)(4)(iii) introductory text through (b)(4)(iii)(C), paragraph (b)(4)(iii)(D) of this section, §86.004–25(b)(4)(iii)(E), paragraph (b)(4)(iii)(F) of this section, §86.004–25(b)(4)(iii)(G), and §86.004–25(b)(6), manufacturers of heavy-duty engines may schedule replacement or repair of particulate trap (or trap oxidizer) systems or catalytic converters (including NOX adsorbers), provided:

1. The manufacturer demonstrates to the Administrator's satisfaction that the repair or replacement will be performed according to the schedule; and

2. The manufacturer pays for the repair or replacement.

[66 FR 5164, Jan. 18, 2001]

§ 86.007–30 Certification.

(a)(1)(i) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under §86.091–7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraphs (a)(1)(ii) and (c) of this section.

(ii) Gasoline-fueled and methanol-fueled heavy-duty vehicles. If, after a review of the statement(s) of compliance submitted by the manufacturer under §86.094–23(b)(4) and any other pertinent data or information, the Administrator determines that the requirements of the Act and this subpart have been met, he will issue one certificate of conformity per manufacturer with respect to the evaporative emission family(ies) covered by paragraph (c) of this section.

(ii) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary or appropriate to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part.

(b) (4)(iii)(G)–(b)(6) [Reserved]. For guidance see §86.004–25.

(b)(7)–(h) [Reserved]. For guidance see §86.094–25.

(i) Notwithstanding the provisions of §86.004–25(b)(4)(iii) introductory text through (b)(4)(iii)(C), paragraph (b)(4)(iii)(D) of this section, §86.004–25(b)(4)(iii)(E), paragraph (b)(4)(iii)(F) of this section, §86.004–25(b)(4)(iii)(G), and §86.004–25(b)(6), manufacturers of heavy-duty engines may schedule replacement or repair of particulate trap (or trap oxidizer) systems or catalytic converters (including NOX adsorbers), provided:

1. The manufacturer demonstrates to the Administrator's satisfaction that the repair or replacement will be performed according to the schedule; and

2. The manufacturer pays for the repair or replacement.

[66 FR 5164, Jan. 18, 2001]
in accordance with instructions pro-
vided by the manufacturer for the alti-
tude where the vehicle is principally
used will not be considered a violation
of section 203(a)(3) of the Clean Air Act
(42 U.S.C. 7522(a)(3)).

(ii) A violation of section 203(a)(1) of
the Clean Air Act (42 U.S.C. 7522(a)(1))
occurs when a manufacturer sells or
delivers to an ultimate purchaser any
light-duty vehicle or light-duty truck,
subject to the regulations under the
Act, under any of the conditions speci-
fied in paragraph (a)(4)(ii) of this sec-
tion.

(A) When a light-duty vehicle or
light-duty truck is exempted from
meeting high-altitude requirements as
provided in §86.090–8(h) or §86.094–8(h):

(I) At a designated high-altitude lo-
cation, unless such manufacturer has rea-
son to believe that such vehicle will
not be sold to an ultimate purchaser for
principal use at a designated high-
altitude location; or

(2) At a location other than a des-
ignated high-altitude location, when
such manufacturer has reason to be-
lieve that such motor vehicle will be
sold to an ultimate purchaser for prin-
cipal use at a designated high-altitude
location.

(B) When a light-duty vehicle or
light-duty truck is exempted from
meeting low-altitude requirements as
provided in §86.094–8(1) or §86.094–9(1):

(I) At a designated low-altitude lo-
cation, unless such manufacturer has rea-
son to believe that such vehicle will
not be sold to an ultimate purchaser for
principal use at a designated low-
altitude location; or

(2) At a location other than a des-
ignated low-altitude location, when
such manufacturer has reason to be-
lieve that such motor vehicle will be
sold to an ultimate purchaser for prin-
cipal use at a designated low-altitude
location.

(iii) A manufacturer shall be deemed
to have reason to believe that a light-
duty vehicle that has been exempted
from compliance with emission stand-
ards at high-altitude, or a light-duty
truck which is not configured to meet
high-altitude requirements, will not be
sold to an ultimate purchaser for prin-
cipal use at a designated high-altitude
location if the manufacturer has in-
formed its dealers and field representa-
tives about the terms of these high-al-
titude regulations, has not caused the
improper sale itself, and has taken rea-
sonable action which shall include, but
not be limited to, either paragraph
(a)(4)(iii) (A) or (B), and paragraph
(a)(4)(iii)(C) of this section:

(A) Requiring dealers in designated
high-altitude locations to submit writ-
ten statements to the manufacturer
signed by the ultimate purchaser that
a vehicle which is not configured to
meet high-altitude requirements will
not be used principally at a designated
high-altitude location; requiring deal-
ers in counties contiguous to des-
ignated high-altitude locations to sub-
mit written statements to the manu-
facturer, signed by the ultimate pur-
chaser who represents to the dealer in
the normal course of business that he
or she resides in a designated high-alti-
tude location, that a vehicle which is
not configured to meet high-altitude
requirements will not be used principally at a designated high-altitude
location; and for each sale or delivery
of fleets of ten or more such vehicles in
a high-altitude location or in counties
contiguous to high-altitude locations,
requiring either the selling dealer or
the delivering dealer to submit written
statements to the manufacturer,
signed by the ultimate purchaser who
represents to the dealer in the normal
course of business that he or she re-
sides in a designated high-altitude
location, that a vehicle which is not con-
figured to meet high-altitude require-
ments will not be used principally at a
designated high-altitude location. In
addition, the manufacturer will make
available to EPA, upon reasonable
written request (but not more fre-
quently than quarterly, unless EPA has
demonstrated that it has substantial
reason to believe that an improperly
configured vehicle has been sold), sales,
warranty, or other information per-
taining to sales of vehicles by the deal-
ers described above maintained by the
manufacturer in the normal course of
business relating to the altitude con-
figuration of vehicles and the locations
of ultimate purchasers; or

(B) Implementing a system which
monitors factory orders of low-altitude
vehicles by high-altitude dealers, or
through other means, identifies dealers that may have sold or delivered a vehicle not configured to meet the high-altitude requirements to an ultimate purchaser for principal use at a designated high-altitude location; and making such information available to EPA upon reasonable written request (but not more frequently than quarterly, unless EPA has demonstrated that it has substantial reason to believe that an improperly configured vehicle has been sold); and

(C) Within a reasonable time after receiving written notice from EPA or a State or local government agency that a dealer may have improperly sold or delivered a vehicle not configured to meet the high-altitude requirements to an ultimate purchaser residing in a designated high-altitude location, or based on information obtained pursuant to paragraph (a)(4)(iii) of this section that a dealer may have improperly sold or delivered a significant number of such vehicles to ultimate purchasers so residing, reminding the dealer in writing of the requirements of these regulations, and, where appropriate, warning the dealer that sale by the dealer of vehicles not configured to meet high-altitude requirements may be contrary to the terms of its franchise agreement with the manufacturer and the dealer certification requirements of § 85.2108 of this chapter.

(iv) A manufacturer shall be deemed to have reason to believe that a light-duty vehicle or light-duty truck which has been exempted from compliance with emission standards at low altitude, as provided in § 86.094–8(i) or § 86.094–9(i), will not be sold to an ultimate purchaser for principal use at a designated low-altitude location if the manufacturer has informed its dealers and field representatives about the terms of the high-altitude regulations, has not caused the improper sale itself, and has taken reasonable action which shall include, but not be limited to either § 86.094–30(a)(4)(iv)(A) or (B) and § 86.094–30(a)(4)(iv)(C):

(A) Requiring dealers in designated low-altitude locations to submit written statements to the manufacturer signed by the ultimate purchaser that a vehicle which is not configured to meet low-altitude requirements will not be used principally at a designated low-altitude location; requiring dealers in counties contiguous to designated low-altitude locations to submit written statements to the manufacturer, signed by the ultimate purchaser who represents to the dealer in the normal course of business that he or she resides in a designated low-altitude location, that a vehicle which is not configured to meet low-altitude requirements will not be used principally at a designated low-altitude location; and for each sale or delivery of fleets of ten or more such vehicles in a low-altitude location or in counties contiguous to low-altitude locations, requiring either the selling dealer or the delivering dealer to submit written statements to the manufacturer, signed by the ultimate purchaser who represents to the dealer in the normal course of business that he or she resides in a designated low-altitude location, that a vehicle which is not configured to meet low-altitude requirements will not be used principally at a designated low-altitude location. In addition, the manufacturer will make available to EPA, upon reasonable written request (but not more frequently than quarterly, unless EPA has demonstrated that it has substantial reason to believe that an improperly configured vehicle has been sold), sales, warranty, or other information pertaining to sales of vehicles by the dealers described above maintained by the manufacturer in the normal course of business relating to the altitude configuration of vehicles and the locations of ultimate purchasers; or

(B) Implementing a system which monitors factory orders of high-altitude vehicles by low-altitude dealers, or through other means, identifies dealers that may have sold or delivered a vehicle not configured to meet the low-altitude requirements to an ultimate purchaser for principal use at a designated low-altitude location; and making such information available to EPA upon reasonable written request (but not more frequently than quarterly, unless EPA has demonstrated that it has substantial reason to believe that an improperly configured vehicle has been sold); and
(C) Within a reasonable time after receiving written notice from EPA or a state or local government agency that a dealer may have improperly sold or delivered a vehicle not configured to meet the low-altitude requirements to an ultimate purchaser residing in a designated low-altitude location, or based on information obtained pursuant to paragraph (a)(4)(iv) of this section that a dealer may have improperly sold or delivered a significant number of such vehicles to ultimate purchasers so residing, reminding the dealer in writing of the requirements of these regulations, and, where appropriate, warning the dealer that sale by the dealer of vehicles not configured to meet low-altitude requirements may be contrary to the terms of its franchise agreement with the manufacturer and the dealer certification requirements of §85.2108 of this chapter.

(5)(i) For the purpose of paragraph (a) of this section, a “designated high-altitude location” is any county which has substantially all of its area located above 1,219 meters (4,000 feet) and:

(A) Requested and extension past the attainment date of December 31, 1982, for compliance with either the National Ambient Air Quality Standards for carbon monoxide or ozone, as indicated in part 52 (Approval and Promotion of Implementation Plans) of this title; or

(B) Is in the same state as a county designated as a high-altitude location according to paragraph (a)(5)(i)(A) of this section.

(ii) The designated high-altitude locations defined in paragraph (a)(5)(i) of this section are listed below:

STATE OF COLORADO
Adams  La Plata  Pitkin
Alamosa  Larimer  Pueblo
Arapahoe  Las Animas  Rio Blanco
Archuleta  Lincoln  Rio Grande
Boulder  Mesa  Routt
Broomfield  Moffat  San Juan
Clear Creek  Montezuma  San Miguel
Chaffee  Montrose  Summit
Cherry  Otero  Teller
Cheyenne  Ouray  Washington
Clear Creek  Park  Weld
Denver  La Plata
Durango  La Plata
Eagle  La Plata
El Paso  La Plata
Eaton  La Plata
Elbert  La Plata
El Paso  La Plata
Emmett  La Plata
Fremont  La Plata
Garfield  La Plata
Gunnison  La Plata
Hinsdale  La Plata
Huerfano  La Plata
Jefferson  La Plata
Kit Carson  La Plata
Lake  La Plata
Las Animas  La Plata
Lincoln  La Plata
Mesa  La Plata
Mineral  La Plata
Moffat  La Plata
Montezuma  La Plata
Montrose  La Plata
Morgan  La Plata
Otero  La Plata
Ouray  La Plata
Park  La Plata
Pitkin  La Plata
Pueblo  La Plata
Rio Blanco  La Plata
Rio Grande  La Plata
Routt  La Plata
San Juan  La Plata
San Miguel  La Plata
Summit  La Plata
Teller  La Plata
Washington  La Plata
Weld  La Plata

STATE OF MEXICO
Bernalillo  Mora
Catron  Otero
Colfax  Rio Arriba
Curry  Roosevelt
De Baca  San Juan
Grant  San Miguel Santa Fe
Guadalupe  Sierra
Harding  Socorro
Hidalgo  Taos
Lincoln  Torrance
Los Alamos  Union
Luna  Valencia
McKinley  Valencia

STATE OF NEVADA
Carson City  Lyon
Douglas  Mineral
Elko  Nye
Esmeralda  Pershing
Eureka  Storey
Humboldt  Washoe
Humboldt  White Pine

STATE OF UTAH
Beaver  Morgan
Box Elder  Piute
Cache  Rich
Carbon  Salt Lake
Daggett  San Juan
Davis  Sanpete
Duchesne  Sevier
Emery  Summit
Garfield  Tooele
Grand  Uintah
Iron  Utah
Juab  Wasatch
Kane  Wayne
Kissimmee  Millard
Lehi  Weber

(iii) For the purpose of paragraph (a) of this section, a “designated low-altitude location” is any county which has substantially all of its area located below 1,219 meters (4,000 feet).

(iv) The designated low-altitude locations so defined include all counties in the United States which are not listed in either paragraph (a)(5)(ii) of this section or in the list below:
(6) Catalyst-equipped vehicles, otherwise covered by a certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of the certificate unless included in a catalyst control program operated by a manufacturer or a United States government agency and approved by the Administrator.

(7) For incomplete light-duty trucks, a certificate covers only those new motor vehicles which, when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in §86.094–21(d).

(8) For heavy-duty engines, a certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in §86.082–2.

(9) For incomplete gasoline-fueled and methanol-fueled heavy-duty vehicles a certificate covers only those new motor vehicles which, when completed, conform to the nominal maximum fuel tank capacity limitations as described in the application for certification as required in §86.094–21(e).

(10)(i) For diesel-cycle light-duty vehicle and diesel-cycle light-duty truck families which are included in a particulate averaging program, the manufacturer’s production-weighted average of the particulate emission limits of all engine families in a participating class or classes shall not exceed the applicable diesel-cycle particulate standard, or the composite particulate standard defined in §86.090–2 as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted family emission limit (FEL) to exceed the particulate standard.

(ii) For all heavy-duty diesel-cycle engines which are included in the particulate ABT programs under §86.098–15 or superseding ABT sections as applicable, the provisions of paragraphs (a)(10)(ii)(A)–(C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with the provisions of §86.098–15 or superseding ABT sections as applicable and the ABT related provisions of other applicable sections, both during and after the model year production.
(B) Failure to comply with all provisions of §86.098–15 or superseding ABT sections as applicable will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(11)(i) For light-duty truck families which are included in a NOX averaging program, the manufacturer’s production-weighted average of the NOX emission limits of all such engine families shall not exceed the applicable NOX emission standard, or the composite NOX emission standard defined in §86.088–2, as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted FEL to exceed the NOX standard.

(ii) For all HDEs which are included in the NOX plus NMHC ABT programs contained in §86.098–15, or superseding ABT sections as applicable, the provisions of paragraphs (a)(11)(ii) (A)–(C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with the provisions of §86.098–15 or superseding ABT sections as applicable, the provisions of paragraphs (a)(11)(ii) (A)–(C) of this section apply.

(B) Failure to comply with all provisions of §86.098–15 or superseding ABT sections as applicable will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(12) For all light-duty vehicles certified to standards under §86.094–9 and to which standards under §86.709–94 are applicable:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §§86.094–9 and 86.709–94 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §§86.094–9 and 86.709–94 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(13) For all light-duty trucks certified to Tier 0 standards under §86.094–9 and to which standards under §86.709–94 are applicable:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §§86.094–9 and 86.709–94 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §§86.094–9 and 86.709–94 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(14) For all light-duty vehicles and light-duty trucks certified with an Alternative Service Accumulation Durability Program under §86.094–13(e), paragraphs (a)(14)(i) through (iii) of this section apply.

(i) All certificates issued are conditional upon the manufacturer performing the in-use verification program pursuant to the agreement described in §86.094–13(e)(8).

(ii) Failure to fully comply with all the terms of the in-use verification program pursuant to the agreement described in §86.094–13(e)(8) will be considered a failure to satisfy the conditions upon which the certificate was issued. A vehicle or truck will be considered to be covered by the certificate only if the manufacturer fulfills the conditions upon which the certificate is issued.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(15) For all light-duty vehicles certified to evaporative test procedures and accompanying standards specified under §86.096–8:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.096–8 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.096–8 will be
considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(16) For all light-duty trucks certified to evaporative test procedures and accompanying standards specified under §86.096–9:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.096–9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.096–9 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(17) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under §86.096–10:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.096–10 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.096–10 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(18) For all heavy-duty vehicles certified to evaporative test procedures and accompanying standards specified under §86.098–11:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.098–11 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.098–11 will be considered to be a failure to satisfy the conditions upon which the certificate was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(19) For all light-duty vehicles certified to refueling emission standards under §86.098–8, the provisions of paragraphs (a)(19)(i) through (iii) of this section apply.

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.098–8 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.098–8 be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(20) For all light-duty trucks certified to refueling emission standards under §86.001–9, the provisions of paragraphs (a)(20)(i)–(iii) this section apply.

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.001–9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.001–9 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.
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(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(21) For all light-duty trucks certified to refueling emission standards under §86.004–9, the provisions of paragraphs (a)(21)(i)–(iii) of this section apply.

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.004–9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.004–9 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards (or family emission limits, as appropriate) by observing the following relationships: in paragraphs (b)(1)(i) through (iv) of this section:

(i) **Light-duty vehicles.** (A) The durability data vehicle(s) selected under §86.094–24(c)(1)(i) shall represent all vehicles of the same engine system combination.

(B) The emission data vehicle(s) selected under §86.094–24(b)(1) (ii) through (iv) shall represent all vehicles of the same engine-system combination as applicable.

(C) The emission data vehicle(s) selected under §86.094–24(b)(1)(vii)(A) and (B) shall represent all vehicles of the same evaporative/refueling control system within the evaporative/refueling family.

(D) The emission data vehicle(s) selected under §86.098–24(b)(1)(viii) shall represent all vehicles of the same evaporative/refueling control system within the evaporative/refueling emission family, as applicable.

(ii) **Heavy-duty engines.** (A) An Otto-cycle emission data test engine selected under §86.094–24(b)(2)(iv) shall represent all engines in the same family of the same engine displacement-exhaust emission control system combination.

(B) An Otto-cycle emission data test engine selected under §86.094–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A diesel emission data test engine selected under §86.094–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(D) A diesel emission data test engine selected under §86.094–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(iv) **Gasoline-fueled and methanol-fueled heavy-duty vehicles.** A statement of compliance submitted under §86.094–23(b)(4)(i) or (ii) shall represent all vehicles in the same evaporative emission family-evaporative emission control system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative/refueling emission family combination (as applicable), all of which comply with all applicable standards (or family emission limits, as appropriate).

(3) If after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to §86.091–29, data or information derived from any inspection carried out under §86.094–7(d) or any other pertinent data
or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards (or family emission limits, as appropriate), he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator’s determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer’s objections to the Administrator’s determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with §86.078–6 with respect to such issue.

4. For light-duty vehicles and light-duty trucks the manufacturer may, at its option, proceed with any of the following alternatives with respect to an emission data vehicle determined not in compliance with all applicable standards (or family emission limits, as appropriate) for which it was tested:
   (i) Request a hearing under §86.078–6;
   or
   (ii) Remove the vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) which failed, from his application:
      (A) If the failed vehicle was tested for compliance with exhaust emission standards (or family emission limits, as appropriate) only: The Administrator may select, in place of the failed vehicle, a new emission data vehicle to be tested for exhaust emission compliance only; or
      (B) If the failed vehicle was tested for compliance with one or more of the exhaust, evaporative and refueling emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission data vehicle which will be tested for compliance with all of the applicable emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two or more vehicles may be selected (e.g., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative and refueling emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards (or family emission limits, as appropriate) only. The vehicle selected to satisfy the evaporative and/or refueling emission vehicle selection criteria will be tested for compliance with exhaust, evaporative and/or refueling emission standards; or
   (iii) Remove the vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s) (or evaporative/refueling vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative/refueling emission code, as applicable) and demonstrate by testing that it meets applicable standards (or family emission limits, as appropriate) for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in §86.001–24(b), a new emission data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with all of the applicable emission standards (or family emission limits, as appropriate); or
   (iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards (or family emission limits, as appropriate) for which it was originally tested. The Administrator may require a new emission data vehicle, of identical vehicle configuration (or evaporative/refueling vehicle configuration, as applicable) to the failed...
vehicle, to be operated and tested for compliance with the applicable standards (or family emission limits, as appropriate) for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards (or family emission limit, as appropriate):

(i) Request a hearing under §86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under §86.079–32.) The Administrator may then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respect the same as the first engine, as modified, may then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (5) of this section (as applicable) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act, or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in $86.091–7(d) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or buildup into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in paragraph (c)(iii)(C) of this section;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above; or

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in §86.091–7(d) in examining any of the items listed in paragraph (c)(1)(iii)) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(ii) or (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of §86.091–7(d) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

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(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:
   (i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.078–6 hereof; and
   (ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with §86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

(d)(1) For light-duty vehicles. Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:
   (i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to §86.603; or
   (ii) The manufacturer refuses to comply with any of the requirements of §86.603; or
   (iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of §86.609; or
   (iv) The manufacturer renders inaccurate any test data which he submits pursuant to §86.609; or
   (v) Any EPA Enforcement Officer is denied the opportunity to conduct activities related to entry and access as authorized in §86.606 of this part because a manufacturer has located its facility in a foreign jurisdiction where local law prohibits those activities; or
   (vi) The manufacturer refuses to or in fact does not comply with §86.604(a), §86.605, §86.607, §86.608, or §86.610.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraph (d)(1)(i), (ii), or (vii) of this section where the refusal is caused by conditions and circumstances outside the control of the manufacturer which render it impossible to comply with those requirements.

(3) The sanction of suspending a certificate may be imposed for the reasons in paragraph (d)(1)(iii), (iv), or (v) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator’s original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v) of this section and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of §86.606 in fact occurred, if the manufacturer wishes to contend that, although the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification under paragraph (d)(1)(v) of this section, the manufacturer shall have the burden of establishing the contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(vi) EPA Enforcement Officers are unable to conduct activities related to entry and access or to obtain “reasonable assistance” as authorized in §86.606 of this part because a manufacturer has located its facility in a foreign jurisdiction where local law prohibits those activities; or

(vii) The manufacturer refuses to or in fact does not comply with §86.604(a), §86.605, §86.607, §86.608, or §86.610.
(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.614; and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

(7) Any voiding of a certificate of conformity under paragraph (d)(4) of this section will be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.614.

(8) Any voiding of the certificate under §86.091–30(a)(10) will be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.614.

(e) For light-duty trucks and heavy-duty engines. (1) Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle or engine configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to §86.1003; or

(ii) The manufacturer refuses to comply with any of the requirements of §86.1003; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of §86.1009; or

(iv) The manufacturer renders inaccurate any test data submitted pursuant to §86.1009; or

(v) Any EPA Enforcement Officer is denied the opportunity to conduct activities related to entry and access as authorized in §86.1006 of this part and in a warrant or court order presented to the manufacturer or the party in charge of a facility in question; or

(vi) EPA Enforcement Officers are unable to conduct activities related to entry and access as authorized in §86.1006 of this part because a manufacturer has located a facility in a foreign jurisdiction where local law prohibits those activities; or

(vii) The manufacturer refuses to or in fact does not comply with the requirements of §§86.1004(a), 86.1005, 86.1007, 86.1008, 86.1010, 86.1011, or 86.1013.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraph (e)(1) (i), (ii), or (vii) of this section where such refusal or denial is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturers to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanction of suspending a certificate may be imposed for the reasons outlined in paragraph (e)(1)(iii), (iv), or (v) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator’s original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a light-duty truck or heavy-duty engine is proposed to be suspended under paragraph (e)(1)(v) of this section and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of §86.1006 in fact occurred, if the manufacturer wishes to contend that, although the violation occurred, the vehicle or engine configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification
under paragraph (e)(1)(v) of this section, he shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (e)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.1014; and

(ii) Not apply to vehicles or engines no longer in the hands of the manufacturer.

(7) Any voiding of a certificate of conformity under paragraph (e)(4) of this section shall be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.1014.

(8) Any voiding of the certificate under paragraph (a) (10) or (11) of this section will be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with §86.1014.

(f) For engine families required to have an OBD system and meant for applications less than or equal to 14,000 pounds, certification will not be granted if, for any test vehicle approved by the Administrator in consultation with the manufacturer, the malfunction indicator light does not illuminate under any of the following circumstances, unless the manufacturer can demonstrate that any identified OBD problems discovered during the Administrator's evaluation will be corrected on production vehicles.

(1)(i) Otto-cycle. A catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in an increase of 1.5 times the NMHC+NO\textsubscript{X} standard or FEL above the NMHC+NO\textsubscript{X} emission level measured using a representative 4000 mile catalyst system.

(ii) Diesel. (A) If monitored for emissions performance—a reduction catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in exhaust emissions exceeding, for model years 2007 through 2012, 1.75 times the applicable NO\textsubscript{X} FEL greater than 0.50 g/bhp-hr, or the applicable NO\textsubscript{X} FEL+0.6 g/bhp-hr for engines certified to a NO\textsubscript{X} FEL less than or equal to 0.50 g/bhp-hr and, for model years 2013 and later, the applicable NO\textsubscript{X} FEL+0.3 g/bhp-hr. Also if monitored for emissions performance—an oxidation catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in exhaust NMHC emissions exceeding, for model years 2007 through 2012, 2.5 times the applicable NMHC standard and, for model years 2013 and later, 2 times the applicable NMHC standard. If monitored for exotherm performance, an oxidation catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in an inability to achieve a 100 degree C temperature rise, or the necessary regeneration temperature, within 60 seconds of initiating a DPF regeneration.

(B) If monitored for performance—a diesel particulate filter (DPF) is replaced with a DPF that has catastrophically failed, or an electronic simulation of such; or, for model years 2010 and later, a DPF is replaced with a deteriorated or defective DPF, or an electronic simulation of such, resulting in either exhaust PM emissions exceeding the applicable FEL+0.04 g/bhp-hr or 0.05 g/bhp-hr PM, whichever is higher. If monitored for a decrease in the expected pressure drop according to the alternative monitoring provision of §86.007–17(b)(1)(ii)(B), the OBD system fails to detect any of the pressure drop values across the DPF provided by the manufacturer at each of the nine engine speed/load operating points regardless of how those pressure drops are generated.

(2)(i) Otto-cycle. An engine misfire condition is induced resulting in exhaust emissions exceeding 1.5 times the applicable standards or FEL for NMHC+NO\textsubscript{X} or CO.

(ii) Diesel. An engine misfire condition is induced and is not detected.

(3) Exhaust gas sensors—(i) Oxygen sensors and air-fuel ratio sensors downstream of aftertreatment devices—(A) Otto-cycle. If so equipped, any oxygen sensor or air-fuel ratio sensor located downstream of aftertreatment devices
is replaced with a deteriorated or defective sensor, or an electronic simulation of such, resulting in exhaust emissions exceeding 1.5 times the applicable standard or FEL for NMHC, NO\textsubscript{X} or CO.

(B) Diesel. If so equipped, any oxygen sensor or air-fuel ratio sensor located downstream of aftertreatment devices is replaced with a deteriorated or defective sensor, or an electronic simulation of such, resulting in exhaust emissions exceeding any of the following levels: The applicable PM FEL+0.04 g/bhp-hr or 0.05 g/bhp-hr PM, whichever is higher; or, for model years 2007 through 2012, 1.75 times the applicable NO\textsubscript{X} standard for engines certified to a NO\textsubscript{X} FEL greater than 0.50 g/bhp-hr, or the applicable NO\textsubscript{X} FEL+0.6 g/bhp-hr for engines certified to a NO\textsubscript{X} FEL less than or equal to 0.50 g/bhp-hr and, for model years 2013 and later, the applicable NO\textsubscript{X} FEL+0.3 g/bhp-hr or 0.040 inch diameter orifice, or the evaporative purge air flow is blocked or otherwise eliminated from the complete evaporative emission control system.

(B) Diesel. If so equipped, any oxygen sensor or air-fuel ratio sensor located upstream of aftertreatment devices is replaced with a deteriorated or defective sensor, or an electronic simulation of such, resulting in exhaust emissions exceeding any of the following levels: For model years 2007 through 2012, the applicable PM FEL+0.04 g/bhp-hr or 0.05 g/bhp-hr PM, whichever is higher and, for model years 2013 and later, the applicable PM FEL+0.02 g/bhp-hr or 0.03 g/bhp-hr PM, whichever is higher; or, for model years 2007 through 2012, 1.75 times the applicable NO\textsubscript{X} standard for engines certified to a NO\textsubscript{X} FEL greater than 0.50 g/bhp-hr, or the applicable NO\textsubscript{X} FEL+0.6 g/bhp-hr for engines certified to a NO\textsubscript{X} FEL less than or equal to 0.50 g/bhp-hr and, for model years 2013 and later, the applicable NO\textsubscript{X} FEL+0.3 g/bhp-hr.

(4) If so equipped and for Otto-cycle engines, a vapor leak is introduced in the evaporative and/or refueling system (excluding the tubing and connections between the purge valve and the intake manifold) greater than or equal in magnitude to a leak caused by a 0.040 inch diameter orifice, or the evaporative purge air flow is blocked or otherwise eliminated from the complete evaporative emission control system.

(5)(i) Otto-cycle. A malfunction condition is induced in any emission-related engine system or component, including but not necessarily limited to, the exhaust gas recirculation (EGR) system, if equipped, the secondary air system, if equipped, and the fuel control system, singularly resulting in exhaust emissions exceeding 1.5 times the applicable emission standard or FEL for NMHC, NO\textsubscript{X} or CO.

(i) Diesel. A malfunction condition is induced in any emission-related engine system or component, including but not necessarily limited to, the exhaust gas recirculation (EGR) system, if equipped, the secondary air system, if equipped, and the fuel control system, singularly resulting in exhaust emissions exceeding 1.5 times the applicable emission standard or FEL for NMHC, NO\textsubscript{X} or CO.
gas recirculation (EGR) system, if equipped, and the fuel control system, singularly resulting in exhaust emissions exceeding any of the following levels: The applicable PM FEL+0.04 g/bhp-hr or 0.05 g/bhp-hr PM, whichever is higher; or, for model years 2007 through 2012, 1.75 times the applicable NOX standard for engines certified to a NOX FEL greater than 0.50 g/bhp-hr, or the applicable NOX FEL+0.6 g/bhp-hr for engines certified to a NOX FEL less than or equal to 0.50 g/bhp-hr and, for model years 2013 and later, the applicable NOX FEL+0.3 g/bhp-hr; or, for model years 2007 through 2012, 2.5 times the applicable NMHC standard and, for model years 2013 and later, 2 times the applicable NMHC standard; or, for model years 2007 through 2012, 2.5 times the applicable CO standard and, for model years 2013 and later, 2 times the applicable CO standard.

(6) A malfunction condition is induced in an electronic emission-related engine system or component not otherwise described above that either provides input to or receives commands from the on-board computer resulting in a measurable impact on emissions.

[74 FR 8360, Feb. 24, 2009]

§ 86.007–35 Labeling.

Section 86.007–35 includes text that specifies requirements that differ from § 86.095–35. Where a paragraph in § 86.095–35 is identical and applicable to § 86.007–35, this may be indicated by specifying the corresponding paragraph and the statement ‘‘[Reserved]. For guidance see § 86.095–35.’’. For guidance see § 86.095–35.

(a) Introductory text through (a)(1)(iii)(L) [Reserved]. For guidance see § 86.095–35.

(a)(1)(iii)(M) [Reserved]

(a)(1)(iii)(N)(J) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096–21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W, not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096–21(k), a statement indicating:

(i) That none of the performance warranty tests of 40 CFR part 85, subpart W, is to be performed; and

(ii) The name of the Administrator-approved alternative test procedure to be performed.

(2) Light-duty truck and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.

(i) A legible, permanent label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Important Vehicle Information;

(B) Full corporate name and trademark of the manufacturer;

(C) Engine displacement (in cubic inches or liters), engine family identification, and evaporative/refueling family;

(a)(2)(iii)(D)–(a)(2)(iii)(E) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(F) [Reserved]

(a)(2)(iii)(G)–(a)(2)(iii)(K) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(L) [Reserved]

(a)(2)(iii)(M)–(a)(2)(iii)(N) [Reserved]. For guidance see § 86.095–35.

(a)(2)(iii)(O)(l) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096–21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W, not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096–21(k), a statement indicating:

(i) That none of the performance warranty tests of 40 CFR part 85, subpart W, is to be performed, and

(ii) The name of the Administrator-approved alternative test procedure to be performed.

(a)(3) heading through (b) [Reserved]. For guidance see § 86.095–35.