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would apply if the engine emits a noxious or toxic substance it would otherwise not emit that contributes to such an unreasonable risk.

[61 FR 52102, Oct. 4, 1996, as amended at 67 FR 68340, Nov. 8, 2002]

§91.111 Requirement of certification—prohibition of defeat devices.

(a) An engine may not be equipped with a defeat device.

(b) For purposes of this section, *defeat device* means any device, system, or element of design which senses operation outside normal emission test conditions and reduces emission control effectiveness.

(1) Defeat device includes any auxiliary emission control device (AECD) that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal operation and use, unless such conditions are included in the test procedure.

(2) Defeat device does not include such items which either operate only during engine starting or are necessary to protect the engine (or vehicle or equipment in which it is installed) against damage or accident during its operation.

§91.112 Requirement of certification—adjustable parameters.

(a) Engines equipped with adjustable parameters must comply with all requirements of this subpart for any adjustment in the physically available range.

(b) An operating parameter is not considered adjustable if it is permanently sealed by the manufacturer or otherwise not normally accessible using ordinary tools.

(c) The Administrator may require that adjustable parameters be set to any specification within the adjustable range during certification, production line testing, selective enforcement auditing or any in-use testing to determine compliance with the requirements of this part.

§91.113 Requirement of certification—emission control information label and engine identification number.

(a) The engine manufacturer must affix at the time of manufacture a per-

manent and legible label identifying each engine. The label must meet the following requirements:

(1) Be attached in such a manner that it cannot be removed without destroying or defacing the label;

(2) Be durable and readable for the entire engine life;

(3) Be secured to an engine part necessary for normal engine operation and not normally requiring replacement during engine life;

(4) Be written in English; and

(5) Be located so as to be readily visible to the average person after the engine is installed in the marine vessel.

(b) If the marine vessel obscures the label on the engine, the marine vessel manufacturer must attach a supplemental label so that this label is readily visible to the average person. The supplemental label must:

(1) Be attached in such a manner that it cannot be removed without destroying or defacing the label;

(2) Be secured to a marine vessel part necessary for normal operation and not normally requiring replacement during the marine vessel life; and

(3) Be identical to the label which was obscured.

(c) The label must contain the following information:

(1) The heading “Emission Control Information;”

(2) The full corporate name and trademark of the engine manufacturer;

(3) The statement, “This (vessel’s engine or engine, as applicable) is certified to operate on (specify operating fuel(s));”

(4) Identification of the Exhaust Emission Control System (Abbreviations may be used and must conform to the nomenclature and abbreviations provided in SAE J1930. This procedure has been incorporated by reference. See §91.6.;

(5) All engine lubricant requirements;

(6) date of manufacture [day(optional), month and year];

(7) The statement “This engine conforms to [model year] U.S. EPA regulations for marine SI engines.”;

(8) Family Emission Limits (FELs);

(9) EPA standardized engine family designation;

(10) Engine displacement [in cubic centimeters]; and

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- (11) Advertised power;
- (12) Engine tuneup specifications and adjustments. These should indicate the proper transmission position during tuneup, and accessories, if any, that should be in operation;
- (13) Fuel requirements;
- (14) Other information concerning proper maintenance and use or indicating compliance or noncompliance with other standards may be indicated on the label.
- (d) If there is insufficient space on the engine to accommodate a label including all the information required in paragraph (c) of this section, the manufacturer may delete or alter the label as indicated in this paragraph. The information deleted from the label must appear in the owner's manual.

(1) Exclude the information required in paragraphs (c) (3), (4), and (5) of this section. The fuel or lubricant may be specified elsewhere on the equipment.

(2) Exclude the information required by paragraph (c)(6) of this section, if the date the engine was manufactured is stamped on the engine.

(3) For existing technology OB/PWC only, exclude the information required by paragraphs (c) (10), (11), (13), and (14) of this section.

(e) The Administrator may, upon request, waive or modify the label content requirements of paragraphs (c) and (d) of this section, provided that the intent of such requirements is met.

(f) Engine Identification Number. Each engine must have a legible, unique engine identification number permanently affixed to or engraved on the engine.

§91.114 Requirement of certification—supplying production engines upon request.

Upon the Administrator's request, the manufacturer must supply a reasonable number of production engines for testing and evaluation. These engines must be representative of typical production and supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

§91.115 Certification procedure—determining engine power and engine families.

(a) Engine power must be calculated using SAE J1228. This procedure has been incorporated by reference. See §91.6.

(b) The manufacturer's product line must be divided into engine families as specified by paragraph (c) of this section, comprised of engines expected to have similar emission characteristics throughout their useful life periods.

(c) To be classed in the same engine family, engines must be identical in all of the following applicable respects:

- (1) The combustion cycle;
- (2) The cooling mechanism;
- (3) The cylinder configuration (inline, vee, opposed, bore spacings, and so forth);
- (4) The number of cylinders;
- (5) The number of catalytic converters, location; volume, and composition; and
- (6) The thermal reactor characteristics.

(d) At the manufacturer's request, engines identical in all the respects listed in paragraph (c) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination is based upon the consideration of features such as:

- (1) The bore and stroke;
- (2) The combustion chamber configuration;
- (3) The intake and exhaust timing method of actuation (poppet valve, reed valve, rotary valve, and so forth);
- (4) The intake and exhaust valve or port sizes, as applicable;
- (5) The fuel system;
- (6) The exhaust system; and
- (7) The method of air aspiration.

(e) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraph (c) of this section, the Administrator shall establish families for those engines based upon the features most related to their emission characteristics.

(f) Upon a showing by the manufacturer that the emission characteristics during the useful life are expected to be similar, engines differing in one or