

## Environmental Protection Agency

## § 91.903

service and age of the acquired test engine. Documentation of all maintenance and adjustments shall be maintained and retained as required by § 91.121.

(c) At least one valid emission test, according to the test procedure outlined in subpart E of this part, is required for each in-use engine.

(d) The Administrator may waive portions or requirements of the test procedure, if any, that are not necessary to determine in-use compliance.

(e) If a selected in-use engine fails to comply with any applicable emission standards, the manufacturer shall determine the reason for noncompliance. The manufacturer must report all such reasons of noncompliance within fifteen days of completion of testing.

### § 91.805 In-use test program reporting requirements.

(a) The manufacturer shall electronically submit to the Administrator within three (3) months of completion of testing all emission testing results generated from the in-use testing program. The following information must be reported for each test engine:

- (1) Engine family,
- (2) Model,
- (3) Engine serial number,
- (4) Date of manufacture,
- (5) Estimated hours of use,
- (6) Date and time of each test attempt,
- (7) Results (if any) of each test attempt,
- (8) Results of all emission testing,
- (9) Summary of all maintenance and/or adjustments performed,
- (10) Summary of all modifications and/or repairs,
- (11) Determinations of noncompliance.

(b) The manufacturer must electronically submit the results of its in-use testing with a pre-approved information heading. The Administrator may exempt manufacturers from this requirement upon written request with supporting justification.

(c) All testing reports and requests for approvals made under this subpart shall be addressed to: Manager, Engine Compliance Programs Group 6403-J, U.S. Environmental Protection Agency,

1200 Pennsylvania Ave., NW., Washington, DC 20460.

(d) The Administrator may approve and/or require modifications to a manufacturer's in-use testing programs.

### § 91.806 Voluntary emissions recall.

(a) Prior to an EPA ordered recall, the manufacturer may perform a voluntary emissions recall pursuant to regulations at § 91.904 of this part. Such manufacturer is subject to the reporting requirements at § 91.905 of this part.

(b) Once EPA determines that a substantial number of engines fail to conform with the requirements of section 213 of the Act or this part, the manufacturer will not have the option of a voluntary emissions recall.

## Subpart J—Emission-related Defect Reporting Requirements, Voluntary Emission Recall Program

### § 91.901 Applicability.

The requirements of this subpart J are applicable to all marine engines subject to the provisions of subpart A of this part 91. The requirement to report emission-related defects affecting a given class or category of engines remains applicable for five years from the end of the model year in which such engines were manufactured.

### § 91.902 Definitions.

The definitions in subpart A of this part apply to this subpart.

### § 91.903 Applicability to part 85, subpart T.

(a) Marine SI engines subject to provisions of subpart A of this part are subject to emission defect reporting requirements specified in 40 CFR Part 85, subpart T, except for the items set forth in this section.

(b) 40 CFR 85.1901 does not apply. See § 91.901.

(c) Reference to the Clean Air Act, 42 U.S.C. 1857 in 40 CFR 85.1902(a) does not apply. Reference to the Clean Air Act, 42 U.S.C. 7401 does apply.

(d) Reference to the "approved Application for Certification required by 40 CFR 86.077-22 and like provisions of Part 85 and Part 86 of Title 40 of the

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Code of Federal Regulations” does not apply. Reference to the approved application for certification required by 91.108 and like provisions of Part 91 does apply.

(e) Reference to section 202(d) of the Act in §85.1902(c) does not apply. Reference to section 202(d) and section 213 of the Act does apply.

(f) Reference to section 214 of the Act in §85.1902(e) and (f) does not apply. Reference to section 216 of the Act does apply.

### §91.904 Voluntary emission recall.

(a) A manufacturer, prior to initiating a voluntary emission recall program, must submit to the EPA the following information for a 15 day review and comment period:

(1) A description of each class or category of engines recalled, including the number of engines to be recalled, the model year, and such other information as may be required to identify the engines recalled;

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments, or other changes to be made to correct the engines affected by the emission-related defect;

(3) A description of the method by which the manufacturer will notify engine owners including copies of any letters of notification to be sent to engine owners;

(4) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the recall plan, and a description of the proof to be required of an engine owner to demonstrate compliance with any such conditions;

(5) A description of the procedure to be followed by engine owners to obtain correction of the nonconformity. This may include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor to remedy the defect, and the designation of facilities at which the defect can be remedied;

(6) A description of the class of persons other than dealers and authorized warranty agents of the manufacturer who will remedy the defect; and

(7) A description of the system by which the manufacturer will assure

that an adequate supply of parts is available to perform the repair under the plan.

(b) The manufacturer must submit at least one report on the progress of the recall campaign. This report is submitted one year from the date notification begins and includes the following information:

(1) The methods used to notify both engine owners, dealers and other individuals involved in the recall campaign;

(2) The number of engines known or estimated to be affected by the emission-related defect and an explanation of the means by which this number was determined;

(3) The number of engines actually receiving repair under the plan;

(4) The number of engine owners, dealers, and other individuals involved in the recall campaign that have been notified and the number of engines that have actually received repair; and

(5) The number of engines determined to be ineligible for remedial action due to a failure to properly maintain or use such engines.

### §91.905 Reports, voluntary recall plan filing, record retention.

(a) The defect report, voluntary recall plan, and the voluntary recall progress report shall be sent to: Manager, Engine Compliance Programs Group 6403-J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) The information gathered by the manufacturer to compile the reports must be retained for not less than five years from the date of the manufacture of the engines and must be made available to duly authorized officials of the EPA upon request.

### §91.906 Responsibility under other legal provisions preserved.

The filing of any report under the provisions of this subpart will not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any provision of law.