

(f) If you obscure the engine label while installing the engine in the equipment such that the label will be hard to read during normal maintenance, you must place a duplicate label on the equipment. If others install your engine in their equipment in a way that obscures the engine label, we require them to add a duplicate label on the equipment (see 40 CFR 1068.105); in that case, give them the number of duplicate labels they request and keep the following records for at least five years:

(1) Written documentation of the request from the equipment manufacturer.

(2) The number of duplicate labels you send and the date you sent them.

(g) Label every vehicle certified under this part with a removable hang-tag showing its emission characteristics relative to other models, as described in §1051.137.

[70 FR 40490, July 13, 2005]

§ 1051.137 What are the consumer labeling requirements?

Label every vehicle certified under this part with a removable hang-tag showing its emission characteristics relative to other models. The label should be attached securely to the vehicle before it is offered for sale in such a manner that it would not be accidentally removed prior to sale. Use the applicable equations of this section to determine the normalized emission rate (NER) from the FEL for your vehicle. If the vehicle is certified without using the averaging provisions of subpart H, use the final deteriorated emission level. Round the resulting normalized emission rate for your vehicle to one decimal place. If the calculated NER value is less than zero, consider NER to be zero for that vehicle. We may specify a standardized format for labels. At a minimum, the tag should include: the manufacturer's name, vehicle model name, engine description (500 cc two-stroke with DFI), the NER, and a brief explanation of the scale (for example, note that 0 is the cleanest and 10 is the least clean).

(a) For snowmobiles, use the following equation:

$$\text{NER} = 16.61 \times \log (2.667 \times \text{HC} + \text{CO}) - 38.22$$

Where:

HC and CO are the cycle-weighted FELs (or emission rates) for hydrocarbons and carbon monoxide in g/kW-hr.

(b) For off-highway motorcycles, use the following equations:

(1) For off-highway motorcycles certified to the standards in §1051.105, use one of the equations specified below.

(i) If the vehicle has HC + NO_x emissions less than or equal to 2.0 g/km, use the following equation:

$$\text{NER} = 2.500 \times (\text{HC} + \text{NO}_x)$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) If the vehicle has HC + NO_x emissions greater than 2.0 g/km, use the following equation:

$$\text{NER} = 5.000 \times \log(\text{HC} + \text{NO}_x) + 3.495$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(2) For off-highway motorcycles certified to the standards in §1051.615(b), use the following equation:

$$\text{NER} = 8.782 \times \log(\text{HC} + \text{NO}_x) - 5.598$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/kW-hr.

(c) For ATVs, use the following equations:

(1) For ATVs certified to the standards in §1051.107, use one of the equations specified below.

(i) If the vehicle has HC + NO_x emissions less than or equal to 1.5 g/km, use the following equation:

$$\text{NER} = 3.333 \times (\text{HC} + \text{NO}_x)$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(ii) If the vehicle has HC + NO_x emissions greater than 1.5 g/km, use the following equation:

$$\text{NER} = 4.444 \times \log(\text{HC} + \text{NO}_x) + 4.217$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/km.

(2) For ATVs certified to the standards in §1051.615(a), use the following equation:

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$$\text{NER} = 8.782 \times \log(\text{HC} + \text{NO}_x) - 7.277$$

Where:

HC+NO_x is the FEL (or the sum of the cycle-weighted emission rates) for hydrocarbons and oxides of nitrogen in g/kW-hr.

[70 FR 40491, July 13, 2005]

§ 1051.145 What provisions apply only for a limited time?

Apply the following provisions instead of others in this part for the periods and circumstances specified in this section.

(a) *Provisions for small-volume manufacturers.* Special provisions apply to you if you are a small-volume manufacturer subject to the requirements of this part. Contact us before 2006 if you intend to use these provisions.

(1) You may delay complying with otherwise applicable emission standards (and other requirements) for two model years.

(2) If you are a small-volume manufacturer of snowmobiles, only 50 percent of the models you produce (instead of all of the models you produce) must meet emission standards in the first two years they apply to you as a small-volume manufacturer, as described in paragraph (a)(1) of this section. For example, this alternate phase-in allowance would allow small-volume snowmobile manufacturers to comply with the Phase 1 exhaust standards by certifying 50 percent of their snowmobiles in 2008, 50 percent of their snowmobiles in 2009, and 100 percent in 2010.

(3) Your vehicles for model years before 2011 may be exempt from the exhaust standards of this part if you meet the following criteria:

(i) Produce your vehicles by installing engines covered by a valid certificate of conformity under 40 CFR part 90 that shows the engines meet standards for Class II engines for each engine's model year.

(ii) Do not change the engine in a way that we could reasonably expect to increase its exhaust emissions.

(iii) The engine meets all applicable requirements from 40 CFR part 90. This applies to engine manufacturers, vehicle manufacturers who use these engines, and all other persons as if these engines were not used in recreational vehicles.

(iv) Show that fewer than 50 percent of the engine family's total sales in the United States are used in recreational vehicles regulated under this part. This includes engines used in any application, without regard to which company manufactures the vehicle or equipment.

(v) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in 40 CFR 1068.101.

(vi) Engines exempted under this paragraph (a)(3) are subject to all the requirements affecting engines under 40 CFR part 90. The requirements and restrictions of 40 CFR part 90 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as other engines subject to 40 CFR part 90.

(4) All vehicles produced under this paragraph (a) must be labeled according to our specifications. The label must include the following:

(i) The heading "EMISSION CONTROL INFORMATION".

(ii) Your full corporate name and trademark.

(iii) A description of the provisions under which this section applies to your vehicle .

(iv) Other information that we specify to you in writing.

(b) *Optional emission standards for ATVs.* To meet ATV standards for model years before 2009, you may apply the exhaust emission standards by model year in paragraph (b)(1) of this section while measuring emissions using the engine-based test procedures in 40 CFR part 1065 instead of the chassis-based test procedures in 40 CFR part 86.

(1) Follow Table 1 of this section for exhaust emission standards, while meeting all the other requirements of §1051.107. You may use emission credits to show compliance with these standards (see subpart H of this part). You may not exchange emission credits with engine families meeting the standards in §1051.107(a). You may also not exchange credits between engine