

## Environmental Protection Agency

## § 1042.630

runs and lobsterboat races, is a violation of 40 CFR 1068.101(b)(4).

(f) You must permanently label engines exempted under this section to clearly indicate that they are to be used only for competition. Failure to properly label an engine will void the exemption for that engine.

(g) If we request it, you must provide us any information we need to determine whether the engines or vessels are used solely for competition. This would include documentation regarding the number of engines and the ultimate purchaser of each engine. Keep these records for five years.

### § 1042.625 Special provisions for engines used in emergency applications.

(a) Except as specified in paragraph (d) of this section, the prohibitions in § 1068.101(a)(1) do not apply to a new engine that is subject to Tier 4 standards if the following conditions are met:

(1) The engine is intended for installation in one of the following vessels or applications:

(i) A lifeboat approved by the U.S. Coast Guard under approval series 160.135 (see for example 46 CFR 199.201(a)(1)), as long as such a vessel is not also used as a launch or tender.

(ii) A rescue boat approved by the U.S. Coast Guard under approval series 160.156 (see for example 46 CFR 199.202(a)).

(iii) Generator sets or other auxiliary equipment that qualify as final emergency power sources under 46 CFR part 112.

(2) The engine meets the Tier 3 emission standards specified in § 1042.101 as specified in 40 CFR 1068.265.

(3) The engine is used only for its intended purpose, as specified on the emission control information label.

(b) Except as specified in paragraph (d) of this section, the prohibitions in § 1068.101(a)(1) do not apply to a new engine that is subject to Tier 3 standards according to the following provisions:

(1) The engine must be intended for installation in a lifeboat or a rescue boat as specified in paragraph (a)(1)(i) or (ii) of this section.

(2) This exemption is available from the initial effective date for the Tier 3 standards until the engine model (or

one of comparable size, weight, and performance) has been certified as complying with the Tier 3 standards and Coast Guard requirements.

(3) The engine must meet the Tier 2 emission standards specified in Appendix I of this part as specified in 40 CFR 1068.265.

(c) If you introduce an engine into U.S. commerce under this section, you must meet the labeling requirements in § 1042.135, but add one of the following statements instead of the compliance statement in § 1042.135(c)(10):

(1) For lifeboats and rescue boats, add the following statement:

THIS ENGINE DOES NOT COMPLY WITH CURRENT U.S. EPA EMISSION STANDARDS UNDER 40 CFR 1042.625 AND IS FOR USE SOLELY IN LIFEBOATS OR RESCUE BOATS (COAST GUARD APPROVAL SERIES 160.135 OR 160.156). INSTALLATION OR USE OF THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

(2) For engines serving as final emergency power sources, add the following statement:

THIS ENGINE DOES NOT COMPLY WITH CURRENT U.S. EPA EMISSION STANDARDS UNDER 40 CFR 1042.625 AND IS FOR USE SOLELY IN EMERGENCY EQUIPMENT REGULATED BY 46 CFR 112. INSTALLATION OR USE OF THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY.

(d) Introducing into commerce a vessel containing an engine exempted under this section violates the prohibitions in 40 CFR 1068.101(a)(1) where the vessel is not covered by paragraph (a) or (b) of this section, unless it is exempt under a different provision. Similarly, using such an engine or vessel as something other than a lifeboat, rescue boat, or emergency engine as specified in paragraph (a)(1) of this section violates the prohibitions in 40 CFR 1068.101(a)(1), unless it is exempt under a different provision.

### § 1042.630 Personal-use exemption.

This section applies to individuals who manufacture vessels for personal use. If you and your vessel meet all the

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conditions of this section, the vessel and its engine are considered to be exempt from the standards and requirements of this part that apply to new engines and new vessels. The prohibitions in §1068.101(a)(1) do not apply to engines exempted under this section. For example, you may install an engine that was not certified as a marine engine.

(a) The vessel may not be manufactured from a previously certified vessel, nor may it be manufactured from a partially complete vessel that is equivalent to a certified vessel. The vessel must be manufactured primarily from unassembled components, but may incorporate some preassembled components. For example, fully preassembled steering assemblies may be used. You may also power the vessel with an engine that was previously used in a highway or land-based nonroad application.

(b) The vessel may not be sold within five years after the date of final assembly.

(c) No individual may manufacture more than one vessel in any ten-year period under this exemption.

(d) You may not use the vessel in any revenue-generating service or for any other commercial purpose, except that you may use a vessel exempt under this section for commercial fishing that you personally do.

(e) This exemption may not be used to circumvent the requirements of this part or the requirements of the Clean Air Act. For example, this exemption would not cover a case in which a person sells an almost completely assembled vessel to another person, who would then complete the assembly. This would be considered equivalent to the sale of the complete new vessel. This section also does not allow engine manufacturers to produce new engines that are exempt from emission standards and it does not provide an exemption from the prohibition against tampering with certified engines.

(f) The vessel must be a vessel that is not classed or subject to Coast Guard inspections or surveys.

**§ 1042.635 National security exemption.**

The standards and requirements of this part and prohibitions in §1068.101(a)(1) do not apply to engines exempted under this section.

(a) You are eligible for the exemption for national security only if you are a manufacturer.

(b) Your engine is exempt without a request if it will be used or owned by an agency of the federal government responsible for national defense, where the vessel has armor, permanently attached weaponry, specialized electronic warfare systems, unique stealth performance requirements, and/or unique combat maneuverability requirements.

(c) You may request a national security exemption for engines not meeting the conditions of paragraph (b) of this section, as long as your request is endorsed by an agency of the federal government responsible for national defense. In your request, explain why you need the exemption.

(d) Add a legible label, written in English, to all engines exempted under this section. The label must be permanently secured to a readily visible part of the engine needed for normal operation and not normally requiring replacement, such as the engine block. This label must include at least the following items:

(1) The label heading "EMISSION CONTROL INFORMATION".

(2) Your corporate name and trademark.

(3) Engine displacement, family identification, and model year of the engine (as applicable), or whom to contact for further information.

(4) The statement "THIS ENGINE HAS AN EXEMPTION FOR NATIONAL SECURITY UNDER 40 CFR 1042.635."

**§ 1042.640 Special provisions for branded engines.**

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1042.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps: