

Environmental Protection Agency

§ 85.1903

SOURCE: 42 FR 28128, June 2, 1977, unless otherwise noted.

§ 85.1901 Applicability.

The requirements of this subpart shall be applicable to all 1972 and later model year vehicles and engines. The requirement to report emission-related defects affecting a given class or category of vehicles or engines shall remain applicable for five years from the end of the model year in which such vehicles or engines were manufactured.

§ 85.1902 Definitions.

For the purposes of this subpart and unless otherwise noted:

(a) *Act* shall mean the Clean Air Act, 42 U.S.C. 1857, as amended.

(b) The phrase emission-related defect shall mean a defect in design, materials, or workmanship in a device, system, or assembly described in the approved Application for Certification (required by 40 CFR 86.1843-01 and 86.1844-01, 40 CFR 86.098-22 and like provisions of subpart A of this part and 40 CFR part 86) which affects any parameter or specification enumerated in Appendix VIII of this part.

(c) The phrase *useful life* shall be given the meaning ascribed to it by section 202(d) of the Act and regulations promulgated thereunder.

(d) The phrase *Voluntary Emissions Recall* shall mean a repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer to remedy any emission-related defect for which direct notification of vehicle or engine owners has been provided.

(e) The phrase *ultimate purchaser* shall be given the meaning ascribed to it by section 214 of the Act.

(f) The term *manufacturer* shall be given the meaning ascribed to it by section 214 of the Act.

[42 FR 28128, June 2, 1977, as amended at 64 FR 23919, May 4, 1999]

§ 85.1903 Emissions defect information report.

(a) A manufacturer shall file a defect information report whenever, on the basis of data obtained subsequent to the effective date of these regulations:

(1) The manufacturer determines in accordance with procedures established

by the manufacturer to identify safety related defects (pursuant to 15 U.S.C. 1381 et seq., as amended) that a specific emission-related defect exists; and

(2) That the specific emission-related defect exists in twenty-five or more vehicles or engines of the same model year.

No report shall be filed under this paragraph for any emission-related defect corrected prior to the sale of the affected vehicles or engines to an ultimate purchaser.

(b) Defect information reports required under paragraph (a) of this section shall be submitted not more than 15 working days after an emission-related defect is found to affect twenty-five vehicles or engines of the same model year. Items of information required by paragraph (c) of this section that are either not available within that period or are significantly revised shall be submitted as they become available.

(c) Except as provided in paragraph (b) of this section, each defect report shall contain the following information in substantially the format outlined below:

(1) The manufacturer's corporate name.

(2) A description of the defect.

(3) A description of each class or category of vehicles or engines potentially affected by the defect including make, model, model year, and such other information as may be required to identify the vehicles or engines affected.

(4) For each class or category of vehicle or engine described in response to paragraph (c)(3) of this section, the following shall also be provided:

(i) The number of vehicles or engines known or estimated to have the defect and an explanation of the means by which this number was determined.

(ii) The address of the plant(s) at which the potentially defective vehicles or engines were produced.

(5) An evaluation of the emissions impact of the defect and a description of any driveability problems which a defective vehicle might exhibit.

(6) Available emissions data which relate to the defect.

(7) An indication of any anticipated manufacturer follow-up.