

§ 85.1904 Voluntary emissions recall report; quarterly reports.

(a) When any manufacturer initiates a voluntary emissions recall campaign involving twenty-five or more vehicles or engines, the manufacturer shall submit a report describing the manufacturer's voluntary emissions recall plan as prescribed by this section within 15 working days of the date owner notification was begun. The report shall contain the following:

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

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

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the method by which they will be notified.

(4) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan, an explanation of the manufacturer's reasons for imposing any such condition, and a description of the proof to be required of a vehicle or engine owner to demonstrate compliance with any such condition.

(5) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity. This shall 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) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of the class of persons other than dealers and authorized warranty agents of the manufacturer who will remedy the defect.

(7) Three copies of the letters of notification to be sent to vehicle or engine owners.

(8) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the remedial plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, the percentage of the total parts requirement of each person who is to perform the repair under the remedial plan to be shipped to initiate the campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(9) Three copies of all necessary instructions to be sent to those persons who are to perform the repair under the remedial plan.

(10) A description of the impact of the proposed changes on fuel consumption, driveability, and safety of each class or category of vehicles or engines to be recalled.

(11) A sample of any label to be applied to vehicles or engines which participate in the voluntary recall campaign.

(b) Unless otherwise specified by the Administrator, the manufacturer shall report on the progress of the recall campaign by submitting subsequent reports for six consecutive quarters commencing with the quarter after the voluntary emissions recall campaign actually begins. Such reports shall be submitted no later than 25 working days after the close of each calendar quarter. For each class or category of vehicle or engine subject to the voluntary emissions recall campaign, the quarterly report shall contain the:

(1) Emission recall campaign number, if any, designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the voluntary emissions recall campaign.

(4) Number of vehicles or engines known or estimated to be affected by the emission-related defect and an explanation of the means by which this number was determined.

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(5) Number of vehicles or engines inspected pursuant to the voluntary emissions recall plan.

(6) Number of inspected vehicles found to be affected by the emission-related defect.

(7) Number of vehicles actually receiving repair under the remedial plan.

(8) Number of vehicles determined to be unavailable for inspection or repair under the remedial plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for remedial action due to a failure to properly maintain or use such vehicles or engines.

(10) Three copies of any service bulletins transmitted to dealers which relate to the defect to be corrected and which have not previously been reported.

(11) Three copies of all communications transmitted to vehicle or engine owners which relate to the defect to be corrected and which have not previously been submitted.

(c) If the manufacturer determines that any of the information requested in paragraph (b) of this section has changed or was incorrect, revised information and an explanatory note shall be submitted. Answers to paragraphs (b)(5), (6), (7), (8), and (9) of this section shall be cumulative totals.

(d) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, the names and addresses of vehicles or engine owners:

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the remedial plan; and

(3) Who were determined not to qualify for such remedial action when eligibility is conditioned on proper maintenance or use.

(e) The records described in paragraph (d) of this section shall be made available to the Administrator upon request.

§ 85.1905 Alternative report formats.

(a) Any manufacturer may submit a plan for making either of the reports required by §§ 85.1903 and 85.1904 on computer cards, magnetic tape or other

machine readable format. The proposed plan shall be accompanied by sufficient technical detail to allow a determination that data requirements of these sections will be met and that the data in such format will be usable by EPA.

(b) Upon approval by the Administrator of the proposed reporting system, the manufacturer may utilize such system until otherwise notified by the Administrator.

§ 85.1906 Report filing: Record retention.

(a) The reports required by §§ 85.1903 and 85.1904 shall be sent to: Director, Manufacturers Operations Division (EN 340), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) The information gathered by the manufacturer to compile the reports required by § 85.1903 and § 85.1904 shall be retained for not less than five years from the date of the manufacture of the vehicles or engines and shall be made available to duly authorized officials of the EPA upon request.

[42 FR 28128, June 2, 1977, as amended at 44 FR 61962, Oct. 29, 1979]

§ 85.1907 Responsibility under other legal provisions preserved.

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

§ 85.1908 Disclaimer of production warranty applicability.

(a) The act of filing an Emission Defect Information Report pursuant to § 85.1903 is inconclusive as to the existence of a defect subject to the Production Warranty provided by section 207 (a) of the Act.

(b) A manufacturer may include on each page of its Emission Defect Information Report a disclaimer stating that the filing of a Defect Information Report pursuant to these regulations is not conclusive as to the applicability of the Production Warranty provided by section 207(a) of the Act.