

which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under high-altitude conditions.

(C) Exhaust and evaporative emission tests for emission data vehicle(s) selected for testing under § 86.094-24(b)(1)(ii), (iii), and (iv) shall be conducted at the mileage (2,000 mile minimum) at which the engine-system combination is stabilized for emission testing or at the 6,436 kilometer (4,000 mile) test point under low-altitude conditions.

(D) For each engine family, the manufacturer will either select one vehicle previously selected under § 86.094-26(b)(1)(i) through (iv) to be tested under high altitude conditions or provide a statement in accordance with § 86.095-24(b)(1)(v). Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(b)(4)(iii)-(d) [Reserved]. For guidance see § 86.094-26.

[58 FR 4036, Jan. 12, 1993]

§ 86.095-30 Certification.

Section 86.095-30 includes only text that specifies requirements that differ from § 86.094-30. Where a paragraph in § 86.094-30 is identical and applicable to § 86.095-30, this is indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094-30.” Where a corresponding paragraph of § 86.094-30 is not applicable, this is indicated by the statement “[Reserved].”

(a)(1)(i)-(a)(2) [Reserved]. For guidance see § 86.094-30.

(a)(3)(i) One such certificate will be issued for each engine family. For gasoline-fueled and methanol-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family evaporative emission family combination. Each certificate will certify compliance with no more than one set of in-use and certification standards (or family emission limits, as appropriate).

(ii) For gasoline-fueled and methanol-fueled heavy-duty vehicles, one such certificate will be issued for each manufacturer and will certify compliance for those vehicles previously identified in that manufacturer's statement(s) of compliance as required in § 86.094-23(b)(4)(i) and (ii).

(iii) For diesel light-duty vehicles and light-duty trucks, or diesel heavy-duty engines, included in the applicable particulate averaging program, the manufacturer may at any time during production elect to change the level of any family particulate emission limit by demonstrating compliance with the new limit as described in §§ 86.094-28(a)(6) and 86.094-28(b)(5)(i). New certificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the date of issuance.

(iv) For light-duty trucks or heavy-duty engines included in the applicable NO_x averaging program, the manufacturer may at any time during production elect to change the level of any family NO_x emission limit by demonstrating compliance with the new limit as described in § 86.094-28(b)(5)(ii). New certificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the day of issue.

(4)(i) For exempt light-duty vehicles and light-duty trucks under the provisions of §§ 86.094-8(j) or 86.094-9(j), an adjustment or modification performed in accordance with instructions provided by the manufacturer for the altitude where the vehicle is principally used will not be considered a violation of section 203(a)(3) of the Clean Air Act (42 U.S.C. 7522(a)(3)).

(ii) A violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) occurs when a manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act, under any of the conditions specified in paragraph (a)(4)(ii) of this section.

(A) When a light-duty vehicle or light-duty truck is exempted from meeting high-altitude requirements as provided in § 86.090-8(h) or § 86.094-9(h):

(1) At a designated high-altitude location, unless such manufacturer has

§ 86.095-30

40 CFR Ch. I (7-1-04 Edition)

reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or

(2) At a location other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated high-altitude location.

(B) When a light-duty vehicle or light-duty truck is exempted from meeting low-altitude requirements as provided in § 86.094-8(i) or § 86.094-9(i):

(1) At a designated low-altitude location, unless such manufacturer has reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated low-altitude location; or

(2) At a location other than a designated low-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated low-altitude location.

(iii) A manufacturer shall be deemed to have reason to believe that a light-duty vehicle or light-duty truck that has been exempted from compliance with emission standards at high altitude, will not be sold to an ultimate purchaser for principal use at a designated high altitude location if the manufacturer has informed its dealers and field representatives about the terms of those high altitude regulations, has not caused the improper sale itself, and has taken reasonable action which shall include, but shall not be limited to, either § 86.094-30(a)(4)(iii)(A) or (B), and § 86.094-30(a)(4)(iii)(C).

(a)(4)(iii)(A)-(C) [Reserved]. For guidance see § 86.094-30.

(a)(4)(iv) A manufacturer shall be deemed to have reason to believe that a light-duty vehicle or light-duty truck which has been exempted from compliance with emission standards at low altitude, as provided in § 86.094-8(i) or § 86.094-9(i), will not be sold to an ultimate purchaser for principal use at a designated low-altitude location if the manufacturer has informed its dealers and field representatives about the terms of the high-altitude regulations, has not caused the improper sale itself,

and has taken reasonable action which shall include, but not be limited to either § 86.094-30 (a)(4)(iv) (A) or (B) and § 86.094-30(a)(4)(iv)(C):

(a)(4)(iv)(A)-(a)(12) [Reserved]. For guidance see § 86.094-30.

(a)(13) For all light-duty trucks certified to Tier 0 standards under § 86.094-9 and to which standards under § 86.709-94 are applicable:

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §§ 86.094-9 and 86.709-94 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §§ 86.094-9 and 86.709-94 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(a)(14)-(e)(8) [Reserved]. For guidance see § 86.094-30.

(f) For engine families required to have an emission control diagnostic system, certification will not be granted if, for any emission data vehicle or other test vehicle approved by the Administrator, the malfunction indicator light does not illuminate under any of the following circumstances, or if, for any assembly line vehicle, the malfunction indicator light does not illuminate under the circumstances described in paragraph (f)(4) of this section. Only paragraph (f)(4) of this section applies for diesel cycle vehicles.

(1) A catalyst is replaced with a deteriorated or defective catalyst or electronic simulation of such resulting in both an exhaust emission exceedance of 0.6 g/mi HC and an exhaust emission increase of 0.4 g/mi HC on a normal temperature (20 to 30 °C) emission certification test.

(2) A misfire condition is induced resulting in an increase in emissions of greater than 0.4 g/mi HC or 3.4 g/mi CO or 1.0 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(3) Any oxygen sensor is replaced with a deteriorated or defective oxygen sensor, or the operation of such a sensor is simulated, resulting in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(4) The electronic evaporative purge control device (if equipped) is disconnected or the operation of any emission-related powertrain component connected to a computer results in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

[58 FR 4037, Jan. 12, 1993, as amended at 58 FR 9487, Feb. 19, 1993; 60 FR 15247, Mar. 23, 1995]

§ 86.095–35 Labeling.

Section 86.095–35 includes text that specifies requirements that differ from § 86.092–35. Where a paragraph in § 86.092–35 is identical and applicable to § 86.095–35, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.092–35.” Where a corresponding paragraph of § 86.092–35 is not applicable, this is indicated by the statement “[Reserved].”

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards (and family emission limits, as appropriate) of this subpart, shall, at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a Certificate of Conformity under § 86.091–30(a).

(1) *Light-duty vehicles.* (i) A permanent, legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the Certificate of Conformity for such vehicle, in such manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches or liters), engine family identification, and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable emission standards (or family emission limits, as applicable), including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles;

(F) The exhaust emission standards (or family emission limits, if applicable) to which the engine family is certified, and the corresponding exhaust emission standards (or family emission limits, if applicable) which the engine family must meet in-use;

(G) For vehicles that have been exempted from compliance with the emission standards at high altitude, as specified in § 86.090–8(h):

(1) A highlighted statement (e.g., underscored or boldface letters) that the vehicle is certified to applicable emission standards at low altitude only;

(2) A statement that the vehicle’s unsatisfactory performance under high-altitude conditions makes it unsuitable for principal use at high altitude; and

(3) A statement that the emission performance warranty provisions of 40 CFR part 85, subpart V do not apply