

NON-ROAD ELEMENTS of OVERALL NTE SETTLEMENT
March 20, 2003

1. Consultation Process. Representatives of EPA, ARB, and EMA will work to develop an outline for a manufacturer-run, in-use testing program applicable to diesel nonroad engines and vehicles. The outline shall serve as the basis for an NPRM to implement a manufacturer-run, in-use testing program applicable for such engines and vehicles. The outline will propose that the EPA and ARB programs be fully consistent to the greatest extent practicable and implemented in a non-redundant manner. The consultative process shall be initiated by June 2003 and pursued to enable the parties to complete the outline in an expeditious manner.

2. Implementation Date. The date for implementing an in-use testing program for nonroad engines and vehicles shall be identified, in part, based on the following considerations. First, the program design shall have pilot program and other provisions similar to those currently anticipated to be included in the In-Use Heavy-Duty Vehicle NTE Testing Program. Second, the program shall be initiated consistent with the introduction of aftertreatment emission control requirements for nonroad engines built in conformance with Tier 4 emission standards. The resulting implementation date may be as early as 2011.

3. Certification Guidance. EPA will prepare a guidance letter applicable to 2003 and subsequent model years to address EPA's review during certification of nonroad diesel engine injection timing and resultant emissions during operating conditions that are not specified in the current emissions certification test cycle, i.e., off-cycle emissions. Prior to issuing this guidance, EPA will provide a draft of the document to EMA for review and comment. The comment period will not exceed 14 days.