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ON-ROAD IN-USE HEAVY-DUTY DIESEL ENGINE LABELING AND TAMPERING

On February 15, 2007, new requirements regarding emission control labels (ECLs) on heavy-duty diesel engines went into effect. Specifically, the California Code of Regulations, title 13, §2183(c) requires that: **"No 1974 or newer diesel powered heavy-duty commercial vehicle shall operate in California without evidence that, at the time of manufacture, the installed engine met emission standards at least as stringent as applicable federal emission standards for the model year of the engine** (In the case of Mexican manufactured vehicles, Mexican and US EPA certified engines were equivalent in the 1994 – 2003 model years)**. The ARB shall base its determination on whether an engine meets the above requirement by inspecting the ECL affixed to the vehicle's engine."** The ECL must be legible and maintained in the original location it was installed. The data on the label must correspond to the serial number stamped on the engine block (i.e. must be correct label for the engine). See Advisory 354 for further information.

A vehicle owner found in violation of the above requirement is potentially subject to two distinct penalties: a) a tampered (missing) ECL carries a $300 penalty, and b) the regulation presumes that an engine without an ECL (or other documentation from the engine manufacturer) did not meet US EPA standards at the time of manufacture which carries a $500 penalty. The $300 penalty will be waived during the first year (for violations cited prior to February 15, 2008) if proof of corrective action is provided to the ARB within 45 days of the citation. The $500 penalty will be waived if evidence is presented within 45 days of the citation that, at the time of manufacture, the engine did meet standards at least as stringent as applicable federal emission standards. If the $300 penalty and proof of corrective action is not provided within 45 days, a late penalty of $500 will be assessed.

Corrective action shall consist of:

• The engine manufacturer issuing a correct replacement ECL to their authorized dealer or distributor based on the engine serial number provided by the dealer or distributor.
• The authorized engine dealer or distributor affixing the replacement label at the location on the engine required by the engine manufacturer using the method specified by the engine manufacturer. **Authorized dealers shall not allow vehicle owners to affix replacement labels – failure to comply with this may result in legal action.**
• The owner of the cited vehicle submitting a photocopy or photo of the ECL and the installation invoice from the dealer to the ARB, including the vehicle identification number (VIN) and engine serial number.

An *on-road* engine remanufactured before February 15, 2008 must be equipped with a label issued by the remanufacturing plant that includes the original and/or remanufactured engine serial number. An *on-road* engine remanufactured on or after February 15, 2008 must be equipped with a label issued by the remanufacturing plant that also indicates that the engine was remanufactured using components meeting the same specifications as those used to build on-road engines that conform to U.S.EPA emission standards. The specifications used to build the remanufactured on-road engine, as well as the applicable model year must also be included on the post February 15, 2008 label. A vehicle owner cited for having a remanufactured engine with a missing remanufacturing label must follow the above corrective actions to come into compliance, with the engine remanufacturer responsible for issuing a complete replacement remanufacturing label. Rebuilt engines retain their original identity and must have an ECL affixed pursuant to engine manufacturer practices.

No person (including engine manufacturers, remanufacturers, engine dealers or distributors) may provide blank ECLs or remanufactured engine labels to a vehicle owner.

An on-road diesel engine may be equipped with several labels; to avoid confusion as to which label this requirement applies, all ECLs can easily be identified by their compliance statement: **"…this engine meets U.S. EPA emission standards…"** Post February 15, 2008 remanufactured engine ECLs can be identified by the statement: "meeting the same **specifications** as those used to build on-road engines that **conform to U.S. EPA emission standards**…"

The ARB staff may cite engine/vehicle owners for tampering under title 13, California Code of Regulations, section 2183 et seq. Tampering can include both physical engine and emissions controls systems and electronic tampering (e.g. changing the rated engine HP from the factory specified and certified level). Additionally, the ARB staff may cite owners of on-road commercial heavy-duty diesel powered vehicles using off road heavy-duty diesel engines. To clear violations of these types, owners shall bring their engines back to the original equipment manufacturers' specifications and this must be verified by an authorized engine dealer. In cases where an off road engine is being used in an on road application, the engine must be replaced with a certified U.S. EPA on road heavy-duty diesel engine meeting or exceeding the year of the vehicle chassis. This also applies to engine changes applicable to on road engines in these vehicles. In order to properly retrofit an in-use engine with the ARB verified Best Available Control Technology (BACT) the engine family must be known.

For technical assistance on obtaining engine certification labels or direction on how to correct engines to bring them back to the original equipment manufacturers' specifications please contact the authorized engine manufacturer dealer or distributor.

Thank you for your cooperation in this matter. If you have any questions please contact Ms. Gretchen Ratliff at (626) 350-6561, or email gratliff@arb.ca.gov.