

**§ 2444.1. In-Use Compliance Testing and Recall Regulations – Model Year 2001 and Later Spark-Ignition Marine Engines.**

- (a) Applicability. This section applies to model year 2001 and later spark-ignition personal watercraft and outboard marine engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code section 43013. Spark-ignition ~~inboard and sterndrive/inboard~~ marine engines shall comply with the in-use compliance testing and recall requirements found in Title 13, California Code of Regulations, Sections 2111 through 2140 and 2147.

(b) \* \* \* \* \*

(3) \* \* \* \* \*

(B) \*~~E~~ \* \* \*

A minimum of two (2) engines per family provided that no engine fails any standard. For each failing engine, two (2) more engines must be tested until the total number equals ten.

For engine families of less than 50 engines (California sales) for the identified model year or for engine manufacturers who make less than or equal to 200 engines (California sales) for that model year, a minimum of one engine per family provided that this engine does not fail any standard. If this engine fails, two (2) more engines shall be tested. For each additional engine failure, the engine manufacturer must continue testing two (2) additional engines until the total number equals eleven.

(iii)

3. If an engine family was certified using carryover emission data and has been previously tested under paragraph (b)(3)(B) without an ordered recall, then only one engine for that family must be tested. If this engine fails any standard, testing must be conducted as outlined in paragraphs (b)(3)(B), as applicable.

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(E) \* \*~~E~~ \*~~E~~

(i)

1.

engine family production in California is less than or equal to 20 per year; or

(ii)

2.

engines cannot be obtained for testing because they are used substantially in watercraft that are not conducive to engine removal such as large watercraft where the engine cannot be removed without dismantling either the engine or the watercraft; or

(iii)

3.

other compelling circumstances associated with the structure of the industry and uniqueness of spark-ignition marine engine applications. Such alternatives shall be designed to determine whether the engine family is in compliance in-use.

(F)

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(G)

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(i)

1.

A test engine must have a maintenance and use history representative of actual in-use conditions.

- a. The engine manufacturer must obtain information from the end users regarding the accumulated usage, maintenance, operating conditions and storage of the test engines.
- b. Documents used in the procurement process must be maintained as required by section 30 of the Test Procedures.

(ii)

2.

The engine manufacturer may perform minimal "set-to-specification" maintenance on components of a test engine that are not subject to parameter adjustment. Maintenance may include only that which is listed in the owner's manual for engines with the amount of service and age of the acquired test engine. Documentation shall be maintained and retained as required by section 30 of the Test Procedures.

(iii)

3. At least one valid emission test, performed according to the test procedures outlined in Part IV of the Test Procedures is required for each in-use engine.

~~(iv)~~

4. The Executive Officer may waive portions or requirements of the test procedures, if any, that are not necessary to determine in-use compliance.

~~(v)~~

5. If a selected in-use engine fails to comply with any applicable emission standard, the engine manufacturer must determine the reason for noncompliance. The engine manufacturer must report all such reasons of noncompliance within fifteen days of completion of testing.

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(e)

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(4) Record keeping and Reporting Requirements.

(A)

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~~(i)~~

1. Engine family and emission recall campaign number designated by the engine manufacturer.

~~(ii)~~

2. Date engine/watercraft owner notification was begun, and date completed.

~~(iii)~~

3. Number of engines involved in the voluntary or ordered recall campaign.

~~(iv)~~

4. Number of engines known or estimated to be affected by the nonconformity and an explanation of how this number was determined.

~~(v)~~

5. Number of engines inspected pursuant to the voluntary or ordered recall plan.

~~(vi)~~

6. Number of inspected engines found to be affected by the nonconformity.

~~(vii)~~

7. Number of engines receiving repair under the recall plan and a listing of these engines' engine identification numbers.

~~(viii)~~

8. Number of engines determined to be ineligible for recall action due to removed or modified parts.

~~(ix)~~

9. A copy of any service bulletins transmitted to dealers or other authorized repair facilities which pertain to the nonconformity to be corrected and that have not previously been reported.

~~(x)~~

10. A copy of all communications transmitted to engine/watercraft owners that relate to the nonconformity and that have not previously been submitted.

(B) If the engine manufacturer determines that any of the information submitted pursuant to paragraph (4)(A) above has changed or was incorrect, revised information and an explanation must be submitted. Responses to subsections (4)(A)~~(v)~~5., ~~(vi)~~6., ~~(vii)~~7., ~~(viii)~~8. and ~~(ix)~~9. above shall be cumulative totals.

(C)

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~~(i)~~

1. To whom notification was given;

~~(ii)~~

2. Whose engines were repaired or inspected under the recall plan; and

~~(iii)~~

3. Whose engines were determined not to qualify for repair due to removed or modified components.

(D)

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NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code.

Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.