

Environmental Protection Agency

§ 60.535

Administrator may waive the requirement for advance notice for test resumptions.

(f) The testing laboratory shall allow the manufacturer to observe certification testing. However, manufacturers shall not involve themselves in the conduct of the test after the pretest burn (as defined by EPA Method 28) has begun. Communications between the manufacturer and laboratory personnel regarding operation of the wood heater shall be limited to written communications transmitted prior to the first pretest burn of the certification series. Written communications between the manufacturer and laboratory personnel may be exchanged during the certification test only if deviations from the test procedures are observed that constitute improper conduct of the test. All communications shall be included in the test documentation required to be submitted under §60.533(b)(4) and shall be consistent with instructions provided in the owner's manual required under §60.536(k), except to the extent that they address details of the certification tests that would not be relevant to owners.

§ 60.535 Laboratory accreditation.

(a)(1) A laboratory may apply for accreditation by the Administrator to conduct wood heater certification tests pursuant to §60.533. The application shall be in writing to: Emission Measurement Branch (MD-13), U.S. EPA, Research Triangle Park, NC 27711, Attn: Wood Heater Laboratory Accreditation.

(2) [Reserved]

(3) If accreditation is denied under this section, the Administrator shall give written notice to the laboratory setting forth the basis for his determination.

(b) In order for a test laboratory to qualify for accreditation the laboratory must:

(1) Submit its written application providing the information related to laboratory equipment and management and technical experience of laboratory personnel. Applications from laboratories shall establish that:

(i) Laboratory personnel have a total of one year of relevant experience in particulate measurement, including at

least three months experience in measuring particulate emissions from wood heaters,

(ii) The laboratory has the equipment necessary to perform testing in accordance with either §60.534(b) (1) or (2), and

(iii) Laboratory personnel have experience in test management or laboratory management.

(2) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to §60.533.

(3) Agree to enter into a contract as described in §60.533(g) with each wood heater manufacturer for whom a certification test has been performed.

(4) [Reserved]

(5) Demonstrate proficiency to achieve reproducible results with at least one test method and procedure in §60.534(b), by:

(i) Performing a test consisting of at least eight test runs (two in each of the four burn rate categories) on a wood heater identified by the Administrator,

(ii) Providing the Administrator at least 30 days prior notice of the test to afford the Administrator the opportunity to have an observer present, and

(iii) Submitting to the Administrator all documentation pertaining to the test, including a complete test report and raw data sheets, laboratory technical notes, and test results for all test runs,

(6) Be located in the continental United States,

(7) Agree to participate annually in a proficiency testing program conducted by the Administrator,

(8) Agree to allow the Administrator access to observe certification testing,

(9) Agree to comply with a reporting and recordkeeping requirements that affect testing laboratories, and

(10) Agree to accept the reasonable cost of an RCA test (as determined by the Administrator) if it is selected to conduct the RCA test of a model line originally tested for certification at another laboratory.

(c)—(d) [Reserved]

(e)(1) The Administrator may revoke EPA laboratory accreditation if he determines that the laboratory:

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- (i) No longer satisfies the requirements for accreditation in paragraph (b) or (c),
- (ii) Does not follow required procedures or practices,
- (iii) Had falsified data or otherwise misrepresented emission data,
- (iv) [Reserved]
- (v) Failed to participate in a proficiency testing program, in accordance with its commitment under paragraph (b)(5) of this section, or
- (vi) Failed to seal the wood heater in accordance with paragraph (g) of this section.

(2) Revocation of accreditation under this paragraph shall not take effect until the laboratory concerned has been given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under §60.539. However, if revocation is ultimately upheld, all tests conducted by the laboratory after written notice was given may, at the discretion of the Administrator, be declared invalid.

(f) Unless revoked sooner, a certificate of accreditation granted by the Administrator shall be valid:

(1) For five years from the date of issuance, for certificates issued under paragraph (b) of this section, or

(2) Until July 1, 1990, for certificates issued under paragraph (c) of this section.

(g) A laboratory accredited by the Administrator shall seal any wood heater on which it performed certification tests, immediately upon completion or suspension of certification testing, by using a laboratory-specific seal.

[53 FR 5873, Feb. 26, 1988, as amended at 60 FR 33925, June 29, 1995]

§ 60.536 Permanent label, temporary label, and owner's manual.

(a)(1) Each affected facility manufactured on or after July 1, 1988, or offered for sale at retail on or after July 1, 1990, shall have a permanent label affixed to it that meets the requirements of this section.

(2) Except for wood heaters subject to §60.530 (e), (f), or (g), the permanent label shall contain the following information:

- (i) Month and year of manufacture,

- (ii) Model name or number, and
 - (iii) Serial number.
- (3) The permanent label shall:
- (i) Be affixed in a readily visible or accessible location,
 - (ii) Be at least 3½ inches long and 2 inches wide,
 - (iii) Be made of a material expected to last the lifetime of the wood heater,
 - (iv) Present required information in a manner so that it is likely to remain legible for the lifetime of the wood heater, and
 - (v) Be affixed in such a manner that it cannot be removed from the appliance without damage to the label.

(4) The permanent label may be combined with any other label, as long as the required information is displayed, and the integrity of the permanent label is not compromised.

(b) If the wood heater belongs to a model line certified under §60.533, and has not been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Certified to comply with July, 1988, particulate emission standards.

Not approved for sale after June 30, 1992.

or

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Certified to comply with July, 1990, particulate emission standards.

(c)(1) If compliance is demonstrated under §60.530(c), the following statement shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Certified under 40 CFR 60.530(c). Not approved for sale after June 30, 1992.

(2) If compliance is demonstrated under §60.533(h), one of the following statements, as appropriate, shall appear on the permanent label: