

Environmental Protection Agency

§ 94.907

§ 94.906 **Manufacturer-owned exemption, display exemption, competition exemption, and foreign trade vessel exemption.**

(a) *Manufacturer-owned exemption.* Any manufacturer-owned engine, as defined by § 94.2, is exempt from § 94.1103, without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer must establish, maintain, and retain the following adequately organized and indexed information on each exempted engine:

- (i) engine identification number;
- (ii) Use of the engine on exempt status; and
- (iii) Final disposition of any engine removed from exempt status.

(2) The manufacturer must provide right of entry and access to these records to EPA Enforcement Officers as outlined in § 94.208.

(3) The manufacturer must permanently affix a label to each engine on exempt status, unless the requirement is waived or an alternate procedure is approved by the Director, Engine Programs and Compliance Division. This label should:

- (i) Be affixed in a readily visible portion of the engine;
- (ii) Be attached in such a manner that cannot be removed without destruction or defacement;
- (iii) State in the English language and in block letters and numerals of a color that contrasts with the background of the label, the following information:

(A) The label heading "Emission Control Information";

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement, engine family identification, and model year of engine; or person of office to be contacted for further information about the engine;

(D) The statement "This engine is exempt from the prohibitions of 40 CFR 94.1103."

(4) No provision of paragraph (a)(3) of this section prevents a manufacturer from including any other information it desires on the label.

(5) The engine is not used in revenue-generating service, or sold.

(b) *Display exemption.* An uncertified engine that is to be used solely for display purposes, and that will only be operated incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been obtained for the engine, is exempt without request from the standards of this part. This does not apply to imported engines (see § 94.804).

(c) *Competition exemption.* The Administrator may exempt, upon request, engines that are intended by the manufacturer to be used solely for competition. Engines that are modified after they have been placed into service and are used solely for competition are exempt without request.

(d) *Foreign trade exemption.* (1) The Administrator may exempt, upon request of the vessel owner, engines used on U.S.-flagged vessels meeting the provisions of paragraph (d)(2) of this section.

(2) Vessel owners requesting an exemption under this paragraph (d) must demonstrate to the Administrator that:

- (i) The vessel will spend less than 25 percent of its operating time within 320 nautical kilometers of U.S. territory; or
- (ii) That it will not operate between two United States ports.

(3) For the purpose of this paragraph (d), the term "vessel owner" includes any entities that have contracted to purchase a new marine vessel.

(4) The engine manufacturer must label the engine, and must include on the label the following statement: "THIS ENGINE IS SUBJECT TO THE MARPOL ANNEX VI NO_x LIMITS AND IS INTENDED FOR USE SOLELY ON VESSELS THAT SERVICE FOREIGN PORTS AS DESCRIBED IN 40 CFR 94.906.", or a similar statement approved by the Administrator.

§ 94.907 **Engine dressing exemption.**

(a) This section applies to you if you are an engine manufacturer (this includes post-manufacture marinizers).

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section.