

ATTACHMENT C

NOTE: This document is printed in a plain text style for simplified reading of the modified regulatory language found in Attachment B.

§ 2111. Applicability.

(4) California-certified 2009 and subsequent model-year spark-ignition inboard and sterndrive marine engines.

§ 2112. Definitions.

(23) For 2009 and subsequent model year spark-ignition inboard and sterndrive marine engines, a period of ten years or 480 hours, whichever first occurs.

Appendix A to Article 2.1

California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, Motorcycles, 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines, and 2009 and Subsequent Model-Year Spark-Ignition Inboard and Sterndrive Marine Engines.

I. Passenger Car, Light-Duty Truck, Medium-Duty Vehicle, Motorcycle, and Inboard and Sterndrive Parameters and Specifications.

§ 2139. Testing.

(h) For spark-ignition inboard and sterndrive marine engines, in-use compliance tests shall be performed pursuant to section 2442, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific engine's original certification testing.

§ 2440. Applicability.

(a)(3) Spark-ignition inboard and sterndrive marine engines produced by the engine manufacturer to be used solely for competition are exempt from the requirements of this article, except section 2443.1, provided that the marine watercraft in which the engine is installed is designed, built, and used solely for competition. Marine watercraft not registered with a nationally-recognized organization that sanctions professional competitive events or used for amateur or occasional competition do not meet the competition exemption criteria.

§ 2441. Definitions.

(5) "Capture rate" means the percentage of in-use engines subject to recall which must be corrected to bring the class of engines into compliance. The number of engines subject to recall shall be based on the actual number of engines in use as verified by engine registration records compiled and prepared by industry, or a comparable source as determined by the Executive Officer at the time a recall is initiated.

(6) "Carryover engine family" means an engine family that undergoes certification using carryover test data from previous model years.

(7) "Certification" means, with respect to new spark-ignition marine engines, obtaining an Executive Order for an engine family complying with the spark-ignition marine engine exhaust emission standards and requirements specified in Title 13, California Code of Regulations, sections 2442 and 2447.

(8) "Complete engine assembly" or "complete engine configuration" means an assembly of a basic engine and all of the specific applicable components (e.g., air inlet, fuel and exhaust systems, etc.) and calibrations (e.g., carburetor jet size, valve timing, etc.) required for the assembly to be installed in a new unit of equipment.

(9) "Continuous monitoring" means sampling at a rate no less than two samples per second. If for engine control purposes, a computer input component is sampled less frequently, the value of the component may instead be evaluated each time sampling occurs.

(10) "Emission control system" means any device, system, or element of design that controls or reduces the emission of substances from an engine.

(11) "Enforcement test results" means data or information gathered through enforcement programs conducted by the Air Resources Board. These programs include, but are not limited to, field inspections, in-use compliance testing, assembly-line testing.

(12) "Engine family" means a subclass of a basic engine based on similar emission characteristics. The engine family is the grouping of engines that is used for the purposes of certification.

(13) "Engine identification number" means a unique specification (for example, model number/serial number combination) that allows each spark-ignition marine engine to be distinguished from other similar engines.

(14) "Engine manufacturer" means the manufacturer granted certification.

(15) "Engine misfire" means lack of combustion in the cylinder due to absence of spark, poor fuel metering, poor compression, or any other cause.

(16) "Engine start" is defined as the point at which normal, synchronized spark and fuel control is obtained or when the engine reaches a speed 150 revolutions per minute (rpm) below the normal, warmed-up idle speed.

(17) "Exhaust emissions" means matter emitted into the environment from any opening downstream from the exhaust port of a spark-ignition marine engine.

(18) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her authorized representative.

(19) "Executive Order" means an order issued by the Executive Officer certifying engines for sale in California.

(20) "Family Emission Limit" means an emission value assigned by a marine engine manufacturer to an engine family for the purpose of complying with a corporate average exhaust emission standard. The Family Emission Limit (FEL) must not exceed the limit specified in this Article.

(21) "Fuel system" means all components involved in the transport, metering, and mixture of the fuel from the fuel tank to the combustion chamber(s) including, but not limited to the following: fuel tank, fuel tank cap, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, and all fuel system vents.

(22) "Fuel trim" refers to feedback adjustments to the base fuel schedule. Short-term fuel trim refers to dynamic or instantaneous adjustments. Long-term fuel trim refers to much more gradual adjustments to the fuel calibration schedule than short-term trim adjustments. These long-term adjustments compensate for engine differences and gradual changes that occur over time.

(23) "Functional check" for an output component means verification of proper response to a computer command. For an input component, functional check means verification of the input signal being in the range of normal operation, including evaluation of the signal's rationality in comparison to all available information.

(24) "Inboard Engine" means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the propeller shaft penetrates the hull of the marine watercraft while the engine and the remainder of the drive unit is internal to the hull of the marine watercraft.

(25) "Inspection criteria" means the pass and fail numbers associated with a particular sampling plan.

(26) "Malfunction" means the inability of an emission-related component or system to remain within design specifications. Further, malfunction refers to the deterioration of any of the above components or systems to a degree that would likely cause the emissions of an aged engine with the deteriorated components or systems present at the beginning of the applicable certification emission test to exceed the HC+NO_x emission standard by more than 50 percent, unless otherwise specified, as applicable pursuant to Subchapter 1 (commencing with Section 1900), Chapter 3 of Title 13.

(27) "Marine engine manufacturer" means any person engaged in the manufacturing or assembling of new spark-ignition marine engines or the importing of such engines for resale, or who acts for and is under the control of any such person in connection with the distribution of such engines. A spark-ignition marine engine manufacturer does not include any dealer with respect to new spark-ignition marine engines received by such person in commerce.

(28) "Marine warm-up cycle" means sufficient engine operation such that the coolant temperature has risen by at least 40 degrees Fahrenheit from engine starting and reaches a minimum temperature of at least 140 degrees Fahrenheit.

(29) "Marine watercraft" means every description of boat, ship or other artificial contrivance used, or capable of being operated on water.

(30) "Model year" means the engine manufacturer's annual new model production period which includes January 1 of the calendar year for which the model year is named, ends no later than December 31 of the calendar year, and does not begin earlier than January 2 of the previous calendar year. Where an engine manufacturer has no annual new model production period, model year means the calendar year.

(31) "New", for purposes of this Article, means a spark-ignition marine engine or watercraft the equitable or legal title to which has never been transferred to an ultimate purchaser. Where the equitable or legal title to the engine or watercraft is not transferred to an ultimate purchaser until after the engine or watercraft is placed into service, then the engine or watercraft will no longer be new after it is placed into service. A spark-ignition marine engine or watercraft is placed into service when it is used for its functional purposes. With respect to imported spark-ignition marine engines or watercraft, the term "new" means an engine or watercraft that is not covered by an Executive Order issued under this Article at the time of importation, and that is manufactured after the effective date of a section in this Article which is applicable to such engine or watercraft, or which would be applicable to such engine or watercraft had it been manufactured for importation into the United States.

(32) "Nonconformity" or "Noncompliance", for purposes of Title 13, California Code of Regulations, section 2444.1, means that:

(A) a significant number, determined by the Executive Officer, of a class of engines, although properly maintained and used, experience a failure of the same emission-related component(s) within their useful lives which, if uncorrected, results in the engines' failure to comply with the emission standards prescribed under section 2442 which are applicable to the model year of such engines; or

(B) a class of engines that at any time within their useful lives, although properly maintained and used, on average does not comply with the emission standards prescribed under section 2442 which are applicable to the model year of such engines.

(33) "Operating cycle" consists of engine startup, engine run, and engine shutoff.

(34) "Original equipment manufacturer" means a manufacturer who purchases engines for installation in its equipment for sale to ultimate purchasers.

(35) "Outboard engine" means a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

(36) "Personal watercraft engine" means a spark-ignition marine engine that does not meet the definition of outboard engine, inboard engine or sterndrive engine, except that the Executive Officer may, in his or her discretion, classify a personal watercraft engine as an inboard or sterndrive engine if it is comparable in technology and emissions to an inboard or sterndrive engine.

(37) "Production-line tests" are emission tests performed on a sample of production engines produced for sale in California and conducted in accordance with Title 13, California Code of Regulations, section 2446(a).

(38) "Redline engine speed" means the engine manufacturer recommended maximum engine speed as normally displayed on instrument panel tachometers, or the engine speed at which fuel shutoff occurs.

(39) "Response rate," with regards to oxygen sensors, refers to the delay (measured in milliseconds) between a switch of the sensor from lean to rich or vice versa in response to a change in fuel/air ratio above and below stoichiometric.

(40) "Sales" or "Eligible sales" means the actual or calculated sales of an engine family in California for the purposes of corporate averaging and production-line testing. Upon Executive Officer approval, an engine manufacturer may calculate its eligible sales through market analysis of actual federal production or sales volumes.

(41) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the engine manufacturer to be performed on a periodic basis to prevent part failure or marine watercraft or engine malfunction, or those actions anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(42) "Spark-ignition marine engine" means any engine used to propel a marine watercraft, and which utilizes the spark-ignition combustion cycle; including, but not limited to personal watercraft, outboard, inboard and sterndrive engines.

(43) "Sterndrive engine" means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the drive unit is external to the hull of the marine watercraft, while the engine is internal to the hull of the marine watercraft.

(44) "Test engine" means the engine or group of engines that an engine manufacturer uses during certification, production-line and in-use testing to determine compliance with emission standards.

(45) "Test Procedures" means the document entitled "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines," which includes the standards and test procedures applicable to 2001 and later spark-ignition personal watercraft, outboard, inboard and sterndrive marine engines, as adopted October 21, 1999 and as amended (**insert date of amendment**). This document is incorporated by reference herein.

(46) "Ultimate purchaser" means, with respect to any new spark-ignition marine engine, the first person who in good faith purchases such new spark-ignition marine engine for purposes other than resale.

(47) "U.S.C." means United States Code.

(48) "Used solely for competition" means exhibiting features that are not easily removed and that would render its use other than in competition unsafe, impractical, or highly unlikely.

(49) "Useful life" for spark-ignition marine engines means nine years for personal watercraft engines and sixteen years for outboard, inboard and sterndrive engines.

(50) "Warranty period" means the period of time the engine or part is covered by the warranty provisions.

(51) "Warranty station" means any dealer, service center or other agent that is authorized by the engine manufacturer to perform diagnostic labor, repairs or replacements of warranted engine components.

§ 2442. Emission Standards.

(b) Exhaust emissions from new model year 2003 and later spark-ignition inboard and sterndrive marine engines must not exceed the exhaust emission standards listed in Table 2 for the designated emission durability test period.

Table 2.

Inboard and Sterndrive Exhaust Emission Standards (by Implementation Date)		
Model Year	HC+NO_x (grams per kilowatt-hour)	Durability Test Period (hours)
2003-2008 ¹	16.0 ²	—
2007 and Later ³	5.0	480

1. Engines with a maximum rated power exceeding 373 kilowatts (500 horsepower) are not required to comply with these standards.
2. Compliance with the HC+NO_x standard may be averaged on a sales-weighted basis, across the engine manufacturers' California production, based on projected California sales or the projected California percentage of national sales.
3. For model year 2007, engine manufacturers shall certify a minimum of 45% of their California production (projected California sales or projected California percentage of national sales) to the standard. For model year 2008, engine manufacturers shall certify a minimum of 75% of their California production (projected California sales or projected California percentage of national sales) to the standard.

(1) No crankcase emissions shall be discharged into the ambient atmosphere from 2003 and later spark-ignition inboard and sterndrive marine engines.

(3) For each engine family, the engine manufacturer shall submit the total number of engines produced for sale in California, or the total number of engines produced for sale nationally, ninety (90) days after the end of the model year.

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.

§ 2443.1. Emission Control Labels – Model Year 2001 and Later Spark-Ignition Marine Engines.

(b) Applicability. This section applies to:

(1) Model year 2001 and later spark-ignition personal watercraft and outboard marine engines and model year 2003 and later spark-ignition inboard and sterndrive marine engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code section 43013;

(c) Engine Label and Location.

(1) A legible label must be welded, riveted or otherwise permanently attached by the engine manufacturer to an area of the engine (e.g., block or crankcase) in such a way that it will be readily visible to the average person after installation of the engine in the watercraft. If such an attachment is not feasible, the Executive Officer may allow the label to be attached on components of the engine or watercraft assembly (as applicable) that satisfy the requirements of Subsection (c)(2)(A) or (c)(2)(B) below, as applicable. Such labels must be attached on all complete engine assemblies that are produced by an engine manufacturer.

(2) (A) Personal Watercraft and Outboard Engines. In selecting an acceptable location, the engine manufacturer must consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each engine label must be affixed in such a manner that it cannot be removed without destroying or defacing the label, and must not be affixed to any engine (or watercraft, as applicable) part that is likely to be replaced during the engine's (or watercraft's, as applicable) useful life or that is not integral to the engine's operation. The engine label must not be affixed to any engine (or watercraft as applicable) component that is easily detached from the engine. If the engine manufacturer claims there is inadequate space to attach the label, the Executive Officer will determine a suitable location.

(B) Inboard and Sterndrive Engines. In selecting an acceptable location, the engine manufacturer must consider visibility and the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). The engine label must be affixed in such a manner that it cannot be removed without destroying or defacing the label. The engine label must contain the unique identification number that has been assigned to the engine, pursuant to subsection (a) of this section. If the engine manufacturer claims there is inadequate

space to attach the label, the Executive Officer will determine a suitable location.

(d) For Inboard and Sterndrive Engines used solely for Competition.

(1) A legible label must be welded, riveted or otherwise permanently attached by the engine manufacturer to an area of the engine in such a way that it will be readily visible to the average person after installation of the engine in the watercraft. If such an attachment is not feasible, the Executive Officer may allow the label to be attached on components of the engine that satisfy the requirements of Subsection (d)(2). Such labels must be attached on all complete engine assemblies that are produced by an engine manufacturer.

(2) In selecting an acceptable location, the engine manufacturer must consider visibility and the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). The engine label must be affixed in such a manner that it cannot be removed without destroying or defacing the label. The engine label must contain the unique identification number that has been assigned to the engine, pursuant to subsection (a) of this section. If the engine manufacturer claims there is inadequate space to attach the label, the Executive Officer will determine a suitable location.

(g) Supplemental Engine Label Content and Location for Personal Watercraft and Outboard Engines only.

§ 2443.2. Consumer/Environmental Label Requirements.

(b)(1) Model year 2001 and later spark-ignition personal watercraft and outboard marine engines and model year 2003 and later spark-ignition inboard and sterndrive marine engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code section 43013;

(c)(2) Label location. For outboard engines, a single label must be permanently affixed to the back of the engine cover or cowling. For personal watercraft, a single label must be affixed two or three inches to the right of the required location of the California Assigned Vessel Number displayed on the port side of the hull. For inboard and sterndrive engines, labels must be affixed to the engine and two or three inches to the right or left of the required location of the California Assigned Vessel Number displayed on the port side of the hull. Each label must be manufactured and permanently affixed so that it cannot be removed without destroying

or defacing the label, must be readily visible and must not be affixed to any location that is likely to be replaced during the engine's useful life. For the purposes of this paragraph, readily visible means that the label's shape and number of stars are discernable from a distance of 100 feet.

(4) For Personal Watercraft and Outboard Marine Engines:

(5) For Inboard and Sterndrive Marine Engines:

(A) Labels on Engines. Labels must be affixed to new engines by the engine manufacturer. The engine manufacturer is responsible for ensuring that appropriate environmental labels are properly applied to its engines. Improper labeling or distributing of labels will subject the engine manufacturer to penalties as described in paragraph (h) of this section.

(B) Labels on Watercraft. Labels must be affixed to the port side of watercraft by the watercraft/original equipment manufacturer. The watercraft/original equipment manufacturer is responsible for ensuring that appropriate labels are properly applied to its watercraft. Improper labeling or distributing of hull environmental labels will subject the watercraft/original equipment manufacturer to penalties as described in paragraph (h).

Engine manufacturers are responsible for providing labels that correspond with the engine for all engines supplied to watercraft/original equipment manufacturers. Engine manufacturers also are responsible for providing to the watercraft/original equipment manufacturers instructions regarding label selection and placement. Failure to provide appropriate labels and instructions to the watercraft/original equipment manufacturer will subject the engine manufacturer to penalties as described in paragraph (h) of this section.

(h) If the Executive Officer finds any engine manufacturer using labels for which it has responsibility for attaching that are different from those approved or that do not substantially comply with the discernibility or durability requirements set forth in these specifications, the engine manufacturer will be subject to being enjoined from any further sales or distribution of applicable equipment product line that uses noncompliant labels in the State of California pursuant to section 43017 of the Health and Safety Code. If the Executive Officer finds any engines or watercraft with labels that are not affixed in accordance with paragraph (c)(1)(B), the engine manufacturer or watercraft/original equipment manufacturer that was responsible for label placement must remove the labels from all affected watercraft and engines and will be subject to being enjoined from

any further sales or distribution, of applicable equipment product line that uses noncompliant labels in the State of California pursuant to section 43017 of the Health and Safety Code. Additional penalties may be assessed to the extent permissible under Part 5, Division 26 of the Health and Safety Code. Before seeking remedial action against the engine or equipment manufacturer, the Executive Officer will consider any information provided by the engine or equipment manufacturer.

§ 2443.3. Environmental Label/Consumer Notification Requirements.

(a) Applicability. This section applies to model year 2001 and later spark-ignition personal watercraft and outboard marine engines and model year 2003 and later spark-ignition inboard and sterndrive marine engines, which have been certified to the applicable emission standard pursuant to Health and Safety Code section 43013.

(b) A nonpermanent label (i.e., hang tag) must be attached to each personal watercraft or outboard engine, as applicable, at time of sale. A nonpermanent label (i.e., hang tag) produced and supplied by the engine manufacturer must be attached, by the seller, to each inboard and sterndrive engine or watercraft, as applicable, when introduced for sale to ultimate purchasers. Environmental labels pursuant to this section shall include a copy of the following:

§ 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 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.

§ 2444.2. On-Board Engine Malfunction Detection System Requirements – Model Year 2007 and Later Spark-Ignition Inboard and Sterndrive Marine Engines.

All 2007 and 2008 model year spark-ignition inboard and sterndrive marine engines certified to the 5.0 grams per kilowatt-hour HC+NO_x standard shall comply with the requirements for subsections (a) through (h) below, except as noted. For all 2009 model year and later

spark-ignition inboard and sterndrive marine engines, the requirements in **bold type** shall also apply.

This section shall be implemented according to the provisions of the following subsections or by means determined by the Executive Officer to be equivalent in meeting the requirements of this section.

(a) General requirements.

(1) Spark-ignition sterndrive and inboard marine engines sold as new shall be equipped with an integrated malfunction detection and notification system, hereinafter known as On-board Diagnostics-Marine (OBD-M) system, to identify emission-related malfunctions of the catalyst, fuel system, primary oxygen sensors used for feedback fuel control, secondary oxygen sensors (if equipped) used for catalyst monitoring, computer-sensed comprehensive components, and the on-board computer itself, by means of diagnostic trouble codes stored in non-volatile computer memory. For this section, a computer-sensed comprehensive component is any electronic device that:

(A) provides information to the on-board computer and significantly impacts emissions when malfunctioning; or

(B) is used to enable or disable any other OBD-M monitoring strategy.

(2) The OBD-M system shall not be required to identify engine misfire unless such monitoring is determined necessary by the Executive Officer to preserve or protect the catalyst system. The Executive Officer shall (as part of the in-water testing and development program to be conducted in conjunction with U.S. EPA, the U.S. Coast Guard, the marine industry, and catalyst manufacturers) identify whether, and to what extent, misfire in spark-ignition inboard and sterndrive marine engines may affect catalyst durability and performance. If the Executive Officer determines that engine misfire is a significant factor in reducing the durability and/or performance of marine catalysts, engine manufacturers shall be required to incorporate appropriate misfire detection diagnostics into the OBD-M system. In that case, the provisions in subsection (b)(5) shall be considered sufficient for satisfying the obligation to monitor misfire. Alternate misfire monitoring strategies shall be considered by the Executive Officer and may be implemented in lieu of subsection (b)(5) if demonstrated by the engine manufacturer to provide an equivalent degree of catalyst protection. Otherwise the provisions of that subsection shall be voluntary. In making a determination, the Executive Officer shall consider the cost effectiveness of requiring additional monitoring to address the concerns identified by the test program in addition to the leadtime

necessary to modify existing hardware and software, to add misfire detection hardware (e.g., sensors) if necessary, and to develop engine-specific calibrations to accommodate misfire monitoring. Notwithstanding, misfire monitoring shall not be required prior to the 2009 model year, and may be delayed beyond that date pending Executive Officer discretion.

(3) The OBD-M system shall not be required to detect any emissions-related malfunction that prevents the engine from starting. The OBD-M system shall not be required to monitor any emissions-related component or system if the only reliable way to accomplish such monitoring would either significantly impair engine/vessel operability or decrease the safety involved with operating the engine/vessel.

(4) OBD-M systems shall have the capability to activate an audio or visual alert device located on the marine vessel to inform vessel occupants in the event of a malfunction, and to transmit diagnostic information locally via a standardized data link connector.

(5) Spark-ignition sterndrive and inboard marine vessels shall be equipped with an audio alert device and/or visual alert device that is compatible with the activation function of the OBD-M system on the installed engine.

(A) If equipped, the audio alert device shall provide sufficient volume and intensity to be readily perceptible to vessel occupants during normal modes of vessel operation and occupant activity, but shall not exceed applicable maximum noise levels as set by authorized federal or State agencies. Further, the audio alert device shall in no way impede the function of required sound-signaling devices, or other safety-related devices, already present on the vessel. The audio alert device shall sound briefly in the engine-run key position before engine cranking to indicate that the audio alert device is functional.

(B) If equipped, the visual alert device shall provide sufficient activation and be located such that it is readily visible under normal lighting conditions, but shall in no way impede the function of any visual distress-signaling device, fog signal, or navigational light. The visual alert device shall activate in the engine-run key position before engine cranking to indicate that the visual alert device is functional and shall, when activated, display the phrase "Service Required" or an equivalent standardized phrase or symbol to be determined as specified in Subsection (g).

(6) Malfunction thresholds for catalyst, fuel system, oxygen sensor, and computer-sensed comprehensive component diagnostics shall be

determined by the engine manufacturer. However, the engine manufacturer must demonstrate that the determination of these thresholds is sufficient for detecting emission-related malfunctions in a timely and meaningful manner subject to Executive Officer approval (see Subsection (e)(2)).

(7) Regarding diagnostic system monitoring and audio/visual alert device activation requirements, engine manufacturers are required to define monitoring conditions that are representative of typical in-use operation, and which will result in the routine execution and completion of all OBD-M diagnostics in-use.

(8) For model years 2007-2008, activation of the audio/visual alert device upon detection of a catalyst, fuel system, or oxygen sensor malfunction shall be optional. However, there are no exemptions from storing diagnostic trouble codes in non-volatile computer memory during these model years for any malfunction. The OBD-M must be capable of fully communicating stored information to a generic scan tool via the standardized data link connector.

(9) Engine manufacturers may employ alternate statistical audio/visual alert device activation and diagnostic trouble code storage protocols to those specified in these requirements, subject to Executive Officer approval, based on comparable timeliness in detecting a malfunction and evaluating system performance.

(10) Should emission control devices/strategies be introduced on the engine in addition to those identified herein as requiring monitoring (e.g., exhaust gas recirculation), the engine manufacturers shall notify the Executive Officer and submit a plan for monitoring the new device/strategy prior to its incorporation into the OBD-M system.

(11) Engine manufacturers may request Executive Officer approval to disable any diagnostic strategy at ambient engine starting temperatures below forty (40) degrees Fahrenheit (low ambient temperature conditions may be determined based on intake air or engine coolant temperature at engine starting), and at elevations above six thousand five hundred (6,500) feet above sea level provided the engine manufacturer submits data and/or an engineering evaluation which adequately demonstrate that monitoring would be unreliable when such conditions exist. Notwithstanding, diagnostic system disablement may be requested at other ambient engine starting temperatures if the engine manufacturer adequately demonstrates with data and/or an engineering evaluation that misdiagnosis would occur due to the impact of such ambient temperatures on the performance of the component itself.

(12) Engine manufacturers may disable individual monitors that can be affected by running out of fuel, provided disablement will not occur when the fuel level is above fifteen percent of the nominal capacity of the fuel tank.

(13) The Executive Officer may grant an extension for compliance with the requirements of this section, with respect to an engine model or engine family, if the engine manufacturer demonstrates that a present electronic control system cannot be modified in time for the 2007 model year because major design changes, not consistent with the engine manufacturer's projected changeover schedule, would be needed to comply with the provisions of the regulation. The period of extension shall not exceed that period of time necessary to enable modification of the electronic control system in accordance with the engine manufacturer's projected changeover schedule, or a period of two years, whichever first occurs. Engine manufacturers requesting an extension shall, no later than six months prior to the applicable model year, submit to the Executive Officer a written request for exemption, setting forth the required demonstration and specifying the period for which the extension is requested.

(b) Monitoring requirements.

(1) Catalyst monitoring.

(A) Purpose and scope:

(i) The diagnostic system shall monitor the catalyst system on spark-ignited marine engines to ensure that the performance of the catalyst has not been compromised due to engine misfire or other factors that can decrease catalyst durability.

(B) Malfunctioning criteria:

(i) The catalyst system shall be considered malfunctioning when the temperature of the measured catalyst(s) exceeds a threshold value, as determined by the engine manufacturer, indicating abnormally high operating temperature; or when the catalyst temperature fails to reach a minimum value, as determined by the engine manufacturer, indicating "light-off" of the catalyst after a manufacturer-specified time interval has elapsed.

(ii) Subject to executive officer approval, alternate malfunction criteria (e.g., correlating oxygen sensor frequencies to catalyst conversion efficiency) may be employed by the engine

manufacturer if the alternate criteria are appropriate and would provide for enhanced monitoring capability.

(C) Monitoring conditions:

(i) The engine manufacturer shall define conditions for monitoring the catalyst with the constraints that the check shall:

a. be conducted at the earliest acceptable opportunity encountered after the beginning of each operating cycle; and

b. the monitoring system shall operate at least once per in-use operating cycle during which the engine manufacturer-defined monitoring conditions are met.

(2) Fuel system monitoring.

(A) Purpose and scope: The diagnostic system shall monitor the fuel delivery system for its ability to dynamically adjust fuel delivery.

(B) Malfunction criteria: The engine manufacturer shall establish malfunction criteria to monitor the fuel delivery system. If the engine is equipped with fuel trim circuitry, the engine manufacturer shall include as one of the malfunction criteria the condition where the trim circuitry has used up all of the trim adjustment allowed within the engine manufacturer's selected limit(s). Engine manufacturers may compensate the criteria limit(s) appropriately for changes in altitude or for other similar identifiable operating conditions when they occur.

(C) Monitoring conditions: The fuel system shall be monitored continuously for the presence of a malfunction.

(D) Malfunction notification and diagnostic trouble code storage:

(i) For fuel systems with short-term trim only capability, the diagnostic system shall store a diagnostic trouble code after the fuel system has attained the criteria limit for an engine manufacturer-defined time interval sufficient to determine a malfunction. If the malfunction criteria limit and time interval are exceeded, the audio/visual alert device shall be activated and a diagnostic trouble code stored no later than the end of the next operating cycle in which the criteria and interval are again exceeded; unless operating conditions similar to those under which the problem was originally detected (manufacturer-defined conditions) have been encountered without such an exceedance, in

which case the initial temporary code and stored conditions may be erased. Furthermore, if similar operating conditions are not encountered during forty (40) operating cycles subsequent to the initial detection of a malfunction, the initial temporary code and stored conditions may be erased.

(ii) For fuel systems with long-term fuel trim capability, upon attaining a long-term based malfunction criteria limit independent of, or in combination with, the short-term trim system status, the audio/visual alert device shall be activated and a diagnostic trouble code stored no later than the end of the next operating cycle if the malfunction is again detected. If the malfunction is not detected during the second operating cycle, the audio/visual alert device shall be activated and a diagnostic trouble code stored no later than the next operating cycle in which the malfunction is again detected; unless operating conditions similar to those under which the problem was originally detected (manufacturer-defined conditions) have been encountered without an indication of a malfunction, in which case the initial temporary code and stored conditions may be erased. Furthermore, if similar operating conditions are not encountered during forty (40) operating cycles subsequent to the initial detection of a malfunction, the initial temporary code and stored conditions may be erased.

(3) Oxygen sensor monitoring.

(A) Purpose and scope:

(i) The diagnostic system shall monitor the output voltage and response rate of all primary (fuel control) oxygen (lambda) sensors for malfunction. It shall also monitor secondary oxygen sensors when used as a monitoring device for proper output voltage and/or response rate. Response rate is the time required for the oxygen sensor to switch from lean-to-rich once it is exposed to a richer than stoichiometric exhaust gas mixture or from rich-to-lean when exposed to a leaner than stoichiometric exhaust gas mixture. As a precaution, measuring oxygen sensor switching frequency may not be an adequate indicator of oxygen sensor response rate, particularly at low speeds.

(B) Malfunction criteria:

An oxygen sensor shall be considered malfunctioning when the voltage, response rate, or other criteria, as determined by the engine manufacturer, are exceeded, or when sensor output characteristics are no longer sufficient (e.g., lack of sensor

switching) for use as a diagnostic system monitoring device (e.g., for catalyst efficiency monitoring).

(C) Monitoring conditions:

(i) The engine manufacturer shall define conditions for monitoring the oxygen sensor(s) with the constraints that the check shall:

a. be conducted at the earliest acceptable opportunity encountered after the beginning of each operating cycle; and

b. operate at least once per in-use operating cycle during which the engine manufacturer-defined monitoring conditions are met.

(ii) For primary oxygen sensors(s) used for fuel control, the response rate and output voltage shall be monitored for malfunction after the engine has commenced closed-loop operation. If the oxygen sensor(s) is used as part of the monitoring strategy for the catalyst, the oxygen sensor(s) diagnostics should be scheduled to execute before the catalyst diagnostics begin.

(4) Computer-sensed comprehensive component monitoring.

(A) Purpose and scope: The diagnostic system shall monitor for malfunction any computer-sensed electronic engine components not otherwise described in this subsection that provide input to (directly or indirectly) the on-board computer, and that: 1) can affect emissions during any reasonable in-use operating condition, or 2) are used as part of the diagnostic strategy for any other monitored system or component.

(i) The monitoring system shall have the capability of detecting, **at a minimum, lack of circuit continuity and out of range values to ensure proper operation of the input device. The determination of out of range values shall include logic evaluation of available information to determine if a component is operating within its normal range (e.g., a low throttle position sensor voltage would not be reasonable at a high engine speed with a high mass airflow sensor reading). To the extent feasible, said logic evaluation shall be “two-sided” (i.e., verify a sensor output is not inappropriately high or low).**

(ii) Computer-sensed comprehensive components may include, but are not limited to, the engine speed sensor, crank angle

sensor, knock sensor, throttle position sensor, coolant temperature sensor, cam position sensor, and other electronic components such as sensors and fuel injectors.

- (iii) **The coolant temperature sensor shall be monitored for achieving a stabilized minimum temperature level that is needed to achieve closed-loop operation within an engine manufacturer-specified time interval after starting the engine. The time interval shall be a function of starting engine coolant temperature and/or a function of intake air temperature. Engine manufacturers may suspend or delay the diagnostic if the engine is subjected to conditions which could lead to false diagnosis (e.g., engine operation at idle for more than 50 to 75 percent of the warm-up time).**

(B) Malfunction criteria:

Computer-sensed comprehensive components shall be considered malfunctioning when, **at a minimum**, lack of circuit continuity **or engine manufacturer-specified out-of-range values** occur.

(C) Monitoring conditions:

Computer-sensed components shall be monitored continuously for **proper range of values and** circuit continuity. **For rationality monitoring (where applicable), engine manufacturers shall define appropriate operating conditions that are representative of typical in-use operation and will result in the routine execution and completion of all diagnostics in-use. Rationality monitoring shall occur at least once per operating cycle during which the engine manufacturer-defined monitoring conditions are met.**

(D) Malfunction notification and diagnostic trouble code storage:

Upon detecting a malfunction, the diagnostic system shall store a diagnostic trouble code and activate the audio/visual alert device no later than the end of the next operating cycle during which monitoring occurs provided the malfunction is again detected.

(5) Misfire monitoring.

The provisions in this subsection shall be considered voluntary unless otherwise determined by the Executive Officer according to subsection (a)(2) above.

(A) Purpose and scope: The diagnostic system shall identify the occurrence of engine misfire that can result in damage to the catalyst system. Identification of the misfiring cylinder is not required, however all patterns of misfire must be identified regardless of whether it occurs in a single or multiple number of cylinders.

(B) Malfunctioning criteria: The diagnostic system shall identify a malfunction when the total number of misfires evaluated in 200 crankshaft-revolution increments for each engine speed and load condition exceeds a percentage (determined by the engine manufacturer to cause damage to the catalyst system) of the total number of firing events in each increment. These threshold percentages shall be provided in the certification documentation. Subject to Executive Officer approval, an interval longer than 200 crankshaft-revolutions may be used. The engine manufacturer shall submit in the certification documentation catalyst temperature data versus percent misfire over the full range of engine speed and load conditions. Alternatively, catalyst temperature data may be submitted for every 500 rpm increment along the Propeller Law curve beginning at engine idle and continuing throughout the "Not to Exceed Zone" for marine propulsion engines with Fixed- and Variable-pitch propellers, as defined in 40 CFR, subpart B, section 94.106, which is incorporated by reference herein. The data shall be obtained from a representative cross section (from small to large displacements) of an engine manufacturer's production. Up to three such engine evaluations shall be documented per engine manufacturer, though an engine manufacturer may submit more data, if desired. An engineering evaluation shall be provided for establishing malfunction criteria for the remainder of engine families in the engine manufacturer's product line. The Executive Officer shall waive the evaluation requirement each year if, in the judgment of the Executive Officer, technological changes do not affect the previously determined malfunction criteria.

(C) Monitoring conditions:

(i) Monitoring for misfire shall be continuous from engine starting under all steady-state positive torque engine speeds and load conditions.

(ii) As an exception to monitoring misfire during all positive torque operating conditions, engine manufacturers may disable misfire monitoring in the engine operating region bound by the positive

torque line (i.e., engine load with the transmission in neutral), and the two following engine operating points:

- a. an engine speed of 3,000 rpm with the engine load at the positive torque line; and
- b. the redline engine speed (defined in section 2441) with the engine's manifold vacuum at four inches of mercury lower than that at the positive torque line.

Misfire detection systems unable to detect all misfire patterns under all required conditions shall be evaluated for compliance by the Executive Officer based on, but not limited to, the following factors:

- c. the magnitude of the region(s) in which misfire detection is limited,
- d. the degree to which misfire detection is limited in the region(s) (i.e., the probability of detection of misfire events),
- e. the frequency with which said region(s) are expected to be encountered in-use,
- f. the type of misfire patterns for which misfire detection is troublesome, and
- g. demonstration that the monitoring technology employed is not inherently incapable of detecting misfire under required conditions (i.e., compliance can be achieved on other engines).

The evaluation shall be based on the following misfire patterns:

- h. equally spaced misfire occurring on randomly selected cylinders,
- i. single cylinder continuous misfire; and
- j. paired cylinder (cylinders firing at the same crank angle) continuous misfire.

Further, with Executive Officer approval, the engine manufacturer may disable misfire monitoring or employ higher malfunction criteria when misfire cannot be distinguished from other effects (e.g., turbulence causing the propeller to alternately emerge from then re-submerge into the water.) when using the best reasonably

available monitoring technology. The engine manufacturer shall present data and/or an engineering evaluation to the Executive Officer to justify the proposed action. Executive Officer approval shall be based on the extent to which monitoring is expected to be disabled in relation to the capabilities of the best available monitoring technologies as applied to other engines. However, any such disablement occurring within the first 5 seconds after engine starting shall not require Executive Officer approval. Additionally, for engines with greater than eight cylinders, the Executive Officer shall waive the requirements of this section provided the engine manufacturer submits data and/or an engineering evaluation which adequately demonstrates that misfire detection throughout the required operating region cannot be achieved when employing proven monitoring technology (i.e., a technology that provides for compliance with these requirements on other engines) and provided misfire is detected to the fullest extent permitted by the technology.

(D) Malfunction notification and diagnostic trouble code storage:

(i) Upon detection of the level of misfire specified in subsection (b)(5)(B) above, the following criteria shall apply for audio/visual alert device activation and diagnostic trouble code storage:

a. A temporary diagnostic trouble code shall be stored no later than after the third exceedance of the specified misfire level when operating in the region bound by modes 2 through 5 of the spark-ignition marine engine test cycle and no later than after the first exceedance of the specified misfire level when operating at any other engine speed and load condition during a single operating cycle. If the level of misfire is exceeded again (a single exceedance) during the following operating cycle, or the next operating cycle in which similar conditions are encountered (manufacturer defined conditions), the audio/visual alert device shall activate, a diagnostic trouble code shall be stored, and the audio/visual alert device shall remain continuously activated, even if the misfire ceases. The initial temporary code and stored conditions may be erased if misfire is not detected during the following operating cycle and similar conditions have been encountered without an exceedance of the specified misfire level. The code and conditions may also be erased if similar operating conditions are not encountered during forty operating cycles subsequent to the initial detection of a malfunction.

b. Notwithstanding, in engines that provide fuel shutoff and default fuel control to prevent over fueling during misfire conditions, the audio/visual alert device need not activate provided that the fuel shutoff and default control shall be activated as soon as misfire is detected. Fuel shutoff and default fuel control may be deactivated only to permit fueling outside of the misfire range.

(c) Additional audio/visual alert device activation and diagnostic trouble code storage protocol.

(1) Audio/visual alert device activation: For all emission-related components/systems, upon final determination of a malfunction, the OBD-M system shall activate an audio or visual alert device.

(A) Visual alert devices shall remain activated continuously whenever a malfunction has been identified by the OBD-M system, and may be deactivated only according to the provisions in paragraph (2) below, or with a scan tool after appropriate repairs have been effected.

(B) Audio alert devices may remain activated continuously when a malfunction has been identified by the OBD-M system; however, the Executive Officer shall consider alternative strategies in which the audio alert is activated on a discontinuous, but repetitive, basis. To be acceptable, discontinuous audio alert strategies must convey a sense of urgency to vessel operators regarding the presence of OBD-M malfunctions.

Upon fulfillment of the standardization processes referred to in subsection (g) below, a protocol for audio alert device activation shall be specified authorizing only discontinuous activation. A standardized notification format is necessary to facilitate consumer association of the audio alert pattern with the identification of an OBD-M malfunction independent of manufacturer or platform. OBD-M system designers are encouraged to cooperate fully with each other and the ARB early on in this endeavor to minimize the redesigning of OBD-M audio alert activation algorithms once a standardized protocol has been finalized.

(C) The diagnostic system shall store a diagnostic trouble code whenever the audio/visual alert device is activated. The diagnostic system shall activate the audio/visual alert device and shall store a diagnostic trouble code whenever the engine enters a default or "limp home" mode of operation. The diagnostic system shall activate the audio/visual alert device and shall store a diagnostic

trouble code whenever the engine control system fails to enter closed-loop operation (if employed) within an engine manufacturer specified minimum time interval.

(2) Audio/visual alert device deactivation:

(A) **Misfire and Fuel System Malfunctions:** For **misfire or** fuel system malfunctions, the audio/visual alert device may be deactivated if the fault does not recur when monitored during three subsequent sequential operating cycles in which conditions are similar to those under which the malfunction was first determined.

(3) Erasing a diagnostic trouble code: The diagnostic system may erase a diagnostic trouble code if the same fault is not re-registered in at least forty (40) engine warm-up cycles, and the audio/visual alert device is not activated for that diagnostic trouble code.

(e) Certification documentation: The engine manufacturer shall submit the following documentation for each engine family at the time of certification. With Executive Officer approval, one or more of the documentation requirements specified in this section may be waived or altered if the information required would be redundant or unnecessarily burdensome to generate:

(G) criteria for activating the audio/visual alert device

(5) Any other information determined by the Executive Officer to be necessary to demonstrate compliance with the requirements of this section.

(f) Confirmatory testing: The ARB may perform confirmatory testing of engine manufacturers' diagnostic systems for compliance with requirements of this section in accordance with malfunction criteria submitted in the engine manufacturer's approved certification documentation. The ARB or its designee may install appropriately deteriorated or malfunctioning components in an otherwise properly functioning test engine (or simulate a deteriorated or malfunctioning component response) in order to test the fuel system, oxygen sensor, catalyst system, and misfire (if applicable) monitors for compliance with the applicable constraints in this section. Diagnostic systems of a representative sample of engines that uniformly fail to meet the requirements of this section may be recalled for correction.

(g) Standardization: The spark-ignition inboard and sterndrive marine industry, in cooperation with ARB, will develop and adhere to standardized specifications for the implementation of OBD-M, including diagnostics trouble code formats, communication, and scan tool protocols.

(h) Implementation schedule.

- (3) (A)(i) The specified fines shall apply to the third and subsequently identified deficiencies, with the exception that fines shall apply to all monitoring system deficiencies wherein a required monitoring strategy is completely absent from the OBD-M system; and

(B) For the third deficiency and every deficiency thereafter identified in an engine model, the fines shall be in the amount of \$25 per deficiency per engine for non-compliance with any of the monitoring requirements specified in this section. Total fines per engine under this section shall not exceed \$250 per engine and shall be payable to the State Treasurer for deposit in the Air Pollution Control Fund.

§ 2446. 2001 and Later Model Year Production-Line Test Procedures and Selective Enforcement Auditing Regulations for Spark-Ignition Marine Engines.

(a) Applicability. This section applies to 2001 and later spark-ignition personal watercraft and outboard marine engines. The allowable methods of production-line testing are specified in subsections (b) and (c), unless the engine manufacturer can satisfactorily provide an alternate method that shows an equivalent assurance of compliance to that of subsection (b). The engine manufacturer must choose only one method for each model year and submit its method of production-line testing to the Executive Officer for approval no later than 90 days prior to the start of the subject model year production. The 2003 and later spark-ignition inboard and sterndrive marine engines are only subject to the selective enforcement audit requirements specified within subsections (d) and (e) of this section.

(d) Test Procedures Applicable to All Production-Line and Selective Enforcement Audit Testing.

(3) Engine Preparation and Preconditioning.

(A) No emissions tests may be performed on an engine before the first production-line test or selective enforcement audit test on that engine.

(B) The engine or watercraft must be tested after the engine manufacturer's recommended break-in period. The engine manufacturer must submit to the Executive Officer the schedule for engine break-in and any changes to the schedule with each

quarterly report. This schedule must be adhered to for all production-line testing, or as required by the Executive Officer for selective enforcement audit testing, within an engine family and subgroup or engine family and assembly plant as appropriate.

(C) If an engine or watercraft is shipped to a remote facility for production-line or selective enforcement audit testing, and adjustment or repair is necessary because of such shipment, the engine manufacturer must perform the necessary adjustments or repairs only after the initial test of the engine or watercraft. Engine manufacturers must report to the Executive Officer in the quarterly report for all production-line testing, or as required by the Executive Officer for selective enforcement audit testing, all adjustments or repairs performed on engines or watercraft prior to each test. In the event a retest is performed, a request may be made to the Executive Officer, within ten days of the production quarter, for permission to substitute the after-repair test results for the original test results. The Executive Officer will either affirm or deny the request by the engine manufacturer within ten working days from receipt of the request.

(D) If an engine manufacturer determines that the emission test results of an engine or watercraft are invalid, the engine or equipment must be retested. Emission results from all tests must be reported. The engine manufacturer must include a detailed report on the reasons for each invalidated test in the quarterly report for all production-line testing, or as required by the Executive Officer for selective enforcement audit testing.

- (5) (A) The Executive Order is automatically suspended with respect to any engine failing pursuant to paragraph (b)(3)(D) or (c)(2)(A)(iv) or whose test results for a regulated pollutant exceed the emission standards effective from the time that testing of that engine is completed.
- (e)(5) (B) A failed engine is one whose final test results for HC+NO_x pursuant to paragraph (b)(3)(D) or (c)(2)(iv), as applicable, exceed the applicable family emission level or whose test results for a regulated pollutant exceed the emission standards.

Part I. Emission Regulations for 2001 and Later New Spark-Ignition Marine Engines, General Provisions.

1. General Applicability.

- (3) Spark-ignition inboard and sterndrive marine engines produced by the engine manufacturer to be used solely for competition are exempt from the requirements of this document, provided that the marine watercraft in which the engine is installed is designed, built, and used solely for competition. Marine watercraft used for amateur or occasional competition do not meet the competition exemption criteria.

9. Exhaust Emission Standards for 2001 and Later Spark-Ignition Marine Engines.

(b) Exhaust emissions from new model year 2003 and later spark-ignition inboard and sterndrive marine engines must not exceed the exhaust emission standards listed in Table 2 for the designated emission durability test period.

Table 2.

Inboard and Sterndrive Exhaust Emission Standards (by Implementation Date)		
Model Year	HC+NO_x (grams per kilowatt-hour)	Durability Test Period (hours)
2003-2008 ¹	16.0 ²	—
2007 and Later ³	5.0	480

- Engines with a maximum rated power exceeding 373 kilowatts (500 horsepower) are not required to comply with these standards.
- Compliance with the HC+NO_x standard may be averaged on a sales-weighted basis, across the engine manufacturers' California production, based on projected California sales or the projected California percentage of national sales.
- For model year 2007, engine manufacturers shall certify a minimum of 45% of their California production (projected California sales or projected California percentage of national sales) to the standard. For model year 2008, engine manufacturers shall certify a minimum of 75% of their California production (projected California sales or projected California percentage of national sales) to the standard.