



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 21 2012

Jed Mandel, President  
Truck and Engine Manufacturers Association  
333 West Wacker Drive  
Suite 810  
Chicago, IL 60606

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Dear Sir:

This letter is in response to concerns raised by the manufacturers of nonroad spark-ignition engines rated at 25 horsepower or greater (LSI engines) regarding the lack of availability of fuel lines meeting the Category 1 permeation limits in the 2004 version of Society of Automotive Engineers (SAE) Publication J2260 (SAE J2260: 2004) for use in equipment powered by LSI engines. For the reasons set forth below, the United States Environmental Protection Agency (EPA) will exercise its discretion not to pursue enforcement under 40 C.F.R. § 1068.101(a) where a manufacturer uses fuel lines meeting the 1996 version of SAE Publication J2260 (SAE J2260: 1996) and meets the conditions specified below. This No Action Assurance is effective immediately and will continue until the date the rule change described below becomes effective, or until November 30, 2013, whichever is earlier.

The EPA adopted evaporative emission requirements for LSI engines on November 8, 2002. 67 Fed. Reg. 68242. These requirements, codified in 40 C.F.R. Part 1048, required LSI engine manufacturers to meet certain evaporative emission requirements by using or specifying the use (to equipment manufacturers installing LSI engines) of fuel lines meeting the Category 1 limits for permeation in SAE J2260: 1996. The regulations were updated on December 8, 2008, to require fuel lines meeting the Category 1 limits for permeation contained in SAE J2260: 2004 instead of SAE J2260: 1996. When writing the original regulations in 2002, EPA believed that adopting the Category 1 standard in SAE J2260: 1996 would allow the use of fuel lines already in common use in the automotive industry (designed to meet stricter automotive evaporative emission requirements), and that LSI engine manufacturers could find “off-the-shelf” automotive-grade products for the LSI engines and equipment containing LSI engines. The adoption of the Category 1 standard in SAE J2260: 1996 had the added advantage of aligning EPA requirements with those of the State of California. In 2008, EPA revised this requirement by changing the regulation to reference SAE J2260: 2004, as part of a broader effort to update all provisions that were incorporated by reference into the regulations. As noted in the proposed rule, while EPA knew that SAE J2260: 2004 uses different test procedures, EPA believed that the stringency of the evaporative emission requirements would not change. EPA’s overall expectation was that fuel lines meeting SAE J2260: 1996 would also meet SAE J2260: 2004. Further, EPA never



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intended to require LSI manufacturers to meet a different standard for equipment sold in states outside of California than they are required to meet in California.

Since that time, several LSI engine manufacturers and equipment manufacturers have demonstrated to EPA's satisfaction that fuel lines meeting the SAE J2260: 2004 are not readily available to LSI engine manufacturers or equipment manufacturers. This lack of availability is related to a lack of testing data rather than data indicating that fuel lines meeting the SAE J2260: 1996 will not meet the permeation limits contained in SAE J2260: 2004. Certain companies have indicated that equipment manufacturers may soon be idling assembly lines due to lack of supply of fuel lines that have been verified to comply with SAE J2260: 2004.

The EPA intends to address the lack of availability of LSI fuel lines meeting the required specification in a future rulemaking. Once adopted, a new provision will allow the use of LSI fuel lines meeting the requirements of either SAE J2260: 1996 or SAE J2260: 2004. The EPA believes this allowance will provide the intended level of emissions control while, at the same time, allowing manufacturers to produce compliant equipment meeting a common EPA and California LSI fuel line standard.

Pending the completion of this rule change and effective immediately, the EPA will exercise its enforcement discretion (through this No Action Assurance) not to pursue enforcement action for failure to meet the evaporative emission requirements related to fuel lines installed on LSI engines where LSI engine or equipment manufacturers meet the following conditions:

1. Install fuel lines meeting SAE J2260: 1996; and
2. Comply with all State, local, or Federal laws pertaining to these engines and equipment.

This No Action Assurance is to remain in effect until the earlier of (1) 11:59 PM EST, November 30, 2013, or (2) the effective date of a final rule allowing the use of fuel line meeting SAE J2260: 1996 on equipment containing LSI engines. The issuance of this No Action Assurance is in the public interest. I believe that this action will not result in increased emissions. The EPA reserves the right to revoke or modify this No Action Assurance at any time.

If you have any questions regarding this matter, you may call Anne Wick, Vehicle and Engines Team Leader, at (202) 564-2063.

Sincerely,

  
FOR  
Cynthia Giles