

# Regulatory Announcement

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## Supplemental Notice of Proposed Rulemaking for Component Durability Test Procedures

*The U.S. Environmental Protection Agency (EPA) is issuing a Supplemental Notice of Proposed Rulemaking (SNPRM) to request comment on options for addressing component durability during the vehicle emissions certification process.*

### **Summary of the Supplemental Notice**

This rule is related to an April 2, 2004, Notice of Proposed Rulemaking (NPRM) concerning procedures that manufacturers of light-duty vehicles, light-duty trucks and heavy-duty vehicles use to demonstrate, for purposes of emission certification, that new motor vehicles will comply with EPA emissions standards throughout their useful life period. The demonstration of light-duty vehicle emission durability for purposes of certification consists of two elements: (1) emission deterioration and (2) component durability. The April 2004 NPRM proposed emissions certification durability procedures to be used by manufacturers to demonstrate the expected rate of deterioration of the emission levels of their vehicles. The proposal did not make any changes to component durability procedures. It carried over the component durability requirements from “CAP 2000” (Compliance Assurance Program). EPA received several comments on the NPRM pertaining to component durability, and as a result of the complex nature of the comments, we determined that the issue of component durability warranted further consideration and discussion.

## Key Elements of the Proposed Rule

This SNPRM will request comment on three different options that manufacturers can use to demonstrate component durability.

- Option 1 - Retain the current EPA process of allowing manufacturers to use good engineering judgement, such as computer modeling, test data, or other established methods to demonstrate component durability.
- Option 2 - Allow manufacturers to continue using the current EPA process, but would also require the manufacturers to submit whole vehicle testing data for a worst-case vehicle configuration.
- Option 3 - This option is similar to Option 2 in that it would allow manufacturers to continue using the current EPA process, and would also require the manufacturers to submit whole vehicle testing data for a worst-case vehicle configuration when a new type of component or new technology is being introduced.

## Background

The April 2, 2004, NPRM was the result of legal action by Afton Chemical Corporation (formerly known as Ethyl Corporation). Afton petitioned for review of the CAP 2000 rulemaking, claiming that CAP 2000 durability provisions were unlawful since EPA had not established methods and procedures for making tests by regulation as required by Section 206. In an opinion issued on October 22, 2002, the Court

found that CAP 2000 regulations were not consistent with Section 206(d) of the Clean Air Act, because they did not “establish methods and procedures for making tests.” The Court remanded EPA to revise its CAP 2000 regulations to establish more prescribed test procedures. EPA intends to proceed with finalization of the emission deterioration procedures discussed in the NPRM, and is issuing this supplemental notice to address the comments received during the rulemaking process.

## Public Participation Opportunities

We welcome your comments on this proposed rule. For instructions on submitting written comments, please see the *Federal Register* notice, which is available from the Web site below or from the EPA Air Docket (202-566-1742; please refer to Docket No. OAR-2002-0079). You can access the proposed rule and related documents on EPA’s Office of Transportation and Air Quality (OTAQ) Web site at:

[www.epa.gov/otaq/ld-hwy.htm#cap2K](http://www.epa.gov/otaq/ld-hwy.htm#cap2K)

## For More Information

For additional information on this final rulemaking, please contact Linc Wehrly at:

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