

Non-OEM Component Certification Program for Locomotives — 40 CFR 1033.645

What components may be certified under the provisions of 40 CFR 1033.645?

Components commonly replaced during remanufacturing may be certified under the provisions of 40 CFR 1033.645. Certification is not available for components that are replaced during a locomotive's useful life but not typically replaced during remanufacturing. However, once certified, components may be used for remanufacturing or other maintenance. Eligible components include: Cylinder liners, pistons, piston rings, heads, fuel injectors, turbochargers, aftercoolers and intercoolers. EPA may approve other components to be certified, subject to good engineering judgement. [40 CFR 1033.645 (a)]

What liability is held by locomotive and component certificate holders?

By applying for a certificate of conformity for a locomotive, you are accepting responsibility for the in-use emission performance of all properly maintained and used locomotives covered by your certificate. This responsibility applies without regard to whether you physically manufacture or remanufacture the entire locomotive [40 CFR 1033.201 (h)]. If a certified locomotive using one or more of a certificate holder's components does not comply with an applicable emission standard, we will presume that all certificate holders for that locomotive are liable for the noncompliance. However, we will only hold liable the certificate holders whose components are determined to be responsible for the noncompliance, where other certificate holders convince us that their components did not cause the noncompliance. Certificate holders are also subject to warranty and defect reporting requirements. [40 CFR 1033.645 (c)]

As a component certificate holder, must I meet in-use testing requirements?

You must test at least one locomotive if 250 locomotives use your component certified under this section. You must test one additional locomotive for the next 500

locomotives that use that certified component. We may require in use testing of one locomotive for each additional 1000 locomotives beyond that. These numbers apply across model years, and do not count locomotives that use your components that are not certified. The first locomotive tested must have operated between 25 and 50 percent of its useful life in terms of MW-hours, and all others must have operated beyond the half-way point of their useful lives. You must complete testing and report the results within 180 days of the earliest point at which you could complete testing based on the operation accumulated by the locomotives, and must test the locomotive according to procedures specified in EPA's rules, unless we approve otherwise. If any locomotives fail to meet all standards, we may require you to test one additional locomotive for each one that fails. You may ask us to rely on testing performed by others instead of requiring you to perform testing, and in unusual circumstances you may ask us to grant you hardship relief from the testing requirements. In determining whether to grant you hardship relief, we will consider all relevant factors including the extent of the financial hardship to your company and whether the test data are available from other sources, such as testing performed by a railroad. [40 CFR 1033.645 (d)]

May I use uncertified, non OEM components for maintenance?

Yes. The provisions of 40 CFR 1033.815 do not require use of certified components in maintenance. However, section 1033.815(c) requires that you use good engineering judgment and perform all maintenance and repair such that you have a reasonable technical basis for believing the locomotive will continue to meet the applicable emission standards and FELs to which it was certified.

If I remanufacture a locomotive using a certified kit, may I use components supplied by an entity other than the provider of the certified kit?

Yes. For basic mechanical parts including oil coolers, intake and exhaust valves; intake and exhaust valve retainers, springs and rotators, the kit provider may include design specifications addressing dimensions and material constraints as necessary, as well as part numbers as long as it is made clear that alternate part suppliers may be used. Assembly instructions may not include specifications for parts unrelated to emissions and may not specify a part manufacturer unless EPA determines that such specification is necessary. [40 CFR 1033.130 (e)] Additionally, you may use appropriate components certified under the provisions of 40 CFR 1033.645.