
40 C.F.R. § 1036.125

Maintenance instructions and allowable maintenance.

Maintenance includes any inspection, adjustment, cleaning, repair, or replacement of components and is classified as either emission-related or not emission-related and each of these can be classified as either scheduled or unscheduled. Further, some emission-related maintenance is also classified as critical emission-related maintenance. Give the ultimate purchaser of each new engine written instructions for maintaining and using the engine. As described in paragraph (h) of this section, these instructions must identify how owners properly maintain and use engines to clarify responsibilities for regulatory requirements such as emission-related warranty and defect reporting.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of components listed in paragraph (a)(2) of this section. Critical emission-related maintenance may also include other maintenance that you determine is critical, including maintenance on other emission-related components as described in 40 CFR part 1068, appendix A, if we approve it in advance. You may perform scheduled critical emission-related maintenance during service accumulation on your emission-data engines at the intervals you specify.

(1) *Maintenance demonstration.* You must demonstrate that the maintenance is reasonably likely to be done at your recommended intervals on in-use engines. We will accept DEF replenishment as reasonably likely to occur if your engine meets the specifications in § 1036.111. We will accept other scheduled maintenance as reasonably likely to occur if you satisfy any of the following conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the engine's performance.

(ii) You design and produce your engines with a system we approve that displays a visible signal to alert drivers that maintenance is due, either as a result of component failure or the appropriate degree of engine or vehicle operation. The signal must clearly display “maintenance needed”, “check engine”, or a similar message that we approve. The signal must be continuous while the engine is operating and not be easily eliminated without performing the specified maintenance. Your maintenance instructions must specify resetting the signal after completing the specified maintenance. We must approve the method for resetting the signal. You may not design the system to be less effective at the end of the useful life. If others install your engine in their vehicle, you may rely on installation instructions to ensure proper mounting and operation of the display. Disabling or improperly resetting the system for displaying these maintenance-related signals without performing the indicated maintenance violates the tampering prohibition in 42 U.S.C. 7522(a)(3).

(iii) You present survey data showing that at least 80 percent of engines in the field get the maintenance you specify at the recommended intervals.

(iv) You provide the maintenance free of charge and clearly say so in your maintenance instructions.

(v) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

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