



Environment  
Canada

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Canada

Canada

# EMA Certification Workshop

## *Environment Canada Topics*

Transportation Division/ETD/ESB  
May 4, 2010



# Presentation Outline

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- 1. Transportation Division, Environment Canada**
- 2. Certification Submissions (i.e. Evidence of Conformity)**
- 3. Nonroad CI T3→T4 Transition**
- 4. Confirmatory Testing**
- 5. Defect Reporting Requirements**



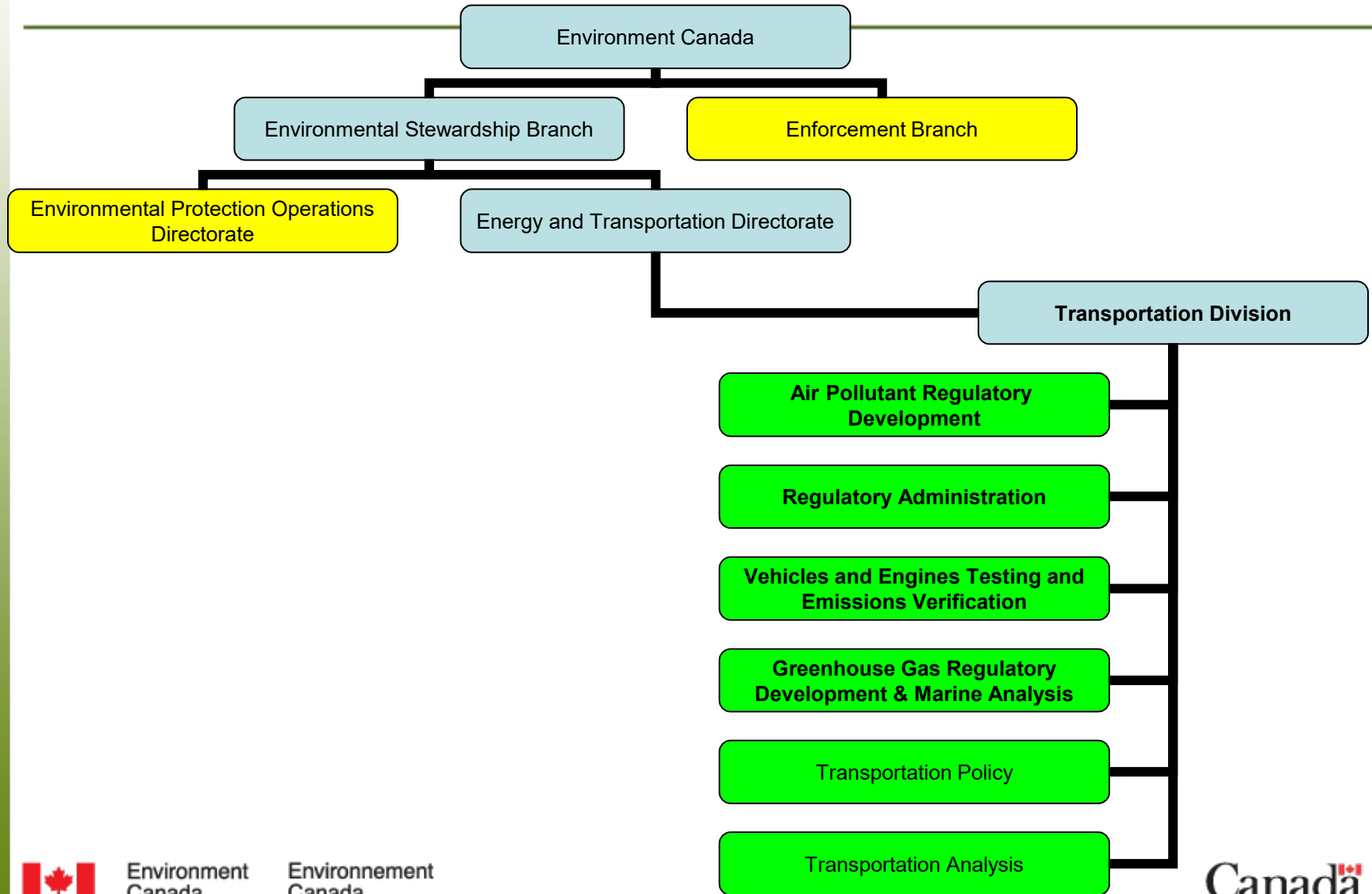
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# **Transportation Division Environment Canada**



# Organization Chart - Transportation Division



# Transportation Division – Vehicle and Engine Regulations

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<ul style="list-style-type: none"> <li>•Development of new regulations and amendments to existing regulations</li> <li>•Compliance promotion during the development of regulations</li> <li>•Development of global technical regulations through WP.29</li> </ul>	<ul style="list-style-type: none"> <li>•Administration of legislative &amp; regulatory requirements:                             <ul style="list-style-type: none"> <li>➤authorizations to use the national emissions mark;</li> <li>➤importation declarations (including temporary importation);</li> <li>➤notices of defect; and</li> <li>➤end of model year reports.</li> </ul> </li> <li>•Compliance promotion / technical queries after final regulations are published</li> <li>•Public Complaints</li> </ul>	<ul style="list-style-type: none"> <li>•Evidence of conformity</li> <li>•Develop testing strategies</li> <li>•Acquisition and preparation of vehicles and engines for, and coordination of, testing</li> <li>•Analysis of test results and engineering assessments of regulatory conformance</li> <li>•Referrals to/from Enforcement</li> <li>•Support of engineering investigations</li> <li>•Monitoring, data acquisition and analysis of vehicle and engine emissions</li> <li>•Management of Vehicle Handling Facility</li> <li>•Coordination of testing with other jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>•Development of new regulations and amendments to existing regulations to limit GHG emissions from vehicles and engines</li> <li>•Compliance promotion during the development of regulations</li> <li>•Provide technical advice on marine/ship CAC and GHG emissions and other environmental issues pertaining to the marine sector.</li> </ul>



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# **Certification Submissions (i.e. Evidence of Conformity)**



# Evidence of Conformity

## Whom do the Regulations apply to?

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- Regulations apply to all persons and companies in the business of manufacturing, distributing or importing prescribed classes of vehicles and engines for sale and to persons who import such vehicles/engines for their own use.
  - The term “manufacture” includes any process of assembling or altering any vehicle or engine before its sale to the first retail purchaser.
- Submission of evidence of conformity must be presented by the importer. While EMA member companies may not directly be “regulatees” under the Canadian Regulations, there are many instances where direct dialogue/interaction could prove mutually beneficial.
  - Submission of evidence of conformity (i.e. certification submissions)
  - Reporting notices of defect



# Evidence of Conformity

## What is “Evidence of Conformity”?

- **Section 153(1) of the Canadian Environmental Protection Act, 1999 (CEPA 1999) states:**  
***“No company shall apply a national emissions mark to any vehicle, engine or equipment, sell any vehicle, engine or equipment to which a national emissions mark has been applied or import any vehicle, engine or equipment unless***
  - a) the vehicle, engine or equipment conforms to the standards prescribed for vehicles, engines or equipment of its class at the time its main assembly or manufacture was completed;***
  - b) evidence of such conformity has been obtained and produced in the prescribed form and manner or, if the regulations so provide, in a form and manner satisfactory to the Minister;***
  - c) ...”***



# Evidence of Conformity

## Two Approaches

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- Regulations have been designed to facilitate situations where vehicle/engine is covered by a U.S. EPA certificate of conformity
- Two different paths a company can choose to demonstrate conformity to the Regulations:
  1. *If covered by an EPA certificate and sold concurrently; or*
  2. *In a form and manner satisfactory to the Minister in all other cases.*



# Evidence of Conformity

## Case 1: Covered by an EPA certificate & sold concurrently

*Four elements comprise “evidence of conformity”:*

- a) A copy of the EPA certificate covering the engine;
- b) A document demonstrating that the engines covered on the EPA certificate are sold concurrently in Canada and the United States;
- c) A copy of the records submitted to the EPA for the issuance of the EPA certificate; and
- d) A U.S. emission control information label

This information needs to be submitted upon written request, within:

- 40 days after the request is delivered to the company; or
- 60 days after the request is delivered to the company if the evidence of conformity must be translated from a language other than French or English.



# Evidence of Conformity

## Case 2: All other situations

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All other cases (i.e. “Canada–unique”)

- Product is not covered by an EPA certificate of conformity and / or is not sold concurrently in the U.S.
- Some examples:
  - New product entry / product is not sold in the U.S.
  - Product line dropped in U.S. but carried over for Canada
- General approach is to enable companies to demonstrate compliance using procedures and technical evidence consistent with those to obtain a U.S. EPA certificate of conformity



# Evidence of Conformity

## Case 2: Submissions of Evidence of Conformity

- **Some General Guidelines regarding documents that need to be provided for evidence of conformity:**
- **Type 1 : Specifically listed on an EPA certificate and sold in Canada but not in the United States**
  - A copy of the valid EPA certificate on which the make and model is specifically listed
  - A statement of compliance letter
- **Type 2 : Deemed covered by an EPA certificate and sold in Canada but not in the United States**
  - A copy of the valid EPA certificate
  - A statement of compliance letter including a statement that the “Canadian” engine has no features that could cause it to have higher levels of emissions than the engine tested for the issuance of the EPA certificate
  - A table comparing the technical information used by the EPA to classify an engine into engine families between the model listed on the EPA certificate and the “Canadian” model.
- **Type 3 : Neither specifically listed nor deemed covered by an EPA**
  - Since the Regulations are aligned with those of the United States, a “Type 3” evidence of conformity submission should be the equivalent to what must be submitted to the EPA to obtain a certificate
    - Technical information;
    - Emissions control information label;
    - Statement of compliance letter.



# Evidence of Conformity

## Case 2: Submissions of Evidence of Conformity

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- Evidence of Conformity must be submitted before importation or before it leaves the possession/control of the importer.
- Submit the evidence of conformity for Case 2 submissions to:
  - **Electronic versions**
    - The electronic documentation must be in PDF or Microsoft Office format. It should be sent to [Emission-Verification@ec.gc.ca](mailto:Emission-Verification@ec.gc.ca) with a case specific subject line:

“Canada-unique submission - Name of Company – ECA # (once assigned)”
  - **Paper copies sent to:**

Director  
Transportation Division  
Energy and Transportation Directorate  
Environment Canada  
351 St. Joseph Blvd.  
Gatineau, QC K1A 0H3



# Evidence of Conformity

## Case 2: Timelines to Review Evidence of Conformity

Type		Environment Canada's target acknowledgement turnaround time when COMPLETE information is provided
<b>Case 2</b>	<b>Type 1– Specifically listed on an EPA certificate</b>	<ul style="list-style-type: none"> <li>➤ Form and manner are satisfactory to the Minister: 15 calendar days after date of reception</li> </ul>
	<b>Type 2 – Deemed covered by an EPA certificate</b>	<ul style="list-style-type: none"> <li>➤ Form and manner are satisfactory to the Minister: 20 calendar days after date of reception</li> </ul>
	<b>Type 3 – Neither specifically covered nor deemed covered by an EPA certificate</b>	<ul style="list-style-type: none"> <li>➤ Information receipt: 15 calendar days after date of reception</li> <li>➤ Form and manner are satisfactory to the Minister: 60 calendar days after date of reception</li> </ul>

N.B. For engines classified as types 1 and 2, Environment Canada may request, at the time of submission or thereafter, a copy of the records submitted to the EPA for the issuance of the EPA certificate (same as a Case 1 engine)



# Evidence of Conformity

## Path Forward

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- Plan to develop a Guidance Document “Submission Requirements For Evidence Of Conformity For Off-Road Compression-Ignition Engines”
- Contact:

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Transportation Division

Environment Canada

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For inquiries: [Emission-Verification@ec.gc.ca](mailto:Emission-Verification@ec.gc.ca)



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## **Off-road CI T3→T4 Transition**





# Off-road CI T3→T4 Transition

## Off-road Compression Ignition Engine Emission Regulations

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- There are two possible scenarios for importing engines into Canada during Tier 3 → 4 transition until such time that Canadian regulatory amendments come into force:
- In the case of an engine covered by an EPA certificate of conformity (i.e. Tier 4) and sold concurrently in the U.S., would be required to comply with the emission requirements referred to in the EPA certificate.
  - i.e. treat as per the standards on certificate of conformity
- Present evidence of conformity to demonstrate compliance to Canadian standards



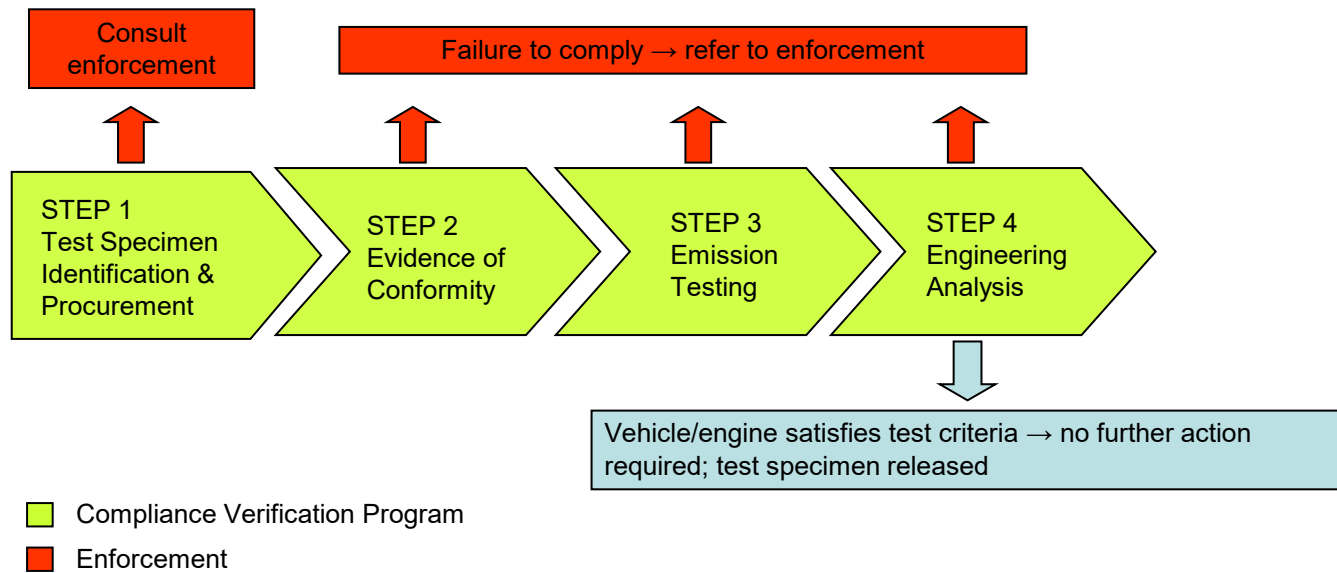
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# Emissions Verification Program



# Emissions Verification Program



- Vehicles and engines are targeted, selected and purchased by TD, in consultation with Enforcement and other sources (TC, EPA, etc.)
- TD formally requests evidence of conformity (EoC) in writing and reviews the information to verify compliance. If a regulatee is unable to provide EoC within the prescribed time frame, the file is referred to Enforcement. If EoC is satisfactory, TD will proceed with emission testing.
- Test results are analyzed to determine compliance. If emission tests are satisfactory, no further action is required. If emission tests are unsatisfactory, the file is referred to Enforcement.

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# **Defect Reporting Requirements**



# Defect Reporting Requirements

## The Legislation

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- **Section 157(1) of CEPA states that a company shall “*on becoming aware of a defect in the design, construction or functioning of a vehicle [or] engine [ ] that affects or is likely to affect its compliance with a prescribed standard, cause notice of defect to be given*” to the Minister as well as to each current owner**
- **Section 149 of CEPA defines “standard” as a standard that governs the design, construction, functioning or marking of vehicles, engines or equipment for the purpose of controlling or monitoring their emissions.**



# Defect Reporting Requirements

## Overview of Reporting Steps

	<i>Applicable Regulations</i>		
<b>Notice of Defect Reporting Steps</b>	<i>On-road Vehicle and Engine Emission Regulations</i>	<i>Off-Road Compression-Ignition Engine Emission Regulations</i>	<i>Off-road Small Spark-Ignition Engine Emission Regulations</i>
<b>Step 1: Notice of Defect</b> “upon becoming aware”	Notice of defect containing the information described in subsection 45(1).	Notice of defect containing the information described in subsection 25(1).	Notice of defect containing the information described in subsection 26(1).
<b>Step 2: Initial Report</b> Within 60 days after a notice of defect has been given	An initial report containing the information described in subsection 45(2) of the Regulations.	An initial report containing the information described in subsection 25(2) of the Regulations.	An initial report containing the information described in subsection 26(2) of the Regulations.
<b>Step 3: Follow-up Reports</b>	Submit <b>quarterly</b> reports containing the information specified in subsection 45(3) of the Regulations within 45 days after the end of each quarter for a period of two years.	Submit <b>quarterly</b> reports containing the information specified in subsection 25(3) of the Regulations within 45 days after the end of each quarter for a period of two years.	Provide <b>a report</b> not later than 24 months after giving notice of defect containing the information specified in subsection 26(3) of the Regulations.



# Defect Reporting Requirements

## Overview of Content for Reports

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- **The notice must contain:**
  - Company information;
  - Vehicle/engine/machine information, including estimate of percentage of affected product;
  - Defect description and pollution risk; and
  - A statement of the measures to be taken to correct the defect; and
  - Means available to contact current owners (off-road CI & SSI)
- **Within 60 days after giving a notice, an initial report must be sent to the Minister containing:**
  - Notice of defect information;
  - The total number of vehicles/engines that have been issued a notice of defect;
  - A chronology of all events that led the defect determination; and
  - A copy of all notices and bulletins issued regarding the defect.
- **Quarterly reports must be sent to the Minister within 45 days of the close of each calendar quarter for a period of 2 years after giving a notice. The reports must contain:**
  - Number, title or other identification assigned by the company;
  - The number of vehicles/engines that have been issued a notice of defect;
  - The date that notices were given to current owners; and
  - The total number or percentage of vehicles/engines inspected/repaired.



# Defect Reporting Requirements

## Some Tips

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- **The notice should, whenever possible, be sent so as to be received by the Minister prior to initiation of the customer notification or a media campaign.**
- **There are no prescribed forms.**
  - **We will accept EPA forms provided data applicable to Canada provided (e.g. quantity, date of notice etc. )**
- **If the Minister is satisfied that the current owners cannot reasonably be determined by a company, the Minister may order the company to give notice of the defect by publishing the contents.**
- **A company is not required to cause notice of defect to be given if a relevant notice has already been given in Canada by another person for the same defect.**





# Defect Reporting Requirements

## Contact Information

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### **Pierre Trudeau**

**Head**

**Regulatory Administration**

**Transportation Division**

**Environment Canada**

**E-mail: [pierre.trudeau@ec.gc.ca](mailto:pierre.trudeau@ec.gc.ca)**

**Tel.: (819)-956-5986**

**Fax: (819)-953-7815**

**Electronic submissions:**

**[VehicleandEngineInfo@ec.gc.ca](mailto:VehicleandEngineInfo@ec.gc.ca)**





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**THANK YOU**

**Questions?**

