

ECCC'S VEHICLES & ENGINES COMPLIANCE STRATEGY AND KEY COMPLIANCE ACCOMPLISHMENTS

Transportation Division

Environment and Climate Change Canada

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Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Canada

Outline



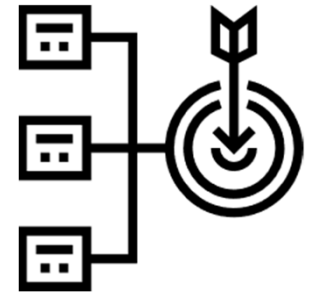
- Regulatory Requirements & Obligations
- Evidence of Conformity
- Compliance Verification
- Examples of Compliance Issues
- Notice of Defect
- Enforcement
- Key Accomplishments 2018-2019

CEPA & Applicable Regulations



- Canadian Environmental Protection Act, 1999 (CEPA)
 - *“An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development”*
- The Act includes authority to regulate:
 - Emissions from on-road vehicles & engines
 - Emissions from off-road vehicles (incl. vessels) & engines
 - Emissions from marine spark-ignition engines

Application of Emissions Regulations



- Regulations apply to all persons and companies in the business of manufacturing, distributing or importing prescribed classes of vehicles, engines or vessels for sale and to persons who import such vehicles, engines or vessels for their own use
- Standards are performance-based (i.e. technology neutral) to provide manufacturers the flexibility of design and innovation
- Compliance with applicable emission regulations is a condition of a vehicle/engine's importation into Canada

Alignment of ECCC's Regulations with EPA



- General approach has been to align with U.S. federal standards
- Products eligible for sale in the U.S. are generally eligible for sale in Canada
- Includes provisions for vehicles or engines not EPA-certified and/or concurrently sold in the U.S and Canada (“Canada-Unique”)

Overview of Regulatory Requirements



	Canadian Engine Manufacturer or Distributor of Canadian Engines	Importers of Engines (or machines) for the purpose of sale
National Emissions Mark	✓	Optional
Submit Import Declaration	N/A	✓
Provide End of model year Report	✓	✓
Provide Maintenance Instructions	✓	✓
Cause Notice of Defect to be given	✓	✓
Provide Evidence of Conformity (EoC) upon Request	✓	✓

Manufacturer Obligations



- Self-Certification: Demonstrate Compliance Through Certification Testing
 - Manufacturer of a regulated product is required to test in accordance with established test protocols in order to demonstrate and certify that its product meets the performance requirements under the applicable Regulations
- National Emissions Mark Authorization and supporting documents
 - Only required on vehicles or engines manufactured in Canada for sale in Canada – optional on imported products
 - A company authorized to apply the mark is issued an unique authorization number



Importer Obligations



- Must ensure imported product is certified compliant
 - Vehicles or engines covered by an EPA Certificate of Conformity and concurrently sold in the U.S. and Canada:
 - Must have access to and be able to provide Evidence of Conformity when requested
 - Vehicles or engines not concurrently sold in the U.S. and Canada (“Canada-Unique”)
 - Must submit Evidence of Conformity prior to importation
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Importer Obligations (cont'd)



- Reporting
- Provide Evidence of Conformity, as requested
- Maintain records
- Issue Notice of Defects, when required (templates available)
- Provide Maintenance Instructions, in English & French

Compliance Verification



ECCE's compliance verification program includes:

- Authorizing and monitoring use of the National Emissions Mark
 - Monitoring data submissions for compliance
 - Overall emission-performance of Canadian fleets
 - Reviewing and registering Notices of Defect
 - Reviewing Evidence of Conformity
 - Inspecting and testing sample vehicles and engines that are representative of products offered for sale in Canada
 - Confirmatory testing and data analysis
 - Referring alleged violations to the Enforcement Branch
 - Range of possible responses from a warning to fines and/or imprisonment (see ECCE's Compliance and Enforcement Policy)
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Confirmatory Verification & Testing



- Engine Information & Testing Specification request
- Service accumulation (break-in/run-in)
- Complete Evidence of Conformity to be submitted no later than **40 calendar days** from request

Confirmatory Verification & Testing (cont'd)



- The program acquires a selection of vehicles and engines for targeted compliance verification activities each year
- Emissions testing verifies environmental performance of products against performance declared by the manufacturer or importer

Examples of Administrative Compliance Issues



- Products are imported without the required documentation to demonstrate compliance
- Importers do not verify if the products imported match the certification documents
- User specifications are inconsistent between user manual / label / certification documents

Examples of Testing Compliance Issues



- Vehicles or engines are tested and do not meet the applicable emission standard:
 - Should the test results indicate a possible non-compliance, the regulatee may be given the opportunity to conduct a joint engineering analysis.
 - Challenges found when assessing non-compliance include:
 - Company used testing procedures inconsistent with prescribed requirements
 - Vehicle or engine break down before being able to complete accumulation and testing (notably in off-road sectors)
 - Testing specifications, i.e. test fixture, warm-up procedure, etc., not communicated to ECCC prior to testing
 - Troubleshooting the issue is up to the regulatee
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Notice of Defect



- An emissions-related defect is a fault or failure that affects or is likely to affect the product's ability to conform to prescribed standards (tailpipe emissions, crankcase emissions, evaporative emissions)
- The notice of defect is a process that must be used by a company in order to provide the necessary information pertaining to an emission-related defect, its consequences and proposed remedial action
- Canada's defect reporting provisions are different from the EPA/CARB (e.g. no equivalent to the emission defect information report which would normally precede a recall)

Notices of Defect (cont'd)



Important considerations:

- A company must submit a notice of defect immediately upon determining/confirming the existence of a defect (companies are expected to monitor return/repair rates of regulated products)
- The notice must be sent to ECCC, to dealers/retailers and to each current owner
- The Minister of ECCC may order a company to notify by newsprint if the name and address of the current owner of the product cannot be determined
- The company may choose to employ additional means of contacting owners such as point-of-sale posters, press releases, web advisories, a notice inside promotional flyers, etc.

Enforcement



- Alleged violations are referred to the ECCC's Enforcement Branch
 - Part 10 of CEPA grants Enforcement officers the powers to carry out inspections
 - The Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* sets out the range of possible responses to alleged violations
- The *Environmental Violations Administrative Monetary Penalties Regulations* provides the authority to issue Administrative Monetary Penalties to ensure compliance

Compliance Strategy

- Expansion of data sources and improvement of data management systems
- Diversifying the types of testing conducted to verify compliance, including new methodology to select regulatees for targeted compliance verification
- Increasing the scrutiny of information submitted by companies
- Expanding collaboration with strategic partners

Useful Web Links



- Regulatory Websites:
 - Canadian Environmental Protection Act, 1999, Division 5
 - <http://www.ec.gc.ca/lcpecepa/default.asp?lang=En&n=24374285-1&offset=8&toc=show#>
 - On-Road Vehicles and Engines Emission Regulations
 - <http://www.ec.gc.ca/lcpecepa/eng/regulations/detailReg.cfm?intReg=65>
 - Off-Road Small Spark-Ignition Engines Emission Regulations
 - <http://www.ec.gc.ca/lcpecepa/eng/regulations/detailReg.cfm?intReg=81>
 - Marine Spark-Ignition Engine, Vessel and Off-Road Recreational Vehicle Emission Regulations
 - <http://www.ec.gc.ca/lcpecepa/eng/regulations/detailReg.cfm?intReg=109>
 - Proposed Off-road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations
 - <http://gazette.gc.ca/rp-pr/p1/2019/2019-03-09/html/reg3-eng.html>
 - CBSA Memorandum D-19-7-4
 - <https://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-7-4-eng.html>
 - Compliance and Enforcement Policy
 - <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=326F7BE8-0483-4995-8E0E-F09719D202B8>
 - Environmental Violations Administrative Monetary Penalties Regulations
 - <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2017-109/index.html>
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CONTACT INFORMATION



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