



# *Off-Road Small Spark-Ignition Engine Emission Regulations under the Canadian Environmental Protection Act, 1999*



## **GUIDANCE DOCUMENT**

STEP BY STEP GUIDE TO COMPLIANCE

### **Disclaimer**

This document provides guidance only and does not provide any legal interpretation. It does not in any way supersede or modify the *Canadian Environmental Protection Act, 1999* or the *Off-Road Small Spark-Ignition Engine Emission Regulations* or its amendments. In the event of an inconsistency between this document and the Act and/or the Regulations, the Act and the Regulations prevail.

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Environment and Climate Change Canada  
Public Inquiries Centre  
7th Floor, Fontaine Building  
200 Sacré-Coeur Boulevard  
Gatineau QC K1A 0H3  
Telephone: 819-997-2800  
Toll Free: 1-800-668-6767 (in Canada only)  
Email: [ec.enviroinfo.ec@canada.ca](mailto:ec.enviroinfo.ec@canada.ca)

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This step-by-step interactive guide is to help you understand the various requirements of the *Small Spark-Ignition Engine Emission Regulations*. As you select the details that are specific to your situation, additional details will appear.

There are eight primary cases, each of which has a specific colour code :


- When a page provides information that applies to a single case, the header on that page is provided with a color-coded strip associated with the case.
- When a page provides information that applies to more than one case, the header of that page is provided with a


gray strip displaying, clearly to the left of the page title, the colored squares corresponding to the cases concerned.


- On the other hand, if all the cases have the same requirement, none of the colors will be highlighted in the header.


You should save a copy of this PDF file where it can be found again on your computer. You can resume where you left off when you open the saved file.

## NAVIGATION ICONS


 Click this icon to access the menu of this guide. Please note that the menu will be accessible throughout the guide.

 Each question is accompanied by this icon.

 This button indicates that you have a choice to make. By clicking one of the buttons, the next question or step will appear.

 This clickable button will bring you to the relevant page. Its colour is linked to each case.



 This icon indicates details to pay attention to or that you are not subject to the Regulations.

This navigation bar will appear at the bottom of certain pages and can be used to return to the summary of the requirements specific to your situation.


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## WHERE TO START?

ARE YOU A MANUFACTURER, AN IMPORTER OR A DISTRIBUTOR OF SMALL SPARK-IGNITION (SSI) ENGINES OR MACHINES THAT CONTAINS SSI ENGINES?

1  To determine your requirements under the SSI Regulations, please follow the link below that corresponds to your situation while paying particular attention to the precise definition of the terms used here and explained in the Mini Glossary, the Frequently Asked Questions and the Glossary. Please note that more than one situation may apply.



MINI GLOSSARY

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! \* By performing the installation of the fuel system to the imported engine, the importer becomes a manufacturer under the Regulations. In addition to the importation requirements, they are responsible for affixing the national emissions mark (NEM) and ensuring the engine with complete fuel system is labeled according to the Regulations.

Do you **MANUFACTURE** in Canada off-road small spark-ignition (SSI) engines or machines that contain SSI engine for sale in Canada?



3

Do you **IMPORT** off-road small spark-ignition (SSI) engines or machines that contain SSI engines in Canada?



Do you **DISTRIBUTE for sale** off-road small spark-ignition (SSI) engines or machines that contain SSI engines that are manufactured in Canada?





# CASE #1

## REQUIREMENTS FOR THE MANUFACTURE OF AN ENGINE IN CANADA

### BEFORE THE ENGINE IS SOLD BY THE MANUFACTURER

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#### MAINTENANCE INSTRUCTIONS

You shall ensure that written instructions respecting emission related maintenance are provided to the first retail purchaser of an engine (sub-section 15(1)).

#### ENGINE KIT ASSEMBLY INSTRUCTIONS

You shall ensure that written instructions for engine kit assembly are available online, at a specific address, or accompany each engine kit in English and French (section 15.1).

### AFTER THE ENGINE IS SOLD BY THE MANUFACTURER

 **MINI GLOSSARY**

# CASE #2

## REQUIREMENTS FOR THE IMPORT OF AN EPA CERTIFIED ENGINE SOLD CONCURRENTLY

### BEFORE THE IMPORTATION

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#### MAINTENANCE INSTRUCTIONS

You shall ensure that written instructions respecting emission related maintenance are provided to the first retail purchaser of an engine (sub-section 15(1)).

#### ENGINE KIT ASSEMBLY INSTRUCTIONS

You shall ensure that written instructions for engine kit assembly are available online, at a specific address, or accompany each engine kit (section 15.1).

### AFTER THE IMPORTATION

#### CONFORMITY OF INCOMPLETE ENGINES

(if applicable)

Incomplete engines may not leave the possession or control of the importer before it is completed and complies with all applicable requirements (section 22).

# CASE #3

## REQUIREMENTS FOR THE IMPORT OF AN EPA CERTIFIED ENGINE NOT SOLD CONCURRENTLY

### BEFORE THE IMPORTATION

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#### MAINTENANCE INSTRUCTIONS

You shall ensure that written instructions respecting emission related maintenance are provided to the first retail purchaser of an engine (sub-section 15(1)).

#### ENGINE KIT ASSEMBLY INSTRUCTIONS

You shall ensure that written instructions for engine kit assembly are available online, at a specific address, or accompany each engine kit (section 15.1).

### AFTER THE IMPORTATION

#### CONFORMITY OF INCOMPLETE ENGINES

(if applicable)

Incomplete engines may not leave the possession or control of the importer before it is completed and complies with all applicable requirements (section 22).

# CASE #4

## REQUIREMENTS FOR THE IMPORT OF A NON-EPA CERTIFIED ENGINE

### BEFORE THE IMPORTATION

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#### MAINTENANCE INSTRUCTIONS

You shall ensure that written instructions respecting emission related maintenance are provided to the first retail purchaser of an engine (sub-section 15(1)).

#### ENGINE KIT ASSEMBLY INSTRUCTIONS

You shall ensure that written instructions for engine kit assembly are available online, at a specific address, or accompany each engine kit (section 15.1).

### AFTER THE IMPORTATION

#### CONFORMITY OF INCOMPLETE ENGINES

(if applicable)

Incomplete engines may not leave the possession or control of the importer before it is completed and complies with all applicable requirements (section 22).

**BEFORE THE IMPORTATION**

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**AFTER THE IMPORTATION**

THERE IS NO REQUIREMENT

BEFORE THE IMPORTATION

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AFTER THE IMPORTATION

**BEFORE THE IMPORTATION OR THE MANUFACTURE****EVIDENCE OF CONFORMITY**

You must submit evidence of conformity before the importation of the engine or before affixing the national emissions mark to the engine. The evidence of conformity must include a copy of the engine information label for the replacement engine as well as supporting documentation to demonstrate the determination of the applicable standards.

**AFTER THE IMPORTATION OR THE MANUFACTURE**

BEFORE THE SALE

MAINTENANCE  
INSTRUCTIONS

You shall ensure that written instructions respecting emission related maintenance are provided to the first retail purchaser of an engine (sub-section 15(1)).

ENGINE KIT  
ASSEMBLY  
INSTRUCTIONS

You shall ensure that written instructions for engine kit assembly are available online, at a specific address, or accompany each engine kit (section 15.1).



AFTER THE SALE



EXHAUST EMISSIONS — ENGINES OF 2005 TO 2018 MODEL YEARS

EXHAUST EMISSIONS — ENGINES OF 2019 AND LATER MODEL YEARS

EVAPORATIVE EMISSIONS — ENGINES OF 2019 AND LATER MODEL YEARS

EXHAUST EMISSIONS — BICYCLE ENGINES

Is the replacement engine manufactured to the specifications of a newer model year than the model year of the original engine

AND

with physical or performance characteristics necessary for the operation of the machine?



**YES**

**NO**

If your company falls under one of the following situations, what are the documents to submit?



Engines of model years 2005 to 2018 and engines of model years 2019 or later WITHOUT a complete fuel system

Engines of model years 2019 or later WITH a complete fuel system



MINI GLOSSARY



What are the documents to submit before the importation or before applying the national emissions mark to the engine?

Engines of model years 2005 to 2018 or engines of model years 2019 or later with complete fuel systems

A copy of all the EPA certificates covering the engine and any fuel line or fuel tank



A copy of the records submitted to the EPA in support of each application or amended application for an EPA certificate for:

- the engine,
- the fuel lines and fuel tanks (if the engine is of the 2019 or later model years)



A statement of compliance letter



A sample of each emission control information label as per paragraph 16(d) of the Regulations



What are the documents to submit before the importation or before applying the national emissions mark to the engine?



Engines of model years 2005 to 2018 or engines of model years 2019 or later with complete fuel systems

Information equivalent to what must be submitted to the EPA in support of each application or amended application for an EPA certificate for:

- the engine,
- the fuel lines and fuel tanks (if the engine is of the 2019 or later model years)



A statement of compliance letter



An emission control information label as per paragraph 16(d) of the Regulations



Any manufacturer that intends to apply a national emissions mark to an engine must first submit an application to obtain the Minister's authorization to use the national emissions mark (NEM).



## REQUIREMENTS FOR THE APPLICATION (section 6)

The application shall be signed by a person who is authorized to act on behalf of the company and shall include:



#1:

the name and street address of the head office of the company and, if different, its mailing address;

#2:

a statement that the company is seeking to obtain the authorization to apply the national emissions mark under the Regulations;

#3:

the street address of the location at which the national emissions mark will be applied; and

#4:

information to show that the company is capable of verifying compliance with the standards set out in the Regulations.

The Minister will assign an authorization number once the company has been authorized to apply the NEM

## REQUIREMENTS FOR THE NEM

The NEM must be:



#1:

at least 7 mm in height and 10 mm in width.

#2:

located on or immediately next to the US label or in a visible or readily accessible location;

#3:

permanently affixed;

#4:

resistant to or protected against any weather condition;

#5:

bear inscriptions that are legible and indelible and that are indented, embossed or in a colour that contrasts with the background of the label;

#6:

The authorization number assigned by the Minister shall be located immediately below or to the right of the NEM and at least 2 mm in height.



### BEFORE THE IMPORTATION

Any company that imports incomplete engines into Canada (*as per subsection 153(2) of the CEPA*) must submit an importation declaration to the Minister with the following information (section 22):



#1:

The importer's name, telephone number, civic address and, if different, the mailing address and, if any, the email address;

#2:

The business number assigned to the company by the Minister of National Revenue;

#3:

The name of the manufacturer, the number of engines that will be imported in a calendar year, the make, the model and model year of the engine and any applicable emission family;

#4:

For an engine that is installed in a machine, the number of machines that will be imported in a calendar year, the name of the manufacturer, the make, the model and type of the machine;

#5:

A statement from the manufacturer of the engine that the engine will, when completed in accordance with instructions provided by the manufacturer, conform to the standards prescribed under these Regulations; and

#6:

A statement from the company that the engine will be completed in accordance with the instructions mentioned at 5.



Any company that imports **50 or more engines** into Canada in a calendar year must submit a declaration to the Minister with the following information (section 19):



#1:

The importer's name, telephone number, civic address and, if different, the mailing address and, if any, the email address;

#2:

The business number assigned to the company by the Minister of National Revenue;

#3:

For every engine, the name of the manufacturer, the number of engines imported, the make, the model and model year of the engine and all application emission families;

#4:

For every engine,

- a statement that each of the engines bears the national emissions mark; OR
- a statement that the company is able to produce the evidence of conformity in accordance with section 16 and 17.1 or has produced it in accordance with section 17;

#5:

For every engine that is installed in a machine, the number of machines imported, the name of the manufacturer of the machine and its make, model and type.

The declaration must be submitted to the Minister on or before **February 1** of the calendar year following the calendar year during which the importation occurred.

Note that the declaration must be signed by the company's duly authorized representative.



# IMPORTATION DECLARATION

## FOR ENGINES IMPORTED FOR THE PURPOSE OF EXHIBITION, DEMONSTRATION, EVALUATION OR TESTING

### BEFORE THE IMPORTATION

The importer must submit a declaration to the Minister with the following information (section 20):



**#1:**

The importer's name, telephone number and civic address and, if different, their mailing address and if any, the email address;

**#2:**

The business number assigned to the company by the Minister of National Revenue, if applicable;

**#3:**

In the case of an engine, the name of the manufacturer, the make, the model, model year and unique identification number of the engine;

**#4:**

In the case of an engine that is installed in a machine, the name of the manufacturer, the make, the model and the type of machine;

**#5:**

A statement that the engine will be used in Canada solely for purposes of exhibition, demonstration, evaluation or testing; and

**#6:**

The date on which the engine will be imported, and the date by which the engine will be exported or destroyed.



Upon becoming aware of an emission-related defect, a company must submit the following reports



## MAINTENANCE:

The company must maintain records **in writing** or **in a readily readable electronic** or **optical form**



## RETENTION:

CATEGORY OF COMPANIES (more than one category may apply)	RECORDS TO MAINTAIN	PERIOD OF RETENTION
<b>For cases #1, 2, 3, 4, 7 and 8</b>	The evidence of conformity	8 years after the date of manufacture of the engine
<b>If you are an importer of 50 or more engines in a calendar year</b>	Copy of the importation declaration	8 years after the year of the importation
<b>If you are an importer of less than 50 engines in a calendar year</b>	The number of engines imported	8 years after the calendar year in question
<b>If you are an importer of engines used in Canada solely for purposes of exhibition, demonstration, evaluation or testing (Case #6)</b>	A copy of the declaration and information demonstrating that the company has disposed of the engines in compliance with that declaration	8 years after the day of the disposal

If a record is retained by another person on an company's behalf, the company must keep a record of that other person's name, telephone number and civic address and, if different, their mailing address



## SUBMISSION:

If the Minister makes a written request for a record, the company must submit it in either official language:

- **within 40 days** after the day on which the request is made; or
- **within 60 days** after the day on which the request is made if the record must be translated from a language other than French or English



# LIST OF EXCLUSIONS, EXCEPTIONS AND EXEMPTIONS

## Exclusion: Designed exclusively for competition

Engines that are designed exclusively for competition, namely one that has the following characteristics, and bears a label that meets the requirements of subsections 17.2(3) and (4) and indicates that the engine is a competition engine:

- (i) its performance characteristics are substantially superior to non-competition engines, and
- (ii) it is not displayed for sale in any public dealership or otherwise offered for sale to the general public.

## Exclusion: Subject to other Regulations

Engines regulated by the *On-Road Vehicle and Engine Emission Regulations* or regulated by the *Marine Spark-Ignition Engine, Vessel and Off-Road Recreational Vehicle Emission Regulations*;

## Exclusion: Exported engine

Engines being exported and that are accompanied by a written statement establishing that they will not be used or sold for use in Canada.

## Exclusion: Reduced-scale models of vehicles

Engines designed to be used in reduced-scale models of vehicles that are not capable of transporting a person.

## Exclusion: Large spark-ignition engines covered by an EPA certificate

Engines covered by an EPA certificate referred to in section 615 of subpart G of CFR 1054 and that bear the U.S. emission control information label that is set out in subchapter U, part 1048, subpart B, section 135 of the CFR.

## Exclusion: Emergency and rescue machines

Engines designed exclusively to be used in emergency and rescue machines and bear either a label to that effect that meets the requirements set out in subsections 17.2(3) and (4) or the U.S. label referred to in paragraph 660(c) of subpart G of CFR 1054.

## Exception: Engines imported exclusively for use by a visitor to Canada

Under paragraph 155(1)(c) of CEPA, an engine imported exclusively for use by a visitor to Canada or by a person passing through Canada to another country does not have to meet the requirements of the Regulations.

## Exclusion: Military machines

Engines designed to be used exclusively in military machines that are used only in combat or combat support during military activities, including reconnaissance missions, rescue missions and training missions and bear either a label to that effect that meets the requirements set out in subsections 17.2(3) and (4) or the U.S. emission control information label referred to in paragraph 225(e) of subpart C of CFR 1068.

## Exemption: Exemption from standards by the Governor in Council

Under section 156 of CEPA, an engine in respect of which the Governor in Council has, by order, granted an exemption, is exempt from the requirement to conform to applicable standards. For additional information, see sections 24 and 25 of the Regulations.

## Exception: Engine in transit

Under paragraph 155(1)(b) of CEPA, an engine in transit through Canada, from a place outside Canada to another place outside Canada does not have to meet the requirements of the Regulations if it is accompanied by written evidence that the engine will not be sold or used in Canada.



## DOCUMENTATION RELATED TO EVIDENCE OF CONFORMITY



## DOCUMENTATION RELATED TO IMPORTATION DECLARATIONS, NOTICES OF DEFECT AND NATIONAL EMISSIONS MARK

### OPTION #1:



Send by email to:  
[ec.verifications-des-emissions-emissions-verification.ec@canada.ca](mailto:ec.verifications-des-emissions-emissions-verification.ec@canada.ca)

### OPTION #1:



Send by email to:  
[ec.infovehiculeetmoteur-vehicleandengineinfo.ec@canada.ca](mailto:ec.infovehiculeetmoteur-vehicleandengineinfo.ec@canada.ca)

### OPTION #2:



Send by mail to:

Vehicles and Engines Testing for Emissions Verification Section  
Transportation Division  
Energy and Transportation Directorate  
Environment and Climate Change Canada  
335, River Road S.  
Ottawa (ON) K1A 0H3

### OPTION #2:



Send by mail to:

Regulatory Administration Section  
Transportation Division  
Energy and Transportation Directorate  
Environment and Climate Change Canada  
351 St. Joseph Boulevard  
Gatineau (QC) K1A 0H3

### 1. Why were the *Off-Road Small Spark-Ignition Engine Emission Regulations* implemented?

Emissions from mobile sources, including off-road small spark-ignition (SSI) engines designed to be used in lawn, garden and various other small machines, contribute to environmental and human health problems. Substances such as nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) are emitted to the surrounding air through the combustion and evaporation of the fuel that is used to power these engines. These substances are then involved in a series of complex reactions activated by sunlight that result in the formation of ground-level ozone, a respiratory irritant and component of smog. Smog is a noxious mixture of air pollutants, primarily ground-level ozone and particulate matter. It can often be seen as a haze in the air, especially over urban centres, and leads to numerous negative effects on human health and the environment.

In Canada, emissions from SSI engines have been regulated by means of the *Off-Road Small Spark-Ignition Engine Emission Regulations* (Regulations). The Regulations came into force on January 1, 2005, and aligned Canadian emission standards with the United States (U.S.) Environmental Protection Agency (EPA) Phase 2 emission standards for the 2005 and later model year off-road SSI engines.

The text of the Regulations can be retrieved from the CEPA Environmental Registry at <http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=D44ED61E-1>.

### 2. Why did Environment and Climate Change Canada amend the *Off-Road Small Spark-Ignition Engine Emission Regulations*?

Since 2009, the EPA has progressively introduced Phase 3 standards for emissions of air pollutants from off-road SSI engines. In accordance with the Government's policy of maintaining alignment with U.S. standards of smog-forming emissions, these amendments have established more stringent exhaust emission standards and introduced evaporative emission standards for off-road SSI engines.

### 3. When do the Amendments come into effect?

The *Regulations Amending the Off-Road Small Spark-Ignition Engine Emission Regulations* (Amendments) come into force six months after their registration and would apply to engines manufactured after this date. Engines manufactured prior to this date (but not earlier than the 2005 model year) continue to be subject to the Regulations until the Amendments come into force.

### 4. Are Canadian regulatory requirements different from the U.S. regulatory requirements?

Yes. While the overall objectives of ECCC and the EPA are quite similar, the legal authorities and laws of both countries differ. There are important differences in how environmental protection regulations are developed and enforced in Canada and in the U.S.

The Regulations were developed to align Canadian emission standards and test procedures with those of the EPA. Ancillary provisions are as similar as possible, considering the different regulatory frameworks in Canada and the U.S. and other reporting requirements are often different between the two countries.

### 5. What SSI engines are subject to the Regulations?

The Regulations apply to off-road small spark-ignition (e.g. gasoline) engines that develop no more than 19 kilowatts of power and that are:

- imported into Canada; or
- manufactured in Canada.

Engines of the 2019 and later model year with a complete fuel system and engine kits are considered "engines". The exhaust emission standards apply to both loose engines and engines installed in machines, whereas the evaporative emission standards apply to 2019 and later model year engines that have a complete fuel system and engine kits.

### 6. Are there any changes to the requirements for bicycle engines under the Regulations?

Yes, the emission standards for engines designed to be installed on a bicycle have been updated under the Amendments. In Canada, these engines are typically imported and supplied to consumers as kits which include the engine, fuel system, and hardware required to convert a conventional bicycle to one that is motorized. In the past, emissions from these engines were regulated in the United States under Title 40, Part 90 of the CFR; however, the regulation of these products was recently transferred to Title 40, Part 1051 of the CFR. To ensure continued alignment of Canadian standards with those of the EPA, ECCC has aligned with the applicable emission standards in Title 40, Part 1051 for this category of engine and associated fuel system.

### 7. Which categories of off-road SSI engines are not subject to the Regulations?

Engines that are not covered under the Regulations are listed below. Following each is a reference to that section of the Regulations where the exclusion is found. Please note that in many cases, the engines must be labelled.

#### **List of engines not covered:**

(1) Engines which bear a label that meets the requirements of subsections 17.2(3) and (4) and indicates that the engine is a competition engine, has performance characteristics that are substantially superior to non-competition engines, and is not displayed for sale in any public dealership or otherwise offered for sale to the general public;

- (2) Engines regulated by the *On-Road Vehicle and Engine Emission Regulations*;
- (3) Engines regulated by the *Marine Spark-Ignition Engine, Vessel and Off-Road Recreational Vehicle Emission Regulations*;
- (4) Engines designed to be used in reduced-scale models of vehicles that are not capable of transporting a person;
- (5) Engines designed to be used exclusively in emergency and rescue machines and bear either a label to that effect that meets the requirements referred to in subsections 17.2(3) and (4) or the U.S. label referred to in paragraph 660(c) of subpart G of CFR 1054;
- (6) Engines designed exclusively to be used in military machines that are designed exclusively for use in combat or combat support during military activities (including reconnaissance missions, rescue missions and training missions) and bear either a label to that effect that meets the requirements referred to in subsections 17.2(3) and (4) or the U.S. emission control information label referred to in paragraph 225(e) of subpart C of CFR 1068;
- (7) Engines that are being exported and that are accompanied by a written statement establishing that they will not be used or sold for use in Canada; and
- (8) Engines that are covered by an EPA certificate and bear the U.S. emission control information label that is set out in section 135 of subchapter U of part 1048 of the CFR.

### 8. Are there special cases in which certain types of engines do not have to conform to some of the regulatory requirements?

The following engines do not have to conform to some of the provisions of the Regulations:

1. engines that are imported into Canada solely for purposes of exhibition, demonstration, evaluation or testing in conformity with paragraph 155(1)(a) of CEPA;
2. engines that are in transit through Canada, from a place outside Canada to another place outside Canada in conformity with paragraph 155(1)(b) of CEPA;
3. engines that are being imported exclusively for use by a visitor to Canada or by a person passing through Canada to another country in conformity with paragraph 155(1)(c) of CEPA;
4. engines that do not meet the requirements of the Regulations at importation or when leaving a factory but that will meet these requirements before they leave the possession or control of the *company*, such as [\*incomplete engines\*](#);
5. [\*replacement engines\*](#) as defined in subsection 13(1) of the Regulations; and
6. engines for which the Governor-in-Council has granted an [\*exemption\*](#).



## 9. Who is affected by these Regulations?

Four different types of persons are potentially affected by the Regulations:

- Canadian SSI engine manufacturer which includes equipment/machine manufacturers who install fuel systems on engines;
- Distributor of SSI engines or machines containing SSI engines obtained directly from a Canadian engine manufacturer or its agent for the purpose of resale by other persons;
- Importer of SSI engines or machines for the purpose of sale; and
- Person importing an SSI engine or machine for their own use.

Foreign engine manufacturers are not directly subject to CEPA or to the Regulations. However, engines imported into Canada must conform to Canadian emissions regulations. Importers may require the assistance of a foreign engine manufacturer to demonstrate compliance with the Regulations. In particular, the assistance of foreign engine manufacturers could be required to ensure that engines imported into the Canadian market meet the prescribed standards and to provide evidence of conformity to that effect.

## 10. Who is a Canadian SSI engine manufacturer?

A Canadian engine manufacturer is a person or company in Canada who assembles or alters an engine before the sale of the engine to the first retail purchaser, for example:

- manufactures an engine from parts;
- adapts a gasoline engine to run on a different fuel;
- installs a complete fuel system; and
- modifies any portion of the complete fuel system.

Engines manufactured in Canada may be required to bear the national emissions mark.

## 11. Who is a distributor of a Canadian SSI engine?

A distributor is a *company* under CEPA who is engaged in the business of selling to other persons, for the purpose of resale by those persons, engines obtained directly from a Canadian engine manufacturer or its agent.

The regulatory requirements for a distributor of SSI engines/machines in Canada will be very similar to those of a manufacturer.

### 12. What are the regulatory requirements for each type of regulatee?

The following table provides a summary of the requirements for the four different categories of regulatees affected by the Regulations.

	Canadian SSI engine manufacturer	Distributor of Canadian SSI engine/machine	Importer of engine/machine for the purpose of sale	Importer of engine/machine for personal use (i.e. not for sale)
Import, supply or manufacture engines that comply with emission standards	✓	✓	✓	✓
Provide/Maintain evidence of conformity	✓	✓(1)	✓(1)	(2)
Affix the national emissions mark	✓	✓(3)		
Affix the prescribed label to the engine or ensure one is affixed	✓	✓	✓	✓
Affix an unique identification number	✓	✓(3)	✓(4)	
Submit an importation declaration			✓(5)	
Ensure that maintenance instructions are provided to purchaser	✓	✓	✓	
Keeping records	✓(6)	✓(6)	✓(6)	
Cause notice of defect to be given, if necessary	✓	✓	✓	

(1) The *company* may arrange with the engine or machine manufacturer that certain required information be provided by the engine or machine manufacturer on behalf of the *company*.

(2) The presence of the prescribed label on the engine is considered to be evidence that the engine conforms to the prescribed emission standards when it is imported by a person for purposes other than sale (for personal use).

(3) Unless already affixed by the manufacturer.

(4) Unless already affixed by the manufacturer or distributor.

(5) This requirement does not apply to companies that import less than 50 engines into Canada per calendar year.

(6) Records can be retained by another person on the company's behalf, but the company must keep a record of that person's contact information as prescribed in subsection 18(2) of the Regulations.

### 13. What are the exhaust emission standards?

The Regulations incorporate the EPA's Phase 3 exhaust emission standards for engines of the 2019 and later model years. These standards are described in sections 103 and 105 of Subpart B of CFR 1054, while the useful life periods are described in section 107.

The Phase 3 exhaust emission standards reduce hydrocarbon and nitrogen oxides (HC+NO<sub>x</sub>) emission levels from Phase 2 standards by between 33% and 38% for non-handheld engines. For handheld engines, the Phase 3 exhaust emission standards remain the same as the Phase 2 standards.

The exhaust emission standards, specified in sections 12.4 to 12.8 of the Regulations, establish maximum levels of carbon monoxide (CO) and combined hydrocarbon (HC) and oxides of nitrogen (NO<sub>x</sub>) emissions. The exhaust emission standards are divided into classes based on engine displacement. The standards are defined in terms of the mass of the pollutant per unit of engine work, expressed in grams per kilowatt-hours. The Phase 3 exhaust emission standards would apply to the 2019 or later model year for both handheld and non-handheld engines.

Furthermore, Canada's emission standards for off-road SSI engines designed to power bicycles have been aligned with the applicable U.S. emission standards described in CFR 1051 beginning with the 2019 model year.

The Phase 2 exhaust emission standards described in sections 103 to 105 of subpart B of CFR 90 continue to apply to engines, including bicycle engines, of the 2005–2018 model years.

### 14. What are the alternative exhaust standards for wintertime engines?

The Regulations do not require engines in machines used exclusively in wintertime, such as ice augers and snowblowers, to meet the HC + NO<sub>x</sub> exhaust emission standards. These engines are subject to the applicable CO standard. If a *company* chooses to voluntarily apply the HC+NO<sub>x</sub> standards to such an engine, that engine must meet the standards. Alternative emission standards for 2-stroke snowblower engines are also available. These provisions allow such engines to meet exhaust emission standards that apply to handheld engines with the same engine displacement instead of the non-handheld standards that would otherwise apply. These alternative standards are aligned with those found in paragraphs 103(a)(4) and (5) of CFR 90 for engines of the 2005 – 2018 model year or paragraphs 101(c) and (d) of CFR 1054 for engines of the 2019 or later model year.

### 15. What are the requirements for crankcase emissions?

Under subsection 11(1) of the Regulations, the crankcase of an engine must be closed. Subsection 11(2) of the Regulations allows for an open crankcase for an engine designed to power a snowblower if the combination of exhaust and crankcase emissions meet the exhaust emission standard.

### 16. What are the evaporation emission standards?

The evaporative emission standards apply to 2019 or later model year engines that have a complete fuel system.

In particular, both handheld and non-handheld engines with complete fuel systems have to meet standards for fuel line permeation, fuel tank permeation and for the design of the fuel tank inlet to reduce refueling emissions.

Non-handheld engines with complete fuel systems have to meet additional standards for running losses and for the proper installation of fuel caps, vents and carbon canisters. Optional standards for diurnal emissions can be applied by companies in lieu of the permeation standards that would otherwise apply to engines designed to be used in non-handheld machines.

Bicycle engines with complete fuel systems must meet the permeation emission standards for fuel tanks and fuel lines set out in paragraphs 110(a) and (b) of CFR 1051.

### 17. For how long must an engine conform to the emission standards?

An engine must conform to the emission standards throughout its “useful life”. The useful life is specified in years or hours of operation and varies depending on the class of engines and the type of emissions. The useful life period is incorporated by reference from the CFR. The useful life period for exhaust emissions for engines of the 2019 or later model year is described in section 107 of CFR 1054 and is five years or a number of hours of operation (see table below), whichever comes first. The useful life period for engines of the 2005 to 2018 model years is set out in section 105 of CFR 90. A manufacturer can select one of three specified periods that most closely matches the expected median in-use life of the engine (see table below). The selection of the useful life duration must be supported by technical documentation. Longer useful lives, which entail a higher engine manufacturing cost, are typically found in commercial equipment while home consumer products are often designed for shorter useful lives.

Useful Life Table					
Engine class	Useful Life Category (hours) (Exhaust Emissions)	Useful Life Category (hours) (Exhaust Emissions)			Evaporative Emissions Useful Life (years)
		Residential	Extended life residential	Commercial	
Non-handheld	I	125	250	500	5
	II	250	500	1000	5
Handheld		Light use	Medium use	Heavy use	
	III	50	125	300	5
	IV	50	125	300	5
	V	50	125	300	5

The evaporative emissions requirements apply to both handheld and non-handheld machines for a useful life period of 5 years, as set out in sections 110 and 112 of subpart B of CFR 1054 respectively.

Bicycle engines are required to meet the applicable standards for the useful life as set out in paragraph 105(c) of subpart B of CFR 1051 as if a bicycle were an off-highway motorcycle. For off-highway motorcycles with engines that have total displacement greater than 70 cc, the minimum useful life is 10,000 kilometers or five years, whichever comes first. For off-highway motorcycles with engines that have total displacement of 70 cc or less, the minimum useful life is 5,000 kilometers or five years, whichever comes first.

### 18. How can I show that I am in compliance with the Regulations?

A *company* must be able to submit evidence of conformity to demonstrate that the engine meets the emission standards. The documentation and submission requirements for evidence of conformity will depend on whether the products are covered by a EPA certificate and sold concurrently in Canada and the U.S. In the case of an engine that is covered by an EPA certificate of conformity and sold concurrently, the evidence of conformity identified in section 16 of the Regulations should be maintained and provided to the Minister upon request within the prescribed timeframe. In all other cases (i.e. not covered by an EPA certificate of conformity or not sold concurrently in the U.S.) the evidence of conformity must be provided in a form and manner satisfactory to the Minister prior to importation.

### 19. What is the information that I have to submit to Environment and Climate Change Canada to demonstrate that my engine complies with the Regulations if it is sold concurrently in Canada and the U.S.?

If the engine is sold concurrently in Canada and the U.S. and upon request from the Minister, the *company* must submit:

- (a) a copy of the EPA certificate covering the engine and, if applicable, any attached fuel line or attached fuel tank for an engine of the 2019 and later model years;

- (b) a document demonstrating that:
  - (i) For an engine of a model year before the 2019 model year or for an engine of the 2019 and later model years without a complete fuel system, it is sold concurrently in Canada and in the U.S., or
  - (ii) For an engine of the 2019 and later model years with a complete fuel system, it is sold concurrently with the same complete fuel system in Canada and in the U.S.;
- (c) a copy of the records submitted to the EPA in support of each application for an EPA certificate and any amended application in respect of an engine, fuel lines or fuel tanks that form part of a complete fuel system for an engine of the 2019 and later model years; and
- (d) an engine information label that is permanently affixed in the form and location set out in:
  - (i) section 114 of subpart B of CFR 90 for engines before the 2019 model year;
  - (ii) paragraphs 135(b) to (h) of subpart B of CFR 1054 for engines of the 2019 and later model years;
  - (iii) paragraphs 135(a) to (e) of subpart B of CFR 1060 for engines, other than bicycle engines, of the 2019 and later model years with a complete fuel system; or
  - (iv) paragraphs 135(b) to (e) of subpart B of CFR 1051 for bicycle engines of the 2019 and later model years.

Also, if specifically requested by the Minister, the *company* must provide a French and English copy of the written instructions that are provided to the first retail purchaser for the maintenance needed to ensure proper functioning of the emission control systems and, for the purpose of testing any engine for conformity with exhaust emission standards, the *company* shall supply the Minister with all information required to reproduce the emissions tests that generated the results contained in the evidence of conformity.

### 20. How do I demonstrate that my engine is sold concurrently in Canada and in the U.S.?

For the purpose of the Regulations, an engine sold in Canada is considered to be sold concurrently if any one of the following applies within one year (365 days) preceding the engine's importation into Canada, the application of the NEM or, in the case of 153(2), before the engine leaves the possession or control of the *company*:

1. An engine of the same emission family and model year is sold to the first retail purchaser or leaser in the United States. This must be substantiated with any of a, b, or c below:
  - a. copy of dated invoice to a first U.S. retail purchaser/lessee;
  - b. copy of dated invoice to a U.S. party who sells or leases at the U.S. retail level (e.g. dealer);
  - c. copy of dated purchase order between a U.S. party and the first U.S. retail purchaser/lessee;

2. A dated advertisement of the same engine of the same model year targeted at U.S. consumers (this could include sales brochure, printed ad, magazine, price list etc.) demonstrating that the product was actively marketed and available for delivery in the U.S.;
3. A dated U.S. manufacturer/importer/dealer list for the same engine family of the same model year for the U.S. demonstrating that the product was actively marketed and available for delivery in the U.S.;
4. A dated copy of an invoice for the same engine family and model year from the factory to a U.S. distributor showing that the products have been wholesaled in the U.S.. This demonstrates sale of products at the wholesale level which will inevitably convert to retail sales over time.

If the above evidence of evidence of conformity pertains to a machine within which an engine is installed, then the evidence must include supporting documentation matching the engine to the machine.

Before the import of an engine, before applying the NEM, or, in the case of 153(2), before the engine leaves the possession or control of the *company*, a *company* must ensure that it has the complete evidence of conformity available (including EPA certification) and at least one of the above-listed concurrent sale documents that is appropriately dated.

If this evidence of conformity cannot be obtained by a *company* prior to any of the above actions taking place, a *company* must produce a Canada-unique submission of evidence of conformity.

### 21. Is it required for an engine covered by an EPA certificate of conformity and sold concurrently in Canada and the U.S. to meet the Canadian emission standards?

Under paragraph 12.2(b) of the Regulations, an engine covered by an EPA certificate of conformity and sold concurrently in Canada and the U.S. must conform to the emission standards set out in the EPA certificate of conformity instead of the standards specified in the Regulations. For an engine of the 2019 or later model year that has a complete fuel system and those fuel lines or fuel tanks are covered by one or more EPA certificates, the engine must meet the standards referred to in each of the EPA certificates. All other requirements of the Regulations (such as evidence of conformity, importation documents, notice of defect, etc.) must be met.

It is possible for the EPA to issue a certificate of conformity for an engine with emissions levels above the applicable standard. The EPA emission program incorporates an optional averaging, banking and trading program that allows manufacturers to certify engines to a level less stringent than the prescribed standard as long as the increased emissions are offset, on a sales weighted basis, by engines certified to be better than the standard.

### 22. What is the information that I have to submit to Environment and Climate Change Canada to demonstrate that my engine complies with the Regulations if it is NOT sold concurrently in Canada and the U.S. (i.e. a Canada-unique engine)?

Since the standards are aligned with those of the United States, the general intent is to enable companies to establish compliance by submitting information similar to that which is provided to obtain an EPA certificate and required under paragraph 16(c) of the Regulations.

For engines that are not sold concurrently in Canada and the United States, companies are required to submit Canada-unique applications to demonstrate compliance with the Regulations for those engines. The following paragraphs summarize the information that shall be obtained and produced “in a form and manner satisfactory to the Minister”, for Canada-unique engines. It should be noted that this list may change from time to time to respond to evolving testing and information requirements for different types of engines, and to remain aligned with the requirements in the United States.

A separate submission is required for each emission family.

For an engine that is either **not covered by an EPA certificate of conformity or not sold concurrently in Canada and in the United States**, the evidence of conformity in this situation must be submitted **before the importation** of the subject engine, or in the case of 153(2) before the engine leaves the possession or control of the *company*, or before affixing the national emissions mark to the engine. The information

equivalent to what must be submitted to the EPA to obtain a certificate is required: technical information similar to the records submitted to the EPA in support of the application for the issuance of the EPA certificate in respect of an engine including the service accumulation, an engine information label and a statement of compliance letter.

If the engine is specifically **listed on an EPA certificate but not sold concurrently**, the information to be submitted is the same as that listed in question 19 (with the exception of (b)) and the addition of a statement of compliance letter.

For more information, please contact the Transportation Division's Vehicles and Engines Testing for Emissions Verification Section at [ec.verifications-des-emissions-emissions-verification.ec@canada.ca](mailto:ec.verifications-des-emissions-emissions-verification.ec@canada.ca).

### 23. Who is responsible for the submission of the evidence of conformity?

It is the responsibility of the *company*, as defined in section 149 of CEPA, to demonstrate compliance of the engines along with the requisite administrative requirements.

As per section subsection 280(1) of CEPA, if a corporation commits an offence under this Act, any director, officer, agent or mandatary of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence, and is liable on conviction to the penalty provided for by this Act for an individual in respect of the offence committed by the corporation, whether or not the corporation has been prosecuted or convicted.

### 24. How long should I keep the evidence of conformity?

Companies are required to keep evidence of conformity information for a period of eight years after the manufacture date of an engine.

### 25. Who can apply the national emissions mark to an engine?

Under section 151 of CEPA, a *company* must have received authorization from the Minister to apply the national emissions mark along with the unique authorization number.

### 26. How does a company obtain the Minister's authorization to use the national emissions mark?

A *company* must submit an application to obtain the Minister's authorization to use the national emissions mark. The information to be included in the application is set out in section 6 of the Regulations.

Regarding the requirement of paragraph 6(2)(d) of the Regulations (i.e. information to show that the *company* is capable of verifying compliance with the standards), the *company* may submit the information in various forms, including but not limited to the following:

1. Recent experience in obtaining EPA emission certification

When applicable, the *company* may provide the following statement: "The *company* has been issued certificates of conformity by the EPA within the last five years as evidence of conformity with U.S. regulatory emission standards for engines covered under subchapter C, part 90 of the CFR or subchapter U, part 1054 of the CFR."

2. Technical Information

The *company* may provide technical information to show that it is capable of verifying compliance with the standards set out in the Regulations including, but not limited to, information describing the capabilities of the emission test facilities operated by, or used by, the *company* to produce evidence that its engines conform to the standards set out in the Regulations. This may include evidence that the emission test facility used on behalf of the *company* has produced test results used in support of a successful application to the EPA for the issuance of a certificate of conformity.

Additionally, if an importer has no direct affiliation to the engine manufacturer, satisfying paragraph 6(2)(d) would include a description of the contractual arrangement with a laboratory and ongoing quality assurance throughout the duration of the manufacturing processes.

The Minister will assess the information provided to determine if the *company* may apply the national emissions mark on engines.

A *company's* application must be signed by a person who is authorized to act on behalf of the *company* and should be sent to:

Transportation Division  
 Energy and Transportation Directorate  
 Environment and Climate Change Canada  
 351 St-Joseph Blvd  
 Gatineau, Quebec K1A 0H3  
 email: [ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca](mailto:ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca)

When the Minister authorizes a *company* to use the national emissions mark, a unique authorization number will be assigned.

### 27. To which engines are companies required to apply the national emissions mark?

Companies are generally required to apply the national emissions mark to off-road SSI engines that are manufactured in Canada for sale in Canada.

Note that section 152 of CEPA prohibits a *company* from transporting these engines between provinces or territories unless the engine has a national emissions mark applied to it.

### 28. Are there any conditions regarding applying a national emissions mark to an engine?

Yes. Section 153 of CEPA prohibits a *company* from applying the national emissions mark to any engine unless a number of requirements are met, which are to be prescribed by regulations (e.g., the standards that the engine must meet, the evidence of conformity that a *company* must produce, etc). The Regulations prescribe the various requirements that must be met before a *company* can apply a national emissions mark to an engine.

### 29. Do imported engines require the national emissions mark?

No. The national emissions mark (NEM) is only required on products manufactured in Canada for sale in Canada. Subsection 153(1) of CEPA directly requires that imported engines conform to the requirements of the Regulations as a condition for their importation into Canada. Accordingly, the application of a NEM to imported engines is not required to demonstrate such conformity. Affixing the NEM to an imported engine is optional for those companies who are authorized to apply the NEM and who wish to do so.

### 30. Are there any requirements regarding the size, location and manner of affixing the national emissions mark to an engine?

Yes. Requirements regarding the size, location and manner of affixing the national emissions mark to vehicles or engines are addressed in section 17.2 of the Regulations.

The size of the national emissions mark shall be at least 7 mm in height and 10 mm in width.

The national emissions mark shall be located on or immediately next to the EPA emission control information label or, if there is no such label, in a visible, readily accessible location. The national emissions mark shall be on a label that:

- is permanently affixed;
- is resistant to or protected against any weather condition; and
- bears inscriptions that are legible and indelible and that are indented, embossed or in a colour that contrasts with the background of the label.

The Regulations also require companies to display the authorization number assigned by the Minister in figures that are at least 2 mm in height, immediately below or to the right of the national emissions mark.

### 31. Do I have to submit a Canada-unique application every year if no modification is made to the engine?

Yes, companies are required to submit Canada-unique applications for each emission family for every model year.

### 32. How and where do I submit my evidence of conformity?

You must submit the evidence of conformity, in either English or French, in paper copy or electronically, to the Transportation Division's Vehicles and Engines Testing for Emissions Verification Section at the addresses indicated on page 26. The information and the submission requirements will depend on if you are importing products that are EPA certified and sold concurrently in Canada and the U.S.

### 33. Are there restrictions on an emission control system installed on a prescribed engine?

Yes. Subsection 9(1) of the Regulations prescribes that an emission control system shall not release a substance that causes air pollution and that would not have been released if the system were not installed. In addition, in its operation or malfunction, the emission control system shall not make the engine or the machine in which the engine is installed unsafe, or endanger persons or property near the engine or machine.

### 34. Are there special provisions when importing less than 50 engines?

If you import less than 50 engines in a calendar year, you are not required to submit an import declaration. Engines you import must still meet other applicable requirements of the Regulations including the emission standards and record maintenance and retention.



### 35. Is there a special form for the importation declaration specified in subsection 19(1) of the Regulations?

The Regulations do not prescribe a set format or template, but they do set out the information that must be included in the declaration. As prescribed in section 26.1 of the Regulations, any report or declaration is to be submitted in an electronic format when such a format is provided by the Minister. If an electronic format is not provided by the Minister, the information required in the declaration can be submitted in any format as long as the prescribed information is included in a signed declaration that is submitted to the Minister on or before February 1st of the calendar year following the calendar year during which the importation occurred.

The Canada Border Services Agency's (CBSA) Single Window Initiative (SWI) offers an electronic declaration system known as the Integrated Import Declaration (IID). The IID satisfies requirements for both CBSA and ECCC. This means that the requirement to submit an importation declaration referred to in section 19 of the Regulations would be satisfied for any engines that have been declared via the IID, and therefore, a separate submission to the Minister would not be required. **You are required to submit an annual importation declaration (as per section 19 of the Regulations) for any engines not declared via the IID.** Please contact the Transportation Division's Regulatory Administration Section at [ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca](mailto:ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca) or visit the CEPA Registry (<http://www.ec.gc.ca/lcpe-cepa/eng/regulations/DetailReg.cfm?intReg=81>) for more information regarding the IID or any declaration template.

### 36. Is there any suggested wording for the statement under paragraph 19(1)(c)(ii) of the Regulations?

Yes. Subparagraph 19(1)(c)(ii) of the Regulations requires that a *company* submit a statement indicating that each of the engines bears the national emissions mark, or that the *company* is able to produce the evidence of conformity in accordance with section 16 or has produced it in accordance with section 17. The recommended template contains the applicable statements for various scenarios.

### 37. Who is eligible to sign the import declaration as the "duly authorized representative" of the company?

"Duly authorized representative" means a person with written authority to act on behalf of the *company*. An authorized employee of the *company* or a separate commercial entity under contract with the *company*, such as a customs broker or foreign supplier, can sign documents as the duly authorized representative of the *company*.

### 38. Are there requirements for engines imported exclusively for use by a visitor to Canada?

Under paragraph 155(1)(c) of CEPA, an engine imported exclusively for use by a visitor to Canada or by a person passing through Canada to another country does not have to meet the requirements of the Regulations.

### 39. Are there requirements for an engine in transit through Canada, from a place outside Canada to another place outside Canada?

Under paragraph 155(1)(b) of CEPA, an engine in transit through Canada, from a place outside Canada to another place outside Canada does not have to meet the requirements of the Regulations if it is accompanied by written evidence that the engine will not be sold or used in Canada.

### 40. Who should I contact at Environment and Climate Change Canada?

For inquiries relating to evidence of conformity, please contact the Transportation Division's Vehicles and Engines Testing for Emissions Verification Section at [ec.verifications-des-emissions-emissions-verification.ec@canada.ca](mailto:ec.verifications-des-emissions-emissions-verification.ec@canada.ca)

For inquiries relating to other administrative requirements, please contact the Transportation Division's Regulatory Administration Section at [ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca](mailto:ec.infovehiculeetmoteur-vehiculeandengineinfo.ec@canada.ca)

For inquiries relating to regulatory developments, please contact the Transportation Division's Regulatory Development Section at [ec.apregdevinfo-infodevregpa.ec@canada.ca](mailto:ec.apregdevinfo-infodevregpa.ec@canada.ca)

### 41. Is there anyone else I should contact if I am importing or manufacturing Off-Road SSI Engines?

You should contact Transport Canada regarding safety concerns and Provincial and Territorial vehicle and engine regulatory authorities regarding regional requirements.

## 42. What should I do if I become aware of an emissions-related defect?

The notice of defect provisions in section 157 of CEPA and section 26 of the Regulations require companies subject to the Regulations to issue a notice of defect on becoming aware of a defect in the design, construction or functioning of the engine that affects or is likely to affect its compliance with a prescribed standard.

## 43. What information can be used to become aware of a defect?

The identification of a defect can be established from many sources including, but not limited to: audits, emissions test results; assembly line reports; reports from users; warranty claims; or other information received from government agencies. There is no minimum threshold quantity of occurrences for reporting a defect.

## 44. Who is required to issue a notice of defect?

A *company*, as defined in section 149 of CEPA, is responsible for issuing a notice of defect for any SSI engine it manufactures, sells or imports that are affected by the defect.

Under subsection 157(3) of the CEPA, a *company* is not required to cause notice of defect to be given if a relevant notice has already been given in Canada for the same defect. There may be instances where the notice of defect and subsequent notification may be handled by the engine manufacturer directly, as in the case of a manufacturer located outside of Canada; however, the *company* is encouraged to obtain a copy of that notice of defect for their records.

In the case of two or more companies importing a product subject to a notice of defect, the notice of defect documentation and reports must apply to all affected products. This could be achieved via a single coordinated report or individual reports and owner notifications issued by each of the companies.

In the case of a recall campaign for which all of the affected vehicles are contained in the U.S., it is recommended that the *company* provide ECCC with an explanation as to why there are no affected vehicles in Canada.

## 45. To whom do I need to give notice of a defect?

The notice must be given to the Minister, to each person who has obtained such engine from the *company* and to each current owner of such engine.

If the Minister is satisfied that the names of the current owners of the affected engines cannot reasonably be determined by a *company*, the Minister may order the *company* to give notice of the defect by publishing the contents of the notice for a period of five consecutive days in two major daily newspapers in each of the following six regions: the Atlantic provinces, Quebec, Ontario, the Prairie provinces, British Columbia and the Territories, or in an alternative medium for any period that the Minister determines. Alternatively, the Minister may also order that the current owners of the affected vehicles, engines or equipment need not be notified.

While ECCC collects information related to a notice of defect, it is the responsibility of the *company* to notify owners.

## 46. Is there a prescribed form to submit a notice of a defect?

There is no prescribed form to submit the information to the Minister or to notify current owners of the defect. Sample templates that may be used to guide a *company* preparing submissions to ECCC can be found in the [Notice of Defect Handbook](#).

## 47. How do I import engines into Canada for testing and evaluation purposes?

Engines that are imported in reliance on the regime provided by paragraph 155(1)(a) of CEPA (i.e. engines used solely for the purposes of exhibition, demonstration, evaluation or testing) do not need to meet the requirements of the Regulations upon import into Canada.

However, section 20 of the Regulations states that, prior to importation, the company must submit certain information in a declaration to the Minister signed by a duly authorized company representative. Follow [this link](#) for details of the required information.

## 48. What happens if I do not comply with the Regulations?

The Regulations were made under the authority of CEPA and compliance with CEPA and its regulations is mandatory. Under CEPA, a person who is found guilty of a contravention of CEPA or its regulations may be subjected to fines, imprisonment, court order and/or other enforcement responses. A copy of this policy is available on the CEPA Registry at <https://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5082BFBE-1>.

#### 49. Who should I contact if I know of someone importing non-compliant engines into Canada?

If you suspect or know that someone is importing non-compliant engines into Canada, you should contact the Environmental Enforcement Branch at the following email address: [ec.dale-enviroinfo-eed-enviroinfo.ec@canada.ca](mailto:ec.dale-enviroinfo-eed-enviroinfo.ec@canada.ca).

#### 50. Can a company be granted an exemption from any standards prescribed under the Regulations?

A *company* may apply to the Governor in Council to be granted an exemption from any standards prescribed under the Regulations. In order for such a request to be considered, it must be submitted before importation or manufacture. Under section 156 of CEPA, an exemption from any prescribed standard may be granted only if, in the opinion of the Governor in Council, conformity with that standard would:

- (a) create substantial financial hardship for the *company*;
- (b) impede the development of new features for safety, emission monitoring or emission control that are equivalent or superior to those that conform to prescribed standards; or
- (c) impede with the development of new kinds of engines or engine components.

Under subsection 156(4) of CEPA, an exemption for financial hardship may not be granted if the annual world production of engines manufactured by the *company* or by the manufacturer of the engine that is the subject of the application for exemption exceeded 10,000 engines or if the annual total number of engines manufactured for, or imported into, the Canadian market exceeded 1,000 engines.

Section 24 of the Regulations describes the information to be provided to the Minister when applying for an exemption and section 25 describes the label to be applied to an engine for which an exemption has been granted.

### Adjustable parameter

An adjustable parameter is defined as a device, system or element of design that is capable of being physically adjusted to affect emissions or engine performance during emission testing or in-use operation. It does not include devices, systems or elements of design that are permanently sealed by the engine manufacturer or that are inaccessible with the use of ordinary tools.

Note that engines with adjustable parameters must comply with the standards regardless of the adjustment of these parameters.

For example, if there is an adjustable screw on an engine carburetor, this engine must meet the exhaust emission standards for the entire adjustment range (fully, partly, or not tightened) of the screw.

### Altitude adjustment kit

An altitude adjustment kit means components, such as additional jets for the carburetor that can be added to an engine in order to comply with the emission standards at high altitudes (atmospheric pressures below 94.0 kPa). The requirements for an engine that relies on an altitude kit for certification are specified in paragraph 115(c) of subpart B of CFR 1054.

Information about the altitude adjustment kit should be mentioned in the emission-related maintenance instructions for the engine.

### Authorization number

An authorization number is being assigned to a company by the Minister when it has been authorized to apply the national emissions mark. The authorization number should be displayed in figures that are at least 2 mm in height, immediately below or to the right of the national emissions mark.

### Bicycle engine

A bicycle engine is defined as an engine that is designed to be installed on a bicycle.

### Business Number

The business number (BN) is assigned by the Canada Revenue Agency to uniquely identify business entities. It is part of a numbering system that simplifies and streamlines the way businesses deal with the federal government. More information on the business number is available at <https://www.canada.ca/en/services/taxes/business-number.html>.

### Canada-unique engine

A Canada-unique engine means an engine of a specific emission family that is either not covered by a valid EPA certificate or not sold concurrently in Canada and in the United States.

### Canadian Environmental Protection Act, 1999 (CEPA)

The *Canadian Environmental Protection Act, 1999* (CEPA) is Canada's principal piece of the federal environmental protection legislation. It contains the legislative authority for making regulations for the purpose of controlling vehicle, engine and equipment emissions (Part 7, Division 5). The text of CEPA can be found at <http://laws-lois.justice.gc.ca/eng/acts/C-15.31/index.html>.

### CEPA Environmental Registry

The CEPA Environmental Registry is a comprehensive source of public information relating to activities under CEPA. In addition to providing up-to-date copies of current CEPA instruments, the primary objective of the Registry is to encourage and support public participation in environmental decision-making, by facilitating access to documents arising from the administration of the Act. The CEPA Environmental Registry is accessible at <http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=D44ED61E-1>.

### Code of Federal Regulations (CFR)

The *Code of Federal Regulations* (CFR) is a list of the general and permanent rules published by the United States Federal Government. The SSI Regulations incorporate portions of the CFR by reference to ensure alignment of the emission standards between the two countries. For these Regulations the following parts are frequently referenced:

1. Title 40, Part 90 [emission standards for engines before the 2019 model year];
2. Title 40, Part 1051 [emission standards for bicycle engines];
3. Title 40, Parts 1054 and 1060 [emission standards for 2019 and later model year engines];
4. Title 40, Part 1068 [overarching rule covering general compliance provisions].

The CFR sections can be found at: <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

It should be noted that when Environment and Climate Change Canada incorporates the CFR by reference, it excludes:

1. references to the EPA or its Administrator exercising discretion in any way;
2. alternative standards related to the averaging, banking and trading of emission credits, to small volume manufacturers or to financial hardship; and
3. standards or evidence of conformity from any other jurisdiction or authority other than the EPA, with the exception of the standards of the California Air Resources Board referred to in paragraph 12.5(2) and subparagraphs 12.7(1)(a)(iv) and (v).

## Company

CEPA defines a *company* as a person who:

- a) is engaged in the business of manufacturing vehicles, engines or equipment in Canada (*i.e., a Canadian manufacturer*);
- b) is engaged in the business of selling to other persons, for the purpose of resale by those persons, vehicles, engines or equipment obtained directly from a person described in paragraph (a) or the agent of such person (*i.e., a distributor*); or
- c) imports any vehicle, engine or equipment into Canada for the purpose of sale (*i.e., an importer*).

## Complete fuel system

A complete fuel system is defined as a fuel system that is attached to an engine and that consists of fuel lines and at least one fuel tank.

## Crankcase emissions

Crankcase emissions are defined as substances that cause air pollution and that are emitted into the atmosphere from any portion of the crankcase ventilation or lubrication systems of an engine.

## Defeat device

A defeat device is defined as an auxiliary emission control device that reduces the effectiveness of the emission control system under conditions that may reasonably be expected to be encountered under normal operation of the engine.

## Defect

A defect means a shortcoming, fault or imperfection in the design, construction or functioning of an engine that affects or is likely to affect its compliance with a prescribed standard.

## Distributor

A distributor means a *company* under CEPA who is engaged in the business of selling to other persons, for the purpose of sale by those persons, engines obtained directly from a Canadian engine manufacturer or its agent.

## Diurnal emissions

Diurnal emissions are defined as evaporative emissions that occur as a result of the venting of fuel tank vapours during daily temperature changes while the engine is not operating.

## Element of design

Element of design is defined as, in respect of an engine, any control system including computer software, electronic control systems and computer logic; any control system calibrations; the results of systems interaction; or any hardware items.

## Emission control system

An emission control system is defined as any device, system or element of design that controls or reduces the exhaust emissions from an engine.

## Emission family

An emission family is defined as a group of engine models within a manufacturer's product line that are similar with respect to their design and emissions characteristics. Emission family classifications are used for the purpose of demonstrating compliance with emission standards. Emission family classification is presented in the definition section of the Regulations.

## Engine kit

An engine kit is defined as an engine with hardware, fuel lines and fuel tanks that are designed to be assembled. For these Regulations, an engine kit is considered to be an engine and must meet the applicable standards.

## EPA

This term means the United States Environmental Protection Agency.

## EPA certificate

This term is defined as a certificate of conformity to United States federal standards issued by the EPA.

## Evaporative emissions

Evaporative emissions are defined as fuel compounds that are emitted into the atmosphere from an engine fuelled with volatile liquid fuel, other than exhaust emissions and crankcase emissions.

## Evidence of conformity

Evidence of conformity means the technical documentation that can demonstrate that an engine or any attached fuel system meets the emission standards. Section 16 of the Regulations describes the requirements for an engine covered by an EPA certificate of conformity and sold concurrently in Canada and the U.S. In all other cases, section 17 describes the requirements for evidence of conformity.

## Exhaust emissions

Exhaust emissions are defined as substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.

## Fuel line

Fuel line is defined as hose, tubing and primer bulbs containing or exposed to liquid fuel, including molded hose, tubing and primer bulbs that transport fuel to or from an engine, but does not include:

- (a) fuel tank vent lines;
- (b) segments of hose or tubing in which the external surface is normally exposed to liquid fuel inside the fuel tank;
- (c) hose or tubing that is designed to return unused fuel from the carburetor to the fuel tank for engines designed to be used in a handheld machine; or
- (d) primer bulbs that contain liquid fuel only for priming the engine before starting.

## Fuel tank

Fuel tank is defined as a tank equipped with its cap and designed to hold fuel.

## Handheld machine

A handheld machine is defined as a machine, other than a bicycle powered by a bicycle engine, that:

- a) is designed to be carried by the operator during its use;
- b) is designed to operate in more than one position during its use;
- c) has a dry weight of less than 16 kg, has no more than two wheels, and is designed to be carried or supported by the operator during its use;
- d) in the case of a vehicle, is designed to be used in a recreational application and has a dry weight of less than 20 kg;
- e) is powered by an engine that has a total engine displacement equal to or less than 80 cm<sup>3</sup>;
- f) is an auger that has a dry weight of less than 22.0 kg; or
- g) is a jackhammer or compactor that is designed to be supported by the operator.

Examples of handheld machines include chainsaws, and many string trimmers and leaf blowers.

## Importer

An importer is a *company* importing SSI engines, or machines powered by these engines, into Canada for the purpose of sale.

Note that by performing the installation of a fuel system on the imported engine, the importer, in effect, becomes a manufacturer under the Regulations, and is therefore responsible for affixing the national emissions mark (NEM) and ensuring that the engine with its complete fuel system is labeled according to the Regulations.

If a person imports engines for a purpose other than sale, then they are not considered a *company* under CEPA. For example, a logging business importing chainsaws to be used by its employees would not be considered a *company*. Nevertheless, those imported engines must meet the emission standards and comply with the labelling requirements.

## Incomplete engine

An incomplete engine means an engine that requires either the addition of an emission control system (e.g. catalytic converter) or other equipment or parts to function and/or meet the requirements of the Regulations.

Note that an incomplete engine may only be imported by a company that has submitted a declaration under section 22 of the Regulations, and the incomplete engine may not leave the possession or control of the *company* before it complies with all applicable requirements of the Regulations.

## Machine

For the purpose of the Regulations, a machine is defined as anything that is powered by a small spark-ignition engine, including a vehicle, device, appliance or implement. For example:

- a chainsaw
- a lawn mower
- a garden tractor
- a portable generator.

While most provisions of the Regulations cover engines, machines are also impacted since they contain engines covered by the Regulations.

In the CFR, the words “equipment” and “nonroad vehicle” are generally synonymous with the term “machine” in the Regulations.

## Manufacturer

A manufacturer means a *company* under CEPA who is engaged in the business of manufacturing engines in Canada. The term “to manufacture” includes any process of assembling or altering any engine before its sale to the first retail purchaser.

Therefore a *company* in Canada who alters an engine before it is sold, for example by adding a complete fuel system or changing any of the engine or fuel system components, would be considered a Canadian manufacturer for the purposes of the Regulations.

Note that engines manufactured in Canada that are transported between provinces or territories require a national emissions mark.

## Model year

The model year is defined as the year determined by the manufacturer to designate a model of an engine. If the period of production of a model of engine does not include January 1 of a calendar year, the manufacturer may choose the model year to correspond to the calendar year during which the period of production falls, or to correspond to the calendar year following the calendar year during which the period of production falls. If the period of production of a model of engine includes January 1 of a calendar year, the model year corresponds to that calendar year. The period of production of a model of engine can include only one January 1.

Examples of model year selection:

- For a period of engine model production from October 20, 2019 to April 30, 2020, the model year must be 2020 (period includes January 1, 2020).
- For a period of production from May 5, 2021 to November 15, 2021, the model year can be either 2021 or 2022, at the manufacturer's choice (period does not include January 1).
- For a period of production from January 2, 2022 to December 31, 2023, the model year must be 2023 (period includes January 1, 2023).

### National emissions mark

The national emissions mark (NEM) is a national trademark and CEPA establishes limitations on any person's use of the mark. Anyone wishing or obliged to affix the NEM to an engine must obtain the Minister's authorization prior to using the NEM. The NEM set out in the schedule to the Regulations is as follows:



### Non-handheld machine

A non-handheld machine is defined as a machine other than a handheld machine but does not include a bicycle powered by a bicycle engine. Examples include walk-behind lawnmowers and lawn and garden tractors.

### Off-road engine

An off-road engine is defined as an internal combustion engine that is used or designed to be used:

1. by itself and that is designed to be or is capable of being carried or moved from one location to another;
2. in or on a machine that is designed to be or capable of being carried or moved (e.g. a portable generator);
3. in or on a machine that is self-propelled (e.g. a go-kart);
4. in or on a machine that serves a dual purpose by both propelling itself and performing another function (e.g. a garden tractor); or
5. in or on a machine that is designed to be propelled while performing its function (e.g. a lawn mower).

### Off-road small spark-ignition engine

An off-road small spark-ignition engine (SSI engine) has the following characteristics:

- operates under characteristics significantly similar to the theoretical Otto combustion cycle;
- uses a spark plug or other sparking device;
- does not develop more than 19 kW of power measured at the crankshaft, or its equivalent, when equipped only with standard accessories; and

SSI engines typically uses gasoline as a fuel but liquefied petroleum gas or natural gas can also be used.

Off-road SSI engines are typically found:

- in lawn and garden machines (hedge trimmers, brush cutters, lawnmowers, garden tractors, snowblowers, etc.);
- in light-duty industrial machines (generator sets, welders, pressure washers, etc.);
- in light-duty logging machines (chainsaws, log splitters, shredders, etc.); and
- in motorized bicycles.

Starting with the 2019 model year, an off-road SSI engine with a complete fuel system and engine kits are considered "engines".

### Permeation emissions

Permeation emissions are defined as evaporative emissions resulting from the permeation of fuel through fuel line or fuel tank materials.

### Replacement engine

A replacement engine is defined as an engine manufactured exclusively to replace an engine in a machine for which no current model year engine with the physical or performance characteristics necessary for the operation of the machine exists.



### Running loss emissions

Running loss emissions are defined as evaporative emissions that escape from a complete fuel system while the engine is operating but does not include permeation emissions or diurnal emissions.

### Unique identification number

A unique identification number is defined as a number, consisting of Arabic numerals, Roman letters or both, that the manufacturer assigns to the engine for identification purposes. A unique identification number shall be affixed to every engine. The identification number shall be legible and may be engraved, stamped on or molded into the engine or may be displayed on a label that meets the requirements in subsection 17.2(4) of the Regulations.

### Useful life

The useful life is defined as the period of time or use in respect of which an emission standard applies to an engine, attached fuel line or attached fuel tank.

### Volatile liquid fuel

Volatile liquid fuel is defined as any fuel that is a liquid at atmospheric pressure and has a Reid Vapour Pressure greater than 13.79 kPa.

### Wintertime engines

Wintertime engine is defined as an engine used to power a machine that is designed exclusively to be used in snow or on ice.