

Ottawa, ON
K1A 0H3

To: Importers of off-road small spark-ignition engines and trade associations that represent these importers

Re: Proposed Emissions Regulations for Small Off-Road Spark-Ignition Engines

Environment Canada proposed the *Off-Road Small Spark-Ignition Engine Emissions Regulations* in Part I of the *Canada Gazette*, Canada's official parliamentary journal on March 29, 2003. "Small spark-ignition engines" are typically found in lawn and garden machines (hedge trimmers, lawnmowers, garden tractors, snowblowers, etc.); in light-duty industrial machines (generator sets, welders, pressure washers, etc.); and in light-duty logging machines (chainsaws, log splitters, shredders, etc.).

This letter is to draw attention to certain aspects of the proposed Regulations that may affect an importer of small spark-ignition engines or machines powered by these engines.

The proposed Regulations are established under Part 7, Division 5 of the *Canadian Environmental Protection Act*, 1999 (CEPA 1999). Most of the provisions of the proposed Regulations apply to a company which, under CEPA 1999, includes "a person who (...) imports any vehicle, engine or equipment into Canada for the purpose of sale". As defined by CEPA 1999, to sell "includes to offer for sale or lease, have in possession for sale or lease or deliver for sale or lease".

The provisions of the proposed Regulations prohibit the importation of engines by a company unless they comply with the regulations. Other provisions include providing information about the engine and a statement of compliance upon request at the time of importation, submitting records related to compliance and providing notice of defect in the event of an emission defect being identified.

The proposed emission standards apply to 2005 and later model-year small spark-ignition engines and are aligned with the corresponding United States Environmental Protection Agency (EPA) rules. The proposed Regulations are structured to minimize the administrative and financial burden since most small spark-ignition engines currently supplied to the Canadian market comply with the EPA emission standards. Engines sold concurrently in Canada and the United

States and covered by a valid EPA certificate of conformity can enter Canada with an appropriate declaration at the border. For other engines, it is required to demonstrate conformity with the Canadian standards prior to importation.

Records related to evidence of conformity are described in the proposed Regulations together with the deadlines for their submission if requested by the Minister of the Environment. When an engine is covered an EPA certificate of conformity, these records include copies of the certificate of conformity, supporting documentation used to obtain this certification and evidence demonstrating concurrent sales in Canada and the United States. Companies are responsible under CEPA 1999 to produce these records upon request but the proposed Regulations do not oblige companies to maintain them.

A company importing a small-spark ignition engine or a machine powered by such an engine is required to submit a declaration of conformity at the time of importation. The declaration can be added to a commercial invoice that contains the information required to accompany the declaration. Bulk declaration are allowed for companies importing more than 500 engines in a calendar year.

Copies of the proposed Regulations and the Regulatory Impact Analysis Statement are available for electronic retrieval at www.ec.gc.ca/CEPARRegistry/regulations/. Please contact Mr. Morrie Kirshenblatt at (819)953-0914 (morrie.kirshenblatt@ec.gc.ca) if you have any questions.

Sincerely,

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