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(2) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.533,

(3) Agree to enter into a contract as described in § 60.533(g) with each wood heater manufacturer for whom a certification test has been performed.

(4) [Reserved]

(5) Demonstrate proficiency to achieve reproducible results with at least one test method and procedure in § 60.534(b), by:

(i) Performing a test consisting of at least eight test runs (two in each of the four burn rate categories) on a wood heater identified by the Administrator,

(ii) Providing the Administrator at least 30 days prior notice of the test to afford the Administrator the opportunity to have an observer present, and

(iii) Submitting to the Administrator all documentation pertaining to the test, including a complete test report and raw data sheets, laboratory technical notes, and test results for all test runs,

(6) Be located in the continental United States,

(7) Agree to participate annually in a proficiency testing program conducted by the Administrator,

(8) Agree to allow the Administrator access to observe certification testing,

(9) Agree to comply with reporting and recordkeeping requirements that affect testing laboratories, and

(10) Agree to accept the reasonable cost of an RCA test (as determined by the Administrator) if it is selected to conduct the RCA test of a model line originally tested for certification at another laboratory.

(c)-(d) [Reserved]

(e)(1) The Administrator may revoke EPA laboratory accreditation if he determines that the laboratory:

(i) No longer satisfies the requirements for accreditation in paragraph (b) or (c),

(ii) Does not follow required procedures or practices,

(iii) Had falsified data or otherwise misrepresented emission data,

(iv) [Reserved]

(v) Failed to participate in a proficiency testing program, in accordance with its commitment under paragraph (b)(5) of this section, or

(vi) Failed to seal the wood heater in accordance with paragraph (g) of this section.

(2) Revocation of accreditation under this paragraph shall not take effect until the laboratory concerned has been given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.539. However, if revocation is ultimately upheld, all tests conducted by the laboratory after written notice was given may, at the discretion of the Administrator, be declared invalid.

(f) Unless revoked sooner, a certificate of accreditation granted by the Administrator shall be valid:

(1) For five years from the date of issuance, for certificates issued under paragraph (b) of this section, or

(2) Until July 1, 1990, for certificates issued under paragraph (c) of this section.

(g) A laboratory accredited by the Administrator shall seal any wood heater on which it performed certification tests, immediately upon completion or suspension of certification testing, by using a laboratory-specific seal.

[53 FR 5873, Feb. 26, 1988, as amended at 60 FR 33925, June 29, 1995; 65 FR 61764, Oct. 17, 2000]

**§ 60.536 Permanent label, temporary label, and owner's manual.**

(a)(1) Each affected facility manufactured on or after July 1, 1988, or offered for sale at retail on or after July 1, 1990, shall have a permanent label affixed to it that meets the requirements of this section.

(2) Except for wood heaters subject to § 60.530 (e), (f), or (g), the permanent label shall contain the following information:

(i) Month and year of manufacture,

(ii) Model name or number, and

(iii) Serial number.

(3) The permanent label shall:

(i) Be affixed in a readily visible or accessible location,

(ii) Be at least 8.9 cm long and 5.1 cm wide (3½ inches long and 2 inches wide).

(iii) Be made of a material expected to last the lifetime of the wood heater,

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(iv) Present required information in a manner so that it is likely to remain legible for the lifetime of the wood heater, and

(v) Be affixed in such a manner that it cannot be removed from the appliance without damage to the label.

(4) The permanent label may be combined with any other label, as long as the required information is displayed, and the integrity of the permanent label is not compromised.

(b) If the wood heater belongs to a model line certified under §60.533, and has not been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Certified to comply with July, 1988, particulate emission standards.

Not approved for sale after June 30, 1992.

or

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Certified to comply with July, 1990, particulate emission standards.

(c)(1) If compliance is demonstrated under §60.530(c), the following statement shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Certified under 40 CFR 60.530(c). Not approved for sale after June 30, 1992.

(2) If compliance is demonstrated under §60.533(h), one of the following statements, as appropriate, shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Certified under 40 CFR 60.533(h) to comply with July, 1988 particulate emissions standards. Not approved for sale after June 30, 1992.

or

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Certified under 40 CFR 60.533(h), to comply with July, 1990 particulate emissions standards.

(d) Any label statement under paragraph (b) or (c) of this section constitutes a representation by the manufacturer as to any wood heater that bears it:

(1) That certification was in effect at the time the wood heater left the possession of the manufacturer,

(2) That the manufacturer was, at the time the label was affixed, conducting a quality assurance program in conformity with §60.533(o),

(3) That as to any wood heater individually tested for emissions by the manufacturer under §60.533(o)(3), that it met the applicable emissions limits, and

(4) That as to any wood heater individually inspected for tolerances under §60.533(o)(2), that the wood heater is within applicable tolerances.

(e) If an affected facility is exempt from the emission limits in §60.532 under the provisions of §60.530(d), the following statement shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Not certified. Approved for sale until June 30, 1991.

(f)(1) If an affected facility is manufactured in the U.S. for export, the following statement shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Export stove. May not be operated within the United States.

(2) If an affected facility is manufactured for use for research and development purposes as provided in §60.530(f), the following statement shall appear on the permanent label:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Not certified. Research Stove. Not approved for sale.

(3) If an appliance is a coal-only heater as defined in §60.530, the following statement shall appear on the permanent label:

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U.S. ENVIRONMENTAL PROTECTION  
AGENCY

This heater is only for burning coal. Use of any other solid fuel except for coal ignition purposes is a violation of Federal law.

(g) Any affected facility that does not qualify for labeling under any of paragraphs (b) through (f) of this section shall bear one of the following labels:

(1) If the test conducted under § 60.533(n) indicates that the facility does not meet applicable emissions limits:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Not certified. Does not meet EPA particulate emission standards. IT IS AGAINST THE LAW TO OPERATE THIS WOOD HEATER.

(2) If the test conducted under § 60.533(n) indicates that the facility does meet applicable emissions limits:

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Not certified. Meets EPA particulate emission standards.

(3) If the facility has not been tested as required by § 60.533(e):

U.S. ENVIRONMENTAL PROTECTION  
AGENCY

Not certified. Not tested. Not approved for sale. IT IS AGAINST THE LAW TO OPERATE THIS WOOD HEATER.

(h) For affected facilities equipped with catalytic combustors, the following statement shall appear on the permanent label:

This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. Consult owner's manual for further information. It is against the law to operate this wood heater in a manner inconsistent with operating instructions in the owner's manual, or if the catalytic element is deactivated or removed.

(i) An affected facility permanently labeled under paragraph (b) or (c) of this section shall have attached to it a temporary label that shall contain only the following:

(1) A statement indicating the compliance status of the model. The statement shall be one of the statements provided in appendix I, section 2.2.1. In-

structions on the statement to select are provided in appendix I.

(2) A graphic presentation of the composite particulate matter emission rate as determined in the certification test, or as determined by the Administrator if the wood heater is certified under § 60.530(c). The method for presenting this information is provided in appendix I, section 2.2.2.

(3) A graphic presentation of the overall thermal efficiency of the model. The method for presenting this information is provided in appendix I, section 2.2.3. At the discretion of the manufacturer, either the actual measured efficiency of the model or its estimated efficiency may be used for purposes of this paragraph. The actual efficiency is the efficiency measured in tests conducted pursuant to § 60.534(d). The estimated efficiency shall be 72 percent if the model is catalyst-equipped and 63 percent if the model is not catalyst equipped, and 78 percent if the model is designed to burn wood pellets for fuel. Wood heaters certified under § 60.530(c) shall use these estimated efficiencies.

(4) A numerical expression of the heat output range of the unit, in British thermal units per hour (Btu/hr) rounded to the nearest 100 Btu/hr.

(i) If the manufacturer elects to report the overall efficiency of the model based on test results pursuant to paragraph (i)(3) of this section, he shall report the heat output range measured during the efficiency test. If an accessory device is used in the certification test to achieve any low burn rate criterion specified in this subpart, and if this accessory device is not sold as a part of the wood heater, the heat output range shall be determined using the formula in paragraph (i)(4)(ii) of this section based upon the lowest sustainable burn rate achieved without the accessory device.

(ii) If the manufacturer elects to use the estimated efficiency as provided in paragraph (i)(3) of this section, he shall estimate the heat output of the model as follows:

$$HO_E = H_v \times (\text{Estimated overall efficiency}/100) \times BR$$

Where:

HO<sub>E</sub> = Estimated heat output in Btu/hr

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H<sub>v</sub> = Heating value of fuel, 19,140 Btu/kg (8,700 Btu/lb)

BR = Burn rate of dry test fuel per hour, kg (lb)

(5) Statements regarding the importance of operation and maintenance. (Instructions regarding which statements must be used are provided in appendix I, section 2.), and

(6) The manufacturer and the identification of the model.

(j)(1) An affected facility permanently labeled under paragraph (e), (f)(3), or (g) of this section have attached to it a temporary label that shall contain only the information provided for in appendix I, section 2.3, 2.4, or 2.5, as applicable.

(2) The temporary label of an affected facility permanently labeled under paragraph (b), (c), (e), (f)(3), or (g) of this section shall:

(i) Be affixed to a location on the wood heater that is readily seen and accessible when the wood heater is offered for sale to consumers by any commercial owner;

(ii) Not be combined with any other label or information;

(iii) Be attached to the wood heater in such a way that it can be easily removed by the consumer upon purchase, except that the label on wood heaters displayed by a commercial owner may have an adhesive backing or other means to preserve the label to prevent its removal or destruction;

(iv) Be printed on 90 pound bond paper in black ink with a white background except that those for models that are not otherwise exempted which do not meet the applicable emission limits, or have not been tested pursuant to this subpart, shall be on a red background as described in appendix I, section 2.5;

(v) Have dimensions of 12.7 centimeters by 17.8 centimeters (5 inches by 7 inches) as described in appendix I, section 2.1;

(vi) Have wording, presentation of the graphic data, and typography as presented in appendix I.

(k)(1) Each affected facility offered for sale by a commercial owner must be accompanied by an owner's manual that shall contain the information listed in paragraph (k)(2) of this section (pertaining to installation), and para-

graph (k)(3) of this section (pertaining to operation and maintenance) of this section. Such information shall be adequate to enable consumers to achieve optimal emissions performance. Such information shall be consistent with the operating instructions provided by the manufacturer to the laboratory for operating the wood heater during certification testing, except for details of the certification test that would not be relevant to the ultimate purchaser.

(2) Installation information: Requirements for achieving proper draft.

(3) Operation and maintenance information:

(i) Wood loading procedures, recommendations on wood selection, and warnings on what fuels not to use, such as treated wood, colored paper, cardboard, solvents, trash and garbage,

(ii) Fire starting procedures,

(iii) Proper use of air controls,

(iv) Ash removal procedures,

(v) Instructions on gasket replacement,

(vi) For catalytic models, information on the following pertaining to the catalytic combustor: Procedures for achieving and maintaining catalyst activity, maintenance procedures, procedures for determining deterioration or failure, procedures for replacement, and information on how to exercise warranty rights, and

(vii) For catalytic models, the following statement—

This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. It is against the law to operate this wood heater in a manner inconsistent with operating instructions in this manual, or if the catalytic element is deactivated or removed.

(4) Any manufacturer using EPA model language contained in appendix I to satisfy any requirement of this paragraph shall be in compliance with that requirement, provided that the particular model language is printed in full, with only such changes as are necessary to ensure accuracy for the particular model line.

(l) Wood heaters that are affected by this subpart, but that have been owned and operated by a noncommercial owner, are not subject to paragraphs (j)

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and (k) of this section when offered for resale.

[53 FR 5873, Feb. 26, 1988, as amended at 53 FR 12009, Apr. 12, 1988; 64 FR 7466, Feb. 12, 1999; 65 FR 61764, Oct. 17, 2000]

**§ 60.537 Reporting and recordkeeping.**

(a)(1) Each manufacturer who holds a certificate of compliance under § 60.533(e) or (h) for a model line shall maintain records containing the information required by this paragraph with respect to that model line. Each manufacturer of a model line certified under § 60.530(c) shall maintain the information required by paragraphs (a)(3) and (a)(5) of this section for that model line.

(2)(i) All documentation pertaining to the certification test used to obtain certification, including the full test report and raw data sheets, laboratory technician notes, calculations, and the test results for all test runs.

(ii) Where a model line is certified under § 60.533(h) and later certified under § 60.533(e), all documentation pertaining to the certification test used to obtain certification in each instance shall be retained.

(3) For parameter inspections conducted pursuant to § 60.533(o)(2), information indicating the extent to which tolerances for components that affect emissions as listed in § 60.533(k)(2) were inspected, and at what frequency, the results of such inspections, remedial actions taken, if any, and any follow-up actions such as additional inspections,

(4) For emissions tests conducted pursuant to § 60.533(o)(3), all test reports, data sheets, laboratory technician notes, calculations, and test results for all test runs, the remedial actions taken, if any, and any follow-up actions such as additional testing,

(5) The number of affected facilities that are sold each year, by certified model line,

(b)(1) Each accredited laboratory shall maintain records consisting of all documentation pertaining to each certification test, including the full test report and raw data sheets, technician notes, calculations, and the test results for all test runs.

(2) [Reserved]

(3) Each accredited laboratory shall report to the Administrator within 24 hours whenever a manufacturer which has notified the laboratory that it intends to apply for alternative certification for a model line fails to submit on schedule a representative unit of that model line for certification testing.

(c) Any wood heater upon which certification tests were performed based upon which certification was granted under § 60.533(e) shall be retained (sealed and unaltered) at the manufacturer's facility for as long as the model line in question is manufactured. Any such wood heater shall be made available upon request to the Administrator for inspection and testing.

(d)–(e) [Reserved]

(f) Each manufacturer of an affected facility certified under § 60.533 shall submit a report to the Administrator every 2 years following issuance of a certificate of compliance for each model line. This report shall certify that no changes in the design or manufacture of this model line have been made that require recertification under § 60.533(k).

(g) Each manufacturer shall maintain records of the model and number of wood heaters exempted under § 60.530(f).

(h) Each commercial owner of a wood heater previously owned by a non-commercial owner for his personal use shall maintain records of the name and address of the previous owner.

(i)(1) Unless otherwise specified, all records required under this section shall be maintained by the manufacturer or commercial owner of the affected facility for a period of no less than 5 years.

(2) Unless otherwise specified, all reports to the Administrator required under this subpart shall be made to: Stationary Source Compliance Division (EN-341), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460 Attention: Wood Heater Program.

(3) A report to the Administrator required under this subpart shall be deemed to have been made when it is properly addressed and mailed, or