

§ 60.535

40 CFR Ch. I (7-1-14 Edition)

include the manufacturer's name and address, the testing laboratory's name, the model name and number (or, if unavailable, some other way to distinguish between models), and the dates of testing.

(2) Any emission testing conducted on the wood heater for which notice was delivered shall be presumed to be certification testing if such testing occurs on or after the scheduled date of testing and before a test report is submitted to the Administrator. If certification testing is interrupted for more than 24 hours, the laboratory shall notify the Administrator by telephone, as soon as practicable, and also by letter, stating why the testing was interrupted and when it is expected to be resumed.

(3) A manufacturer or laboratory may change the date that testing is scheduled to begin by notifying the Administrator at least 14 days before the start of testing. Notification of schedule change shall be made at least two working days prior to the originally scheduled test date. This notice of rescheduling shall be made by telephone or other expeditious means and shall be documented in writing and sent concurrently.

(4) A model line may be withdrawn from testing before the certification test is complete, provided the wood heater is sealed in accordance with § 60.535(g). The manufacturer shall notify the Administrator 30 days before the resumption of testing.

(5) The manufacturer or laboratory shall notify the Administrator if a test is not completed within the time allotted as set forth in the notice of testing. The notification shall be made by the end of the allotted testing period by telephone or other expeditious means, and documented in writing sent concurrently, and shall contain the dates when the test will be resumed. Unless otherwise approved by the Administrator, failure to conduct a certification test as scheduled without notifying the Administrator of any schedule change 14 days prior to the schedule or revised test dates will result in voiding the notification. In the case of a voided notification, the manufacturer shall provide the Administrator with a second notification at least 30

days prior to the new test dates. The Administrator may waive the requirement for advance notice for test resumptions.

(f) The testing laboratory shall allow the manufacturer to observe certification testing. However, manufacturers shall not involve themselves in the conduct of the test after the pretest burn (as defined by EPA Method 28) has begun. Communications between the manufacturer and laboratory personnel regarding operation of the wood heater shall be limited to written communications transmitted prior to the first pretest burn of the certification series. Written communications between the manufacturer and laboratory personnel may be exchanged during the certification test only if deviations from the test procedures are observed that constitute improper conduct of the test. All communications shall be included in the test documentation required to be submitted under § 60.533(b)(4) and shall be consistent with instructions provided in the owner's manual required under § 60.536(k), except to the extent that they address details of the certification tests that would not be relevant to owners.

§ 60.535 Laboratory accreditation.

(a)(1) A laboratory may apply for accreditation by the Administrator to conduct wood heater certification tests pursuant to § 60.533. The application shall be in writing to: Emission Measurement Branch (MD-13), U.S. EPA, Research Triangle Park, NC 27711, Attn: Wood Heater Laboratory Accreditation.

(2) [Reserved]

(3) If accreditation is denied under this section, the Administrator shall give written notice to the laboratory setting forth the basis for his determination.

(b) In order for a test laboratory to qualify for accreditation the laboratory must:

(1) Submit its written application providing the information related to laboratory equipment and management and technical experience of laboratory personnel. Applications from laboratories shall establish that:

(i) Laboratory personnel have a total of one year of relevant experience in

Environmental Protection Agency

§ 60.536

particulate measurement, including at least three months experience in measuring particulate emissions from wood heaters,

(ii) The laboratory has the equipment necessary to perform testing in accordance with either § 60.534(b) (1) or (2), and

(iii) Laboratory personnel have experience in test management or laboratory management.

(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: