



United States
Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
HARDSHIP RELIEF PRE-SCREENING TOOL

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This Pre-Screening questionnaire is intended to help you determine if you are eligible to use the TPEM provisions under 40 CFR §1039.625 and hardship relief provisions under 40 CFR §§ 1039.625(m) and 1039.630.

- Please complete the general equipment manufacturer section. As appropriate, complete the subsequent sections based on your manufacturer status (i.e. domestic manufacturer, foreign manufacturer, etc.).
You must be an eligible equipment manufacturer in order to utilize the TPEM provisions [see 40 CFR § 1039.625(a)].
The allowances are granted at the parent company level & the parent is granted one allowance per power category for U.S.-directed production.
You must be an equipment manufacturer in good standing under the TPEM provisions in order to apply for hardship relief [see 40 CFR §§ 1039.625(m) and 1068.255(a)].
You must evaluate your eligibility for each power category for which you are seeking hardship relief by completing a questionnaire per power category.
Importers are not equipment manufacturers and may only use the TPEM provisions on behalf of an eligible equipment manufacturer [40 CFR §1039.626(b) – See Importers Section].

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The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB Number 2060-0369 in any correspondence. Do not send the completed form 6400-02 to this address.

OMB No. 2060-0287
Approval Expires on 8/31/2018
EPA Form 6400-02

Potential Applicant Information

Date: [Click to enter date](#)

Company Name: _____

Contact Name: _____

E-mail Address: _____

Phone Number: _____

Power Category:

General Equipment Manufacturer

- Equipment manufacturer must “have primary responsibility for designing and manufacturing equipment and your manufacturing procedures include installing some engines in this equipment”. [40 CFR §1039.625(a)]
- 1) Are you an eligible equipment manufacturer that has the ability to change and/or modify equipment design(s) without obtaining permission from another company/source? (See bullet above.)
 - Yes: Continue
 - No: **STOP** – You are not eligible to use the TPEM provisions or hardship relief provisions. If you are an importer, please proceed to the Importer Section.
 - 2) Are you the ultimate parent company? All nonroad equipment manufacturing entities under the control of the same person/parent/entity are considered to be a single nonroad equipment manufacturer.
 - Yes: Continue (You may use one allowance per power category for all companies that are under your control/umbrella).
 - No: Continue
 - 3) Do you have a sister company(ies) or subsidiary(ies) that is/are also using the TPEM provisions for U.S.–directed production? U.S.–directed production means the quantity of engines/equipment for which the manufacturer has reasonable assurance that sale was or will be made to an ultimate purchaser in the U.S.
 - Yes: Continue (Parent company must share one allowance per power category among all companies under its control/umbrella. Parent company must include equipment produced by sister companies or subsidiaries in its TPEM totals per power category for compliance purposes).
 - No: Continue
 - 4) Is any U.S.–directed TPEM equipment produced for you via contract by a third party manufacturer or

another manufacturer?

- Yes: Continue (Parent company must include this equipment in its TPEM totals per power category for compliance purposes).
- No: Continue

5) Are you an integrated manufacturer that produces both the engine(s) for applicable equipment and the applicable equipment and/or are you a subsidiary or sister company affiliated with the engine manufacturer?

- Yes: Continue (You may be permitted to request hardship relief only for those equipment Models for which you, or an affiliated company do not also produce the engine).
- No: Continue

6) Have you provided the required EPA notification under 40 CFR § 1039.625(g) for the TPEM provisions?

- Yes: Continue
- No: Continue (You remain eligible for hardship relief if you have been using exempted engines and failed to file the required notification - Please submit notification to EPA). Download notification template at: <http://www.epa.gov/otaq/certdat2.htm>

7) Have you provided the required annual report(s) per 40 CFR § 1039.625(g) which are due by March 31 of the calendar year following TPEM participation?

- Yes: Continue
- No: Continue (You remain eligible for hardship relief if you have been using exempted engines and failed to file the required annual report - Please submit annual report to EPA). Download annual reporting template at: <http://www.epa.gov/otaq/certdat2.htm>

8) Have you used eligible TPEM engines that meet applicable emission standards under 40 CFR §1039.625(e) for Table 1 of §1039.625 General Availability of Allowances?

- Yes: Continue to Question #10
- No: **STOP** – You are not eligible to use the TPEM provisions or hardship relief provisions. If you used ineligible engine(s), please report the violation to EPA. (See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>).

9) Have you used eligible TPEM engines that meet applicable emission standards under 40 CFR §1039.625(e) for Table 2 of §1039.625 Availability of Delayed Allowances?

- Yes: Continue to Question #10
- No: **STOP** – You are not eligible to use the TPEM provisions or hardship relief provisions. If you used ineligible engine(s), please report the violation to EPA. (See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>).

10) Have you exceeded the Small Volume Allowance (SVA) annual or total quantity limits for the affected equipment's power category [see 40 CFR 1039.625(b)(2)]? For compliance purposes, please include all TPEM equipment from parent company, all subsidiaries of your parent company and equipment produced for you via contract or from licensee(s) in your TPEM totals (per power category).

- Yes: **STOP** – You are not eligible to use the hardship relief provisions – See SVA quantity

annual & total allowance quantity limits below- Please report SVA exceedance violation to EPA (See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>).

- No: Continue to Question #13 if using the Small Volume Allowance (SVA)
- NA: Continue to Question #11 if not using the Small Volume Allowance (SVA)

TPEM Annual and Total Quantity Limits (U.S.-Directed production per power category):

- SVA with a single engine family within a given calendar year: 200 units max. any calendar year, 700 units max. over the allowance period.
- SVA with multiple engine families ≤ 130 kW within any given calendar year: 150 units max. any calendar year, 525 units max. over the allowance period.
- SVA with multiple engine families > 130 kW within any given calendar year: 100 units max. any calendar year, 350 units max. over the allowance period.

11) Did you exceed the Percent of Production (PoP) cumulative 80 percent limit for the affected equipment’s power category [see 40 CFR § 1039.625(b)(1)]?

- Yes: **STOP** – You are not eligible to use the hardship relief provisions – Please report PoP allowance exceedance violation to EPA (See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>).
- No: Continue to Question #12

12) Did you use the correct Percent of Production (PoP) calculation to determine your **annual** PoP value [see 40 CFR 1039.625(c)] and did you add the annual percentages together to determine **total** allowance percentage per power category?

[Calculation: (Total U.S.-directed TPEM **production** ÷ Total U.S.-directed **production**) X 100; note, this calculation is to be performed for each given calendar year (01/01/20xx to 12/31/20xx)]

- Yes: Continue
- No: Please calculate accurate annual percentage. If allowance exceeded, return to Question #11. If allowance not exceeded, continue to Question #13.

Example: 183 TPEM units, 470 total production in 2012; 166 TPEM units, 485 total production in 2013; Annual calculations: (183÷470) x100% = **(38.9%)** for 2012; (166÷485) x100% = **(34.2%)** for 2013; Total calculation for 2012 & 2013: 38.9% + 34.2% = **73.1%** for the PoP allowance.

The cumulative percentage of the PoP allowance for TPEM units and total equipment production (TPEM and compliant equipment) calculated annually cannot exceed 80% when totaled.

13) Have you acquired or merged with another equipment manufacturer that is using the TPEM provisions?

- Yes: Continue [Merged/combined manufacturer may not maintain separate allowances for itself and the acquired company(ies)]. The acquired manufacturer’s new TPEM equipment must be

included in your TPEM totals going forward from the merger/acquisition date(s). Prior TPEM participation by the acquired company(ies) is not considered in the new companies' TPEM total.

No: Continue

14) Is your need for hardship relief solely a result of a merger or acquisition?

Yes: **STOP** – You are not eligible to use the hardship relief provisions. The acquisition/merger can't be the primary rationale for the hardship relief request).

No: Continue

15) Do the equipment platforms for which you are seeking hardship relief have multiple engine suppliers for the same equipment application? [Ex: Identical Equipment Models: X325-D (Deere engine powered), X325-K (Kubota engine powered)].

Yes: Continue

No: Continue

16) If you answered **YES** to Question #15, are you able to produce the equipment with at least one of the applicable engines in a Tier 4 final compliant configuration?

Yes: **STOP** - Unavailability of one engine manufacturer's engine is not considered justification for hardship relief.

No: Continue

Domestic Equipment Manufacturers (importing TPEM equipment produced overseas)

- Equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**
- 1) Have you posted the required third party surety bond for your foreign made TPEM equipment [40 CFR §1039.626(a)(9)]? Bond is based on engine quantity imported multiplied by per engine bond values in Table 1 of §1039.626 - Per Engine Bond Values
 - Yes: You are eligible to submit a hardship relief application - Please review hardship questionnaire.
 - No: Continue to Question #2 - You are not eligible to use the TPEM hardship relief provisions if you answered **NO** to Question #2. Additionally, you may be ineligible to use the general TPEM provisions.
 - 2) If TPEM equipment bond not posted, has company been granted a bond waiver from EPA based on long term assets ownership in the United States?
 - Yes: You are eligible to submit a hardship relief application.
 - No: **You may be ineligible** to use the general TPEM provisions –Please acquire 3rd party surety bond from an approved surety agent. See U.S. Department of Treasury Circular 570, “Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies” or other acceptable surety agent list or get EPA to approve a bond waiver based on long term U.S. assets ownership (threshold typically \$10M, \$6M or \$3M based on manufacturers’ EPA certificate holder status). Please report lack of bond and/or lack of bond waiver violation to EPA. See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>. Download bond waiver template at: <http://www.epa.gov/otaq/certdat2.htm>.

Foreign Equipment Manufacturers (importing TPEM equipment produced overseas)

- Equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**
- 1) Did you name an agent for service in the United States [40 CFR §1039.626(a)(2)] and did you include that information with your EPA notification?
 - Yes: Continue to Question #2
 - No: Continue - Submit revised EPA notification with required information
 - 2) Did you include the required commitment to comply document signed by the president or owner of the company with your EPA notification?
 - Yes: Continue
 - No: Continue - Please submit this commitment document
 - 3) Do you have more than one importer importing TPEM equipment from your company in the U.S. in the same power category(ies)?
 - Yes: Continue - Importers' TPEM equipment must be totaled together in your allowance to determine compliance. Please identify all importers in your notification document.
 - No: Continue
 - 3) Have you posted the required 3rd party surety bond for your foreign made TPEM equipment [40 CFR §1039.626(a)(9)]? Bond is based on engine quantity imported multiplied by per engine bond values in Table 1 of §1039.626 - Per Engine Bond Values
 - Yes: You are eligible to submit a hardship relief application
 - No: Continue to Question #5 - You are not eligible to use the TPEM hardship relief provisions if you answered **NO** to Question #5 - Additionally, you may be ineligible to use the general TPEM provisions.
 - 5) If TPEM equipment bond not posted, has company been granted a bond waiver from EPA based on long term US assets ownership?
 - Yes: You are eligible to submit a hardship relief application
 - No: **You may be ineligible** to use the general TPEM provisions – Please acquire 3rd party surety bond from an approved surety agent - See U.S. Department of Treasury Circular 570, “Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies” or other acceptable surety agent list or Get EPA to approve a bond waiver based on long term U.S. assets (threshold typically \$10M, \$6M or \$3M based on manufacturers' EPA certificate holder status) - Please report Lack of bond and/or lack of bond waiver violation to EPA. See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>. Download bond waiver template at: <http://www.epa.gov/otaq/certdat2.htm>

Importers

Importers are companies importing equipment for the primary purpose of resale are not equipment manufacturers and can only import TPEM equipment via an allowance granted to an eligible foreign equipment manufacturer **[40 CFR §1039.626(b)]**. An equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**

- 1) Are you an importer that does not install engines into the equipment and does not have primary responsibility for designing and manufacturing equipment?
 - Yes: Continue - You can only use the TPEM provisions on behalf of an eligible equipment manufacturer. You are ineligible for the hardship relief provisions. The remaining questions are informational only.
 - No: **STOP** (Go to general equipment manufacturer section).

- 2) Did you provide the required EPA notification under 40 CFR § 1039.626(b) for the TPEM provisions?
 - Yes: Continue
 - No: Continue - You may be ineligible for the TPEM provisions - Please report EPA notification violation to EPA. See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>. Download notification template at: <http://www.epa.gov/otaq/certdat2.htm>

- 3) Did you include your parent company info (if applicable) in the EPA notification?
 - Yes: Continue
 - No: Continue - Please revise your EPA notification document to include the required information and re-submit.

- 4) Did you include the names & address(es) of the eligible foreign equipment manufacturer(s) or foreign engine manufacturer(s) you will be importing under?
 - Yes: Continue
 - No: Continue - Please revise your EPA notification document to include the required information and re-submit.

- 5) Did you provide the required annual report(s) per 40 CFR § 1039.626(b)(2) which are due by March 31 of the calendar year following TPEM participation?
 - Yes: Continue
 - No: Continue (You may be ineligible for the TPEM provisions - Please report annual reporting violation to EPA. See self-reporting guidelines at <http://www2.epa.gov/compliance/epas-audit-policy>. Download reporting template at: <http://www.epa.gov/otaq/certdat2.htm>

- 6) Did you include a breakdown of your TPEM participation by equipment manufacturer and engine

manufacturer?

- Yes: **STOP**
- No: **STOP** (Please revise your report, include required information and re-submit).