



**United States Environmental Protection Agency Nonroad Declaration Form**  
**Importation of Nonroad Engines and Nonroad Engines Incorporated into Nonroad Equipment or Vehicles**  
**Subject to Federal Air Pollution Regulations**

U.S. E.P.A., Certification & Compliance Division (6405-J), 1200 Pennsylvania Ave. N.W., Washington D.C. 20460

This form must be prepared and retained by the importer for each imported nonroad engine, including engines incorporated into nonroad equipment or nonroad vehicles. However one form per shipment may be used, with attachments including all information required to fully describe each engine as below. Provide a duplicate form and attachments to the U.S. Customs Service (Customs) (42 USC 7522, 7601; 19 CFR 12.74) upon request. Note : Although only box 6 imports require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. This form is not required for engines used to propel or manufactured for use in propelling an aircraft, a locomotive, or a snowmobile. For onroad vehicles, or offroad spark ignition vehicles greater than 19 kW (25 Hp), use form 3520-1 instead. Check the box below indicating the provisions under which you are importing this engine.

The following nonroad engines are subject to U.S. EPA certification and labeling requirements:

**Compression ignition** engines using diesel, compressed natural gas (CNG), liquefied petroleum gas (LPG), propane, rapeseed, methanol, ethanol, hydrogen, biodiesel, reformulated gas (RFG), coal-derived fuels, or other alternative fuels, and

- less than **19 kW** (25 Hp) and per-cylinder displacement at least 50 cc, manufactured after January 1, **2000**.
- greater than or equal to **19 kW** (25 Hp) but less than **37 kW** (50 Hp) manufactured after January 1, **1999**.
- greater than or equal to **37 kW** (50 Hp) but less than **75 kW** (100 Hp) manufactured after January 1, **1998**.
- greater than or equal to **75 kW** (100 Hp) but less than **130 kW** (175 Hp) manufactured after January 1, **1997**.
- greater than or equal to **130 kW** (175 Hp) but less than or equal to **560 kW** (750 Hp) manufactured after January 1, **1996**.
- greater than **560 kW** (750 Hp) manufactured after January 1, **2000** (40 CFR 89.102).

**Spark ignition** engines using gasoline, methanol, compressed natural gas, liquid petroleum gas, propane, or other alternative fuels, and

- less than or equal to **19 kW** (25 Hp) manufactured after September 1, **1997** (40 CFR 90.2(a)), except that handheld engines greater than or equal to 50cc in farm and construction equipment were not regulated until January 1, **1998** (40 CFR 90.2(b)).

**Penalties:** 1) Any person who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$250,000 or imprisoned for up to 5 years, or both (18 USC 1001). Any person who illegally imports a nonroad engine may be fined up to \$27,500 per nonroad engine (42 USC 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 89.612, 90.613), and the engine is subject to seizure by Customs (19 CFR 162.21).

2) Any person who manufactures and distributes in commerce, sells, offers for sale, or introduces into commerce a nonroad engine subject to EPA certification requirements but not covered by a certificate of conformity, may be fined up to \$27,500 per violation (40 CFR 89.1003(a)(1), 89.1006(a)(1); 90.1003(a)(1), 90.1006(a)(1)).

**Description and Declaration of Nonroad Engine, or Nonroad Engine Incorporated into Nonroad Equipment or Nonroad Vehicle**

Port code:	Entry date:	Customs entry no:	Engine manufacturer:	Engine model, model no. and serial number:
Engine build date: _____ month _____ year <input type="checkbox"/> on engine <input type="checkbox"/> other (explain)		Power rating (specify and check kW / Hp): _____ <input type="checkbox"/> kW <input type="checkbox"/> Hp	Equipment manufacturer, model, serial number and type of equipment (Note: a truck transporting nonroad equipment may be regulated as an onroad vehicle - see form 3520-1):	

**Names, Addresses, and Telephone Numbers of Relevant Parties**

**Certification:** I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, or for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, importer, or agent for the owner or importer.

Importer (name, address, phone):	Owner (name, address, phone):	Signature: ..... Date: ..... Name, company and phone (type or print):
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**1. U.S. certified engine** - Nonroad engine bearing a U.S. EPA emission control label in English.

**2. Nonconforming engine imported by an engine manufacturer holding a current U.S. EPA certificate of conformity**

- 2a. Manufacturer-owned exemption - imported subject to restrictions at 40 CFR 89.906, 90.906, and labeled accordingly.
- 2b. Replacement engine exemption - imported subject to restrictions at 40 CFR 89.1003(b)(7), 90.1003(b)(5), and labeled accordingly.

**3. Nonconforming compression ignition engine imported by an equipment or vehicle manufacturer or post-manufacture marinizer**

- Manufacturer flexibility engine imported subject to restrictions at 40 CFR 89.102 and labeled accordingly.

**4. Reimported U.S. origin equipment or vehicle, containing nonconforming engine subject to replacement or manufacturer flexibility exemption**

- Engine is labeled accordingly and importer demonstrates U.S. origin (e.g. proof of export from U.S.).



**5. Nonconforming engines imported temporarily under Customs bond** - EPA requests that equipment be bonded for at least its full value.

- 5a. for repair or alteration in accordance with 40 CFR 89.611(b)(1) or 90.612(b)(1).
- 5b. for testing purposes in accordance with 40 CFR 89.611(b)(2) and 89.905, or 90.612(b)(2) and 90.905.
- 5c. for display in accordance with 40 CFR 89.611(b)(4) and 89.907, or 90.612(b)(3) and 90.907.
- 5d. for export to a country with nonroad engine emission standards different from EPA standards, in accordance with 40 CFR 89.902 and 89.909, or 90.901 and 90.909. Both the engine and its container are labeled or tagged "solely for export".

**6. Nonconforming engines imported under attached EPA letter of authorization**

- 6a. Competition exclusion - a competition engine meeting one or more criteria found at 40 CFR 89.611(e) or 90.612(e).
- 6b. Hardship exemption - EPA approval based on unforeseen case of extreme hardship or extraordinary circumstance.

**7. Nonconforming engines imported under special conditions**

- 7a. identical in all material respects to U.S. certified version as demonstrated by letter from the engine manufacturer contact on Customs list, subject to EPA review at Customs' discretion. Imported for purposes other than resale in accordance with 40 CFR 89.611(c)(3) or 90.612(c)(3).
- 7b. to be used for a stationary purpose and will remain at a single site at a building, structure, facility or installation for more than 12 consecutive months or will remain at a seasonal source during its full annual operating period (40 CFR 89.2 nonroad (2)(iii), 90.3 nonroad (2)(iii)). EPA strongly recommends that engine be labeled "for stationary use only". Penalties: Any person who circumvents or attempts to circumvent stationary engine residence time requirements may be fined up to \$27,500 per day of violation (40 CFR 89.1003(a)(5), 89.1006(a)(5), 90.1003 (a)(6), 90.1006(a)(5)).
- 7c. used underground or in underground mining equipment and regulated by the Mining Safety and Health Administration (MSHA) (40 CFR 89.1, 90.1, 30 CFR 7, 31, 32, 36, 56, 57, 70, 75).
- 7d. covered by national security exemption and labeled accordingly (40 CFR 89.611(c)(1), 90.612(c)(1)).
- 7e. **spark ignition engine** less than or equal to 19 kW (25 Hp) either used in a recreational vehicle, with rated speed 5,000 RPM or greater, and with no installed speed governor, or for use as a model aircraft engine (40 CFR 90.1(b)(5)).
- 7f. three or fewer nonroad **spark ignition engines** (not compression ignition) less than or equal to 19 kW (25 Hp) imported for purposes other than resale. The importer has never previously used the personal use exemption (40 CFR 90.611).

**8. Nonconforming engines imported temporarily by a foreign national for time period determined by Customs**

- 8a. by nonresident for personal use by an individual importer for a period not to exceed the time period authorized by Customs.
- 8b. by member of the armed forces or personnel of a foreign government on assignment to the U.S., for whom free entry has been authorized in writing by the U.S. Department of State, or is a member of the armed forces of a foreign country and has official orders for duty in the U.S.

**9. Nonconforming compression ignition engines imported by an Independent Commercial Importer (ICI) recognized by EPA**

- 9a. for modifications in accordance with a valid EPA certificate of conformity issued for the specific make, model, and model year in accordance with 40 CFR 89.605.
- 9b. for modification and testing in accordance with 40 CFR 89.609. Nonroad engine must be at least 6 years old.
- 9c. for precertification testing to obtain an EPA certificate of conformity in accordance with 40 CFR 89.611(b)(3), 89.906(b). Customs bond required.

For 9a, 9b, 9c, specify location of storage by ICI (required): \_\_\_\_\_

**10. Unregulated nonroad engine manufactured prior to adoption of EPA emission requirements**

Unregulated nonroad compression ignition engine (40 CFR 89.611(f)(1)) (check one):

- 10a. less than 19 kW (25 Hp), manufactured prior to January 1, 2000, or less than 19 kW (25 Hp) and per-cylinder displacement less than 50 cc.
- 10b. greater than or equal to 19 kW (25 Hp), but less than 37 kW (50 Hp), manufactured prior to January 1, 1999.
- 10c. greater than or equal to 37 kW (50 Hp) but less than 75 kW (100 Hp) manufactured prior to January 1, 1998.
- 10d. greater than or equal to 75 kW (100 Hp) but less than 130 kW (175 Hp) manufactured prior to January 1, 1997.
- 10e. greater than or equal to 130 kW (175 Hp) but less than or equal to 560 kW (750 Hp) manufactured prior to January 1, 1996.
- 10f. greater than 560 kW (750 Hp) originally manufactured prior to January 1, 2000.

Unregulated nonroad spark ignition engine (40 CFR 90.612(f)(1)):

- 10g. less than or equal to 19 kW (25 Hp) originally manufactured prior to September 1, 1997 (January 1, 1998 for certain handheld).
- 10h. greater than 19 kW (25 Hp) and not an offroad vehicle (for spark ignition vehicles greater than 19 kW (25 Hp), instead use form 3520-1).

This information is collected to ensure that nonroad engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (40 CFR 89.601 et seq. & 90.601 et seq. and Clean Air Act Sections 203 and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. 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 (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.