
40 C.F.R. § 85.2114

Basis of certification.

(a) *Prior to certifying*, the aftermarket part manufacturer must determine:

(1) Whether the part to be certified is an emission related part as defined in § 85.2102. The MOD Director shall deny certification to any parts which he or she determines is not an emission related part.

(2) The vehicle or engine configurations for which this part is being certified. These are the vehicle and engine designs for which the aftermarket part manufacturer intends to sell the certified aftermarket part.

(3) Whether the part qualifies under one of the part categories, listed in § 85.2122 of this subpart that are eligible to certify using emission critical parameters and, if so, whether the manufacturer elects to demonstrate certification using emission critical parameters. An aftermarket part may be certified under this category only if the part's emission-critical parameters, as set forth in § 85.2122, are equivalent to those of the original equipment or previously certified part it is to replace. Compliance with the emission-critical parameters discussed in paragraph (b) of this section may be demonstrated by compliance with the relevant test procedures and criteria specified in appendix I to this subpart. The requirements of this paragraph apply to all on-road vehicles and engines. Alternatively, the manufacturer may elect to demonstrate certification compliance according to the emission test procedures described in paragraph (c) of this section.

(b) *For parts eligible to certify using emission-critical parameters, certification compliance can be demonstrated as follows.* (1) The durability procedure contained in appendix I to this subpart can be used. As an alternative, the aftermarket part manufacturer may use a different durability procedure if it can demonstrate to the MOD Director that the alternative procedure results in an improved technical evaluation of the part's influence on vehicle or engine emissions for its useful life mileage interval, or results in a significant cost savings to the aftermarket part manufacturer with no loss in technical validity compared to the recommended durability procedure. The aftermarket part manufacturer shall receive the written approval from the MOD Director prior to implementation of the alternative procedures.

(2) Compliance with certification requirements is based on conformance with all emission-critical parameters in § 85.2122. This shall be accomplished by performing such procedures, tests, or analyses described in appendix I, or other procedures subject to the MOD Director's approval, necessary to ascertain with a high degree of certainty the emission-critical parameter specifications and tolerances for the aftermarket part and the original equipment or previously certified part for which an equivalent aftermarket certified part is to be used.

(i) If information is available in appendix I of this subpart to identify the applicable emission-critical parameters, the aftermarket part certifier must use such information.

(ii) If sampling and analysis of original equipment or previously certified parts is relied upon, the aftermarket part certifier must use sound statistical sampling techniques to ascertain the mean and range of the applicable

emission parameters.

(iii) If an aftermarket part replaces more than one part on the same application, it may be certified only if the aftermarket part meets the applicable emission-critical parameters of § 85.2122 for each part or parts which the aftermarket part is to replace. If an aftermarket part is to replace more than one part or an entire system, compliance must be demonstrated for all emission-critical parameters involved, except those which relate solely to the interface between the parts being replaced by the aftermarket part.

(c) *For parts certifying on the basis of emission test results, durability demonstration testing shall be conducted as follows.* (1) Prior to certification emission testing, the actual aftermarket part used for certification testing must meet the durability demonstration requirements of this paragraph for at least the part's useful life mileage interval.

(i) If an original equipment part has no scheduled replacement interval, then the useful life mileage interval of the aftermarket part of that type or which replaces the function of that part may be certified with a service interval less than the useful life of the motor vehicle or motor vehicle engine, or

(ii) If any provision of 40 CFR part 86 establishes a minimum replacement or service interval for an original equipment part during vehicle or engine certification, then the useful life mileage interval of the aftermarket part of that type or which replaces the function of that part is said minimum interval.

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