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## 40 C.F.R. § 85.2116

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### Objections to certification.

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(a) At any time prior to the end of the 45-day period after a notification of intent to certify an aftermarket part is received as specified in § 85.2115, the MOD Director may notify the manufacturer of the aftermarket part that such aftermarket part may not be certified pending further investigation. The basis upon which this notification shall be made may include, but not be limited to, information or test results which indicate:

- (1) Compliance with the applicable emission-critical parameters was not achieved or that the testing methods used to demonstrate compliance with the emission-critical parameters were inadequate;
- (2) The part is to be certified on the basis of emission testing, and the procedure used in such tests was not in compliance with those portions of the Federal Test Procedure not waived pursuant to § 85.2114(d)(2).
- (3) Use of the certified part may cause a vehicle to exceed any applicable emission requirements;

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