
40 C.F.R. § 86.1846-01

Manufacturer in-use confirmatory testing requirements.

- (a) *General requirements.* (1) Manufacturers must test, or cause testing to be conducted, under this section when the emission levels shown by a test group sample from testing under § 86.1845 exceeds the criteria specified in paragraph (b) of this section. The testing required under this section applies separately to each test group and at each test point (low and high mileage) that meets the specified criteria. The testing requirements apply separately for each model year. These provisions apply to heavy-duty vehicles starting with model year 2007. These provisions do not apply to emissions of CO₂, CH₄, and N₂O.
- (2) The provisions of § 86.1845-04(a)(3) regarding fuel sulfur effects apply equally to testing under this section.
- (b) *Criteria for additional testing.* (1) A manufacturer shall test a test group or a subset of a test group as described in paragraph (j) of this section when the results from testing conducted under § 86.1845 show mean exhaust emissions for that test group of any pollutant(s) (except CO₂, CH₄, and N₂O) to be equal to or greater than 1.30 times the applicable in-use standard and a failure rate, among the test group vehicles, for the corresponding pollutant(s) of fifty percent or greater.
- (i) Additional testing is not required under this paragraph (b)(1) based on evaporative/refueling testing or based on low-mileage Supplemental FTP testing conducted under § 86.1845-04(b)(5)(i). Testing conducted at high altitude under the requirements of § 86.1845-04(c) will be included in determining if a test group meets the criteria triggering the testing required under this section.
- (ii) The vehicle designated for testing under the requirements of § 86.1845-04(c)(2) with a minimum odometer reading of 105,000 miles or 75% of useful life, whichever is less, will not be included in determining if a test group meets the triggering criteria.

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