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## 40 C.F.R. § 1036.246

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### Verifying deterioration factors.

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We may require you to test in-use engines as described in this section to verify that the deterioration factors you determined under § 1036.245 are appropriate.

(a) Select and prepare in-use engines representing the engine family we identify for verification testing under this section as follows:

(1) You may recruit candidate engines any time before testing. This may involve creating a pool of candidate engines and vehicles in coordination with vehicle manufacturers and vehicle purchasers to ensure availability and to confirm a history of proper maintenance. You may meet the testing requirements of this section by repeating tests on a given engine as it ages, or you may test different engines over the course of verification testing; however, you may not choose whether to repeat tests on a given engine at a later stage based on its measured emission levels. We generally require that you describe your plan for selecting engines in advance and justify any departures from that plan.

(2) Selected vehicles must come from independent sources, unless we approve your request to select vehicles that you own or manage. In your request, you must describe how you will ensure that the vehicle operator will drive in a way that represents normal in-use operation for the engine family.

(3) Select vehicles with installed engines from the same engine family and with the same power rating as the emission-data engine used to determine the deterioration factors. However, if the test engine does not have the specified power rating, you may ask for our approval to either test in the as-received condition or modify engines in selected vehicles by reflashing the ECM or replacing parts to change the engines to be in a different certified configuration for proper testing.

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