§ 1065.5
emission data are generally not eligi-
ble for confidential treatment.
(f) Nothing in this part should be in-
terpreted to limit our ability under
Clean Air Act section 208 (42 U.S.C.
7542) to verify that engines conform to
the regulations.
[73 FR 37289, June 30, 2008, as amended at 75
FR 23028, Apr. 30, 2010; 79 FR 23752, Apr. 28,
2014]

§ 1065.5 Overview of this part 1065 and
its relationship to the standard-set-
ing part.

(a) This part specifies procedures
that apply generally to testing various
categories of engines. See the standard-
setting part for directions in applying
specific provisions in this part for a
particular type of engine. Before using
this part’s procedures, read the stand-
ard-setting part to answer at least the
following questions:
(1) What duty cycles must I use for
laboratory testing?
(2) Should I warm up the test engine
before measuring emissions, or do I
need to measure cold-start emissions
during a warm-up segment of the duty
cycle?
(3) Which exhaust constituents do I
need to measure? Measure all exhaust
constituents that are subject to emis-
sion standards, any other exhaust con-
stituents needed for calculating emis-
sion rates, and any additional exhaust
constituents as specified in the stand-
ard-setting part. Alternatively, you
may omit the measurement of N₂O and
CH₄ for an engine, provided it is not
subject to an N₂O or CH₄ emission
standard. If you omit the measurement
of N₂O and CH₄, you must provide other
information and/or data that will give
us a reasonable basis for estimating
the engine’s emission rates.
(4) Do any unique specifications
apply for test fuels?
(5) What maintenance steps may I
take before or between tests on an
emission-data engine?
(6) Do any unique requirements apply
to stabilizing emission levels on a new
engine?
(7) Do any unique requirements apply
to test limits, such as ambient tem-
peratures or pressures?
(8) Is field testing required or al-
lowed, and are there different emission
standards or procedures that apply to
field testing?
(9) Are there any emission standards
specified at particular engine-oper-
ating conditions or ambient condi-
tions?
(10) Do any unique requirements
apply for durability testing?
(b) The testing specifications in the
standard-setting part may differ from
the specifications in this part. In cases
where it is not possible to comply with
both the standard-setting part and this
part, you must comply with the speci-
fications in the standard-setting part.
The standard-setting part may also
allow you to deviate from the proce-
dures of this part for other reasons.
(c) The following table shows how
this part divides testing specifications
into subparts:

<table>
<thead>
<tr>
<th>TABLE 1 OF § 1065.5—DESCRIPTION OF PART 1065 SUBPARTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart A: Applicability and general provisions.</td>
</tr>
<tr>
<td>Subpart B: Equipment for testing.</td>
</tr>
<tr>
<td>Subpart C: Measurement instruments for testing.</td>
</tr>
<tr>
<td>Subpart D: Calibration and performance verifications for measurement systems.</td>
</tr>
</tbody>
</table>
| Subpart E: How to prepare engines for testing, includ-

§ 1065.10 Other procedures.
(a) Your testing. The procedures in
this part apply for all testing you do to
show compliance with emission standards, with certain exceptions noted in this section. In some other sections in this part, we allow you to use other procedures (such as less precise or less accurate procedures) if they do not affect your ability to show that your engines comply with the applicable emission standards. This generally requires emission levels to be far enough below the applicable emission standards so that any errors caused by greater imprecision or inaccuracy do not affect your ability to state unconditionally that the engines meet all applicable emission standards.

(b) Our testing. These procedures generally apply for testing that we do to determine if your engines comply with applicable emission standards. We may perform other testing as allowed by the Act.

(c) Exceptions. We may allow or require you to use procedures other than those specified in this part in the following cases, which may apply to laboratory testing, field testing, or both. We intend to publicly announce when we allow or require such exceptions. All of the test procedures noted here as exceptions to the specified procedures are considered generically as “other procedures.” Note that the terms “special procedures” and “alternate procedures” have specific meanings; “special procedures” are those allowed by §1065.10(c)(2) and “alternate procedures” are those allowed by §1065.10(c)(7).

(1) The objective of the procedures in this part is to produce emission measurements equivalent to those that would result from measuring emissions during in-use operation using the same engine configuration as installed in a vehicle, equipment, or vessel. However, in unusual circumstances where these procedures may result in measurements that do not represent in-use operation, you must notify us if good engineering judgment indicates that the specified procedures cause unrepresentative emission measurements for your engines. Note that you need not notify us of unrepresentative aspects of the test procedure if measured emissions are equivalent to in-use emissions. This provision does not obligate you to pursue new information regarding the different ways your engine might operate in use, nor does it obligate you to collect any other in-use information to verify whether or not these test procedures are representative of your engine’s in-use operation. If you notify us of unrepresentative procedures under this paragraph (c)(1), we will cooperate with you to establish whether and how the procedures should be appropriately changed to result in more representative measurements. While the provisions of this paragraph (c)(1) allow us to be responsive to issues as they arise, we would generally work toward making these testing changes generally applicable through rulemaking. We will allow reasonable lead time for compliance with any resulting change in procedures. We will consider the following factors in determining the importance of pursuing changes to the procedures:

(i) Whether supplemental emission standards or other requirements in the standard-setting part address the type of operation of concern or otherwise prevent inappropriate design strategies.

(ii) Whether the unrepresentative aspect of the procedures affect your ability to show compliance with the applicable emission standards.

(iii) The extent to which the established procedures require the use of emission-control technologies or strategies that are expected to ensure a comparable degree of emission control under the in-use operation that differs from the specified procedures.

(2) You may request to use special procedures if your engine cannot be tested using the specified procedures. For example, this may apply if your engine cannot operate on the specified duty cycle. In this case, tell us in writing why you cannot satisfactorily test your engine using this part’s procedures and ask to use a different approach. We will approve your request if we determine that it would produce emission measurements that represent in-use operation and we determine that it can be used to show compliance with the requirements of the standard-setting part. Where we approve special procedures that differ substantially from the specified procedures, we may preclude you from participating in...
§ 1065.12 Approval of alternate procedures.

(a) To get approval for an alternate procedure under §1065.10(c), send the Designated Compliance Officer an initial written request describing the alternate procedure and why you believe it is equivalent to the specified procedure. Anyone may request alternate procedure approval. This means that an individual engine manufacturer may request to use an alternate procedure. This also means that an instrument manufacturer may request to have an instrument, equipment, or procedure approved as an alternate procedure to those specified in this part. We may approve your request based on this information alone, whether or not it includes all the information specified in this section. We may approve your request based on this information alone, whether or not it includes all the information specified in this section. Where we determine that your original submission does not include enough information for us to determine that the alternate procedure is equivalent to the specified procedure, we may ask you to submit supplemental information showing that your alternate procedure is consistently and reliably at least as accurate and repeatable as the specified procedure.

(b) We may make our approval under this section conditional upon meeting other requirements or specifications. We may limit our approval, for example, to certain time frames, specific duty cycles, or specific emission standards. Based upon any supplemental information we receive after our initial approval, we may amend a previously approved alternate procedure to extend, limit, or discontinue its use. We intend to publicly announce alternate procedures that we approve.

(c) Although we will make every effort to approve only alternate procedures that completely meet our requirements, we may revoke our approval of an alternate procedure if new averaging, banking, and trading with the affected engine families.

(3) In a given model year, you may use procedures required for later model year engines without request. If you upgrade your testing facility in stages, you may rely on a combination of procedures for current and later model year engines as long as you can ensure, using good engineering judgment, that the combination you use for testing does not affect your ability to show compliance with the applicable emission standards.

(4) In a given model year, you may ask to use procedures allowed for earlier model year engines. We will approve this only if you show us that using the procedures allowed for earlier model years does not affect your ability to show compliance with the applicable emission standards.

(5) You may ask to use emission data collected using other procedures, such as those of the California Air Resources Board or the International Organization for Standardization. We will approve this only if you show us that using these other procedures does not affect your ability to show compliance with the applicable emission standards.

(6) During the 12 months following the effective date of any change in the provisions of this part 1065, you may use data collected using procedures specified in the previously applicable version of this part 1065. This paragraph (c)(6) does not restrict the use of carryover certification data otherwise allowed by the standard-setting part.

(7) You may request to use alternate procedures that are equivalent to the specified procedures, or procedures that are more accurate or more precise than the specified procedures. We may perform tests with your engines using either the approved alternate procedures or the specified procedures. The following provisions apply to requests for alternate procedures:

(i) Applications. Follow the instructions in §1065.12.

(ii) Submission. Submit requests in writing to the Designated Compliance Officer.

(iii) Notification. We may approve your request by telling you directly, or we may issue guidance announcing our approval of a specific alternate procedure, which would make additional requests for approval unnecessary.

(d) Advance approval. If we require you to request approval to use other procedures under paragraph (c) of this section, you may not use them until we approve your request.