

# Regulations Governing Motor Vehicle Air Pollutant and Noise Emission Testing Organizations

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## Chapter 1 General Principles

### Article 1

These Regulations are determined pursuant to Article 44, Paragraph 2 of the Air Pollution Control Act and Article 20, Paragraph 2 of the Noise Control Act

### Article 2

Terms used in these Regulations are defined as follows:

- I. 1. "Motor vehicle air pollutant and noise emission testing" means using various testing methods to perform motor vehicle air pollutant and noise emission testing
- II. 2. "Motor vehicle air pollutant and noise emission testing organization" means organizations that have been issued a permit for the performance of motor vehicle air pollutant or noise emission testing pursuant to these Regulations.
- III. 3. "Motor vehicle air pollutant and noise emission testing laboratory" means premises that perform motor vehicle air pollutant or noise emission testing including their instruments and equipment and the testing site or laboratory that houses the facilities.
- IV. 4. "Motor vehicle air pollutant and noise emission testing personnel" (herein called testing personnel) means professional technical personnel such as laboratory managers, quality assurance/control personnel and other personnel that perform motor vehicle air pollutant or noise emission testing.

## Chapter 2 Permits

### Article 3

Those that apply for testing organization permits shall apply to the central competent authority, the Environmental Protection Administration, Executive Yuan.

### Article 4

Those that apply for testing organization permits shall meet one of the following conditions.

- I. Be a non-public enterprise with paid-in capital of NT\$ 5 million or more
- II. Be a public enterprise or a government agency or organization other than an environmental protection competent authority
- III. Be an academic institution at the public college level or higher

## **Article 5**

Those that apply for testing organization permits shall possess their own laboratories; each laboratory shall possess dedicated instruments and equipment and six or more dedicated testing personnel, including one laboratory manager and quality assurance/quality control personnel.

## **Article 6**

Testing personnel shall hold an Environmental Protection Administration qualification certificate attesting to training in relevant testing items.

## **Article 7**

The laboratory manager in Article 5 shall have three or more years of testing experience in the testing items for which the permit application has been submitted and provide relevant verification documents. But graduates of departments of science, engineering, medicine or agriculture at public, or registered private schools at the college level or higher or at overseas schools at the college-level or higher that are recognized by the Ministry of Education may have one year less testing experience.

## **Article 8**

The quality assurance/control personnel in Article 5 shall have two or more years of testing experience in the testing items for which the permit application has been submitted and provide relevant verification documents. But graduates of departments of science, engineering, medicine or agriculture at public, or registered private schools at the college level or higher or at overseas schools at the college-level or higher that are recognized by the Ministry of Education may have one year less testing experience.

## **Article 9**

Those that apply for testing organization permits shall meet one of the following conditions.

- I. An application form;
- II. Organization identification documents of the agency or organization
- III. A photocopy of the personal identification document of the statutory responsible person
- IV. A diagram of the geographical locations of laboratories
- V. Placement and layout diagrams of the analysis facilities
- VI. 6. Labor Insurance documents proving employment of testing personnel, photocopies of documents verifying education and work experience as well as necessary training of the testing personnel, and written consent to Labor Insurance information inquiries
- VII. Such documents as those explaining application categories and the names of usage methods
- VIII. Fifteen or more sets of real testing data and related quality control data related to the testings items for which the permit application has been submitted
- IX. Quality Management Manual
- X. Other documents designated by the central competent authority

Those testing organizations for which application documents in the foregoing paragraph do not comply with regulations or for which contents are incomplete shall be notified by the central competent authority to make corrections within a limited time period; those that have failed to make corrections by the deadline shall have their applications rejected and their application documents shall not be returned.

Testing organizations which apply for extensions, the resumption of business, the relocation of a laboratory, or the addition of a laboratory, testing category or testing item shall submit the documents in Subparagraph 1 and Subparagraphs 4 through 10 of the first article.

## **Article 10**

When testing organizations establish more than one laboratory, a separate permit application shall

be submitted pursuant to these Regulations.

## **Article 11**

The testing categories and items in testing organization permit applications shall be as follows:

- I. 1. Air pollutant testing categories for gasoline vehicles and clean alternative fuel vehicles:
  - A. (1) Driving exhaust testing.
  - B. Idle exhaust testing
  - C. Testing vapor from fuel tank and carburetor
  - D. 4. Crankcase blow-by gas testing
- II. 2. Air pollutant testing categories for diesel vehicles and clean alternative fuel vehicles:
  - A. (1) Light vehicle driving exhaust testing.
  - B. (2) Heavy duty vehicle driving exhaust testing.
  - C. (3) Diesel vehicle full load fixed rpm exhaust smoke testing.
  - D. (4) Diesel vehicle unloaded extreme acceleration exhaust smoke testing.
- III. 3. Motorized bicycles air pollutant emission testing categories:
  - A. (1) Driving exhaust testing
  - B. Idle exhaust testing
  - C. (3) Exhaust particulate testing
  - D. Testing vapor from fuel tank and carburetor
  - E. (5) crankcase blow-by gas testing
- IV. 4. Motor vehicle noise testing categories:
  - A. (1) Motorized bicycle stationary and acceleration noise testing
  - B. (2) Stationary and acceleration noise testing for sedans, station wagons, minibuses, delivery trucks and other officially announced specialist vehicles under 3.5 tons.
  - C. (3) Stationary and acceleration noise testing for city buses, delivery trucks and other officially announced specialist vehicles over 3.5 tons.
- V. Other testing categories officially announced by the central competent authority

## **Article 12**

The central competent authority shall perform the following matters for the review of testing organization permit applications, extensions, the resumption of business, the relocation of a laboratory, the addition of a laboratory, and the addition of a testing category or testing item; permits may be issued only after a review demonstrates compliance. However, reviews for the addition of a testing item may forego a systems evaluation.

- I. 1. Documentary review: Review of application documents submitted by the testing organization
- II. 2. Related testing evaluation: A review of the testing items for which the testing organization has submitted an application through related testing by a testing organization designated by the central competent authority. The central competent authority may demand related testing at a relevant domestic or foreign testing organization or laboratory for the testing items of not yet authorized testing organizations. Related testing shall be conducted only once.
- III. 3. Systems evaluation: An on-site review and grading of the quality control systems at the individual laboratories for which the testing organization has submitted permit applications.

## **Article 13**

In order to conduct reviews, evaluations and inquiries of various applications the central competent authority may establish a technical evaluation committee.

#### **Article 14**

Permits shall record the following items.

- I. The name of the organization
- II. Name and address of laboratory
- III. The name and personal identification document number of the laboratory manager
- IV. Testing categories, items and methods
- V. Validity period
- VI. Other items designated by the central competent authority

#### **Article 15**

Permits shall have a maximum validity period of five years. Extension applications shall be filed six to eight months before permit expiration, if the deadline is missed an application for a new permit shall be filed.

Each period of extension may not exceed five years.

## **Chapter 3 Management**

#### **Article 16**

When performing testing testing organizations shall observe the following regulations:

- I. A laboratory's testing personnel shall use the laboratory's dedicated instruments and equipment
- II. A standard operating procedures manual shall be prepared in accordance with analysis methods and quality control items officially announced by the central competent authority, and shall be placed in the laboratory for reference; testing shall be performed in accordance with the manual.
- III. Prepare a laboratory management manual based on the basic quality system standards officially announced by the central competent authority, and conduct lab operations based on this manual.
- IV. Other items designated by the central competent authority

#### **Article 17**

Testing reports presented by testing organizations shall be signed by the managers of each laboratory at issue. However, in consideration of a professional field or operational requirements, testing reports may be signed by an testing report signatory that has been evaluated and authorized by the central competent authority.

The regulations for laboratory managers shall apply to the qualifications for the testing report signatory in the foregoing paragraph.

The time period for the authorization by the central competent authority of the signing of reports by the testing report signatory shall be the same as the validity period for permits. An testing organization may apply for the authorization of the testing report signatory at the same time as applying for the extension of a permit.

#### **Article 18**

In order to supervise testing organizations the central competent authority may order that related testing is carried out with designated vehicles and by a designated testing organization. It may also order that the testing be completed by the designated deadline and that test results are sent in by letter.

Differences between testing results of testing organizations and designated testing organizations in

the foregoing paragraph must not exceed the allowable difference set by the central competent authority three times in a row.

#### **Article 19**

The personnel change of the testing personnel of an testing organization laboratory shall be registered within thirty days after the change. For those circumstances in which there is a personnel change for a laboratory manager or quality assurance/quality control personnel, vacated positions shall be filled within thirty days. When a personnel change causes the remaining number of testing personnel to fail to be in compliance with the regulations for the number of analysis personnel in Article 5, vacated positions shall be filled within ninety days after the change.

For those circumstances in which there are changes to the items recorded on a permit, the testing organization shall register the changes with the central competent authority within thirty days after the change.

The relocation of a laboratory of an testing organization shall be submitted to the central competent authority for future reference prior to relocation.

#### **Article 20**

The central competent authority, in performing duties related to applications, reviews, issuance, replacement, revocation, or cancellation of testing organization permits, shall maintain the confidentiality of all information that involves the individual privacy of the subject of analysis, corporate secrets or military secrets.

#### **Article 21**

A testing organization, when suspending business on its own initiative, shall submit its permit to the central competent authority for cancellation.

For those testing organizations that terminate business, are dissolved, or lose the ability to conduct operations, the central competent authority may directly cancel permits.

Those analysis organizations in the two foregoing paragraphs for which permits are cancelled by the central competent authority shall be exempt from the restrictions of these Regulations.

#### **Article 22**

If one of the following situations occur at testing organizations, they shall be punished pursuant to Article 70 of the Air Pollution Control Act and Article 32 of the Noise Control Act:

- I. 1. If testing organizations violate Article 16, Article 17, Paragraph 1, Article 18, Paragraph 2, or Article 19 of these Regulations or if they fail, in violation of central competent authority regulations, to complete by the designated deadline related testing with a designated testing organization and to send in the test results by letter
- II. Those testing organizations for which permit application documents, the employment of testing personnel, testing or data processing procedures, testing reports, or other reporting documents are determined to be false

#### **Article 23**

Those testing organizations for which the central competent authority has revoked or cancelled a permit or suspended testing categories or items may not again perform the testing operations at issue.

Those that violate regulations shall be punished pursuant to Article 70 of the Air Pollution Control Act or Article 20, Paragraph 1 and Paragraph 2 of the Noise Control Act

## **Chapter 4 Supplementary Provisions**

#### **Article 24**

The central competent authority may commission relevant agencies or organizations to perform guidance, review and evaluation matters for testing organizations.

**Article 25**

The format of all relevant documents designated in these Regulations shall be determined by the central competent authority.

**Article 26**

For those relevant documents designated in these Regulations which are in a foreign language, a translated Chinese version certified by an overseas unit or an authorized organization of the Ministry of Foreign Affairs shall be attached.

**Article 27**

For testing organizations that have already conducted motor vehicle air pollutant or noise emission testing with a central competent authority permit before these Regulations have been promulgated, the permit validity period shall be the same than for the original permit. They may apply for an extension in line with these Regulations before the permit expires.

**Article 28**

These Regulations shall take effect on the date of promulgation.