NOTIFICATION

Revision

The following notification is being circulated in accordance with Article 10.6.

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| **1.** | **Notifying Member:** UNITED STATES OF AMERICA  **If applicable, name of local government involved (Articles 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA)  **Name and address (including telephone and fax numbers, email and website addresses, if available) of** **agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X], 2.10.1 [****], 5.6.2 [****X], 5.7.1 [****], 3.2 [****], 7.2 [****], other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Coal- and oil-fired electric utility steam generating units; Steam or other vapour generating boilers (excl. central heating hot water boilers capable also of producing low pressure steam); superheated water boilers; parts thereof (HS code(s): 8402); Quality (ICS code(s): 03.120); Air quality (ICS code(s): 13.040); Burners. Boilers (ICS code(s): 27.060) |
| **5.** | **Title, number of pages and language(s) of the notified document:** National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units--Revocation of the 2020 Reconsideration, and Affirmation of the Appropriate and Necessary Supplemental Finding; (43 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The EPA is proposing to amend the [National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs)](https://www.epa.gov/stationary-sources-air-pollution/proposed-rule-national-emission-standards-hazardous-air-pollutants), commonly known as the [Mercury and Air Toxics Standards (MATS)](https://www.epa.gov/stationary-sources-air-pollution/mercury-and-air-toxics-standards). Specifically, the EPA is proposing to amend the surrogate standard for non-mercury (Hg) metal HAP (filterable particulate matter (fPM)) for existing coal-fired EGUs; the fPM compliance demonstration requirements; the Hg standard for lignite-fired EGUs; and the definition of startup. These proposed amendments are the result of the EPA's review of the [22 May 2020 residual risk and technology review (RTR) of MATS](https://www.epa.gov/mats/final-revised-supplemental-finding-and-results-residual-risk-and-technology-review). |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of the environment; Quality requirements |
| **8.** | **Relevant documents:** 88 Federal Register (FR) 24854, 1 May 2023; Title 40 Code of Federal Regulations (CFR) Part 63:  <https://www.govinfo.gov/content/pkg/FR-2023-04-24/html/2023-07383.htm>  <https://www.govinfo.gov/content/pkg/FR-2023-04-24/pdf/2023-07383.pdf>  The EPA will hold a virtual public hearing on 9 May 2023 that will convene at [11 a.m.](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time (ET)](https://24timezones.com/time-zone/et) and conclude at 7 p.m. ET. If the EPA receives a high volume of registrations for the public hearing, we may continue the public hearing on 10 May 2023. The EPA may close a session 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce further details at <https://www.epa.gov/stationary-sources-air-pollution/mercury-and-air-toxics-standards>.  This proposed rule and previous actions notified under the symbol [G/TBT/N/USA/1837](https://eping.wto.org/en/Search?domainIds=1&documentSymbol=usa%2F1837) are identified by Docket Number EPA-HQ-OAR-2018-0794. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OAR-2018-0794/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov) by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 23 June 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-OAR-2018-0794/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 23 June 2023 |
| **11.** | **Texts available from: National enquiry point [****] or address, telephone or fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2023/TBT/USA/23_9370_00_e.pdf> |