NOTIFICATION

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 (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA) [2065]  **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 [****],** **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):** Air emissions; Quality (ICS code(s): 03.120); Environmental protection (ICS code(s): 13.020); Air quality (ICS code(s): 13.040) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Revisions to the Air Emissions Reporting Requirements; (105 page(s), in English) |
| **6.** | **Description of content:** Proposed rule and notice of virtual public hearing on 30 August 2023 - This action proposes changes to the EPA's [Air Emissions Reporting Requirements (AERR)](https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr). The proposed amendments may require changes to current regulations of State, local, and certain tribal air agencies; would require these agencies to report emissions data to the EPA using different approaches from current requirements; and would require owners/operators of some facilities to report additional emissions data. More specifically, the EPA is proposing to require certain sources report information regarding emission of hazardous air pollutants (HAP); certain sources to report criteria air pollutants, their precursors and HAP; and to require State, local, and certain tribal air agencies to report prescribed fire data. The proposed revisions would also define a new approach for optional collection by air agencies of such information on HAP by which State, local and certain tribal air agencies may implement requirements and report emissions on behalf of owners/operators. The proposed revisions would also make the requirements for point sources consistent for every year; phase in earlier deadlines for point source reporting; and add requirements for reporting fuel use data for certain sources of electrical generation associated with peak electricity demand. The proposed revisions include further changes for reporting on airports, rail yards, commercial marine vessels, locomotives, and nonpoint sources. For owners/operators of facilities that meet criteria described in this proposal, the proposed revisions would require reporting of performance test and performance evaluation data to the EPA for all tests conducted after the effective date provided in the final rulemaking. The EPA also proposes to clarify that information the EPA collects through the AERR is emission data that is not subject to confidential treatment.  The EPA will hold a virtual public hearing on 30 August 2023. The hearing will convene at [10:00 a.m.](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) (ET) and will conclude at [4:00 p.m.](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) ET. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce any further details at <https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr>. Refer to section SUPPLEMENTARY INFORMATION in [88 Federal Register (FR) 54118](https://www.govinfo.gov/content/pkg/FR-2023-08-09/html/2023-16158.htm) for additional information on the public hearing. |
| **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) 54118, 16 August 2023; Title 40 Code of Federal Regulations (CFR) Parts 2 and 51:  <https://www.govinfo.gov/content/pkg/FR-2023-08-09/html/2023-16158.htm>  <https://www.govinfo.gov/content/pkg/FR-2023-08-09/pdf/2023-16158.pdf>  This proposed rule is identified by Docket Number EPA-HQ-OAR-2004-0489. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OAR-2004-0489/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 18 October 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-2004-0489/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:** 18 October 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2023/TBT/USA/23_11832_00_e.pdf> |