



Environmental Fact Sheet

Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program: Partial Withdrawal of Direct Final Rule

The Environmental Protection Agency (EPA) is withdrawing two amendments to the Gasoline Deposit Control Additive regulations that were included in a direct final rule published on November 5, 2001.

Specifically, this action:

- *withdraws the revision to 40 CFR 80.162(a)(3)(i)(B), and the revision to 40 CFR 80.162(a)(3)(ii) regarding the allowed variability in additive production batches which were included in a direct final rule published on November 5, 2001.*

Background

Deposits that form in gasoline-fueled motor vehicle engines and fuel supply systems have been shown to increase emissions of harmful air pollutants. The gasoline deposit control additive program ensures that all gasoline used in the U.S. must contain additives that have been certified with EPA as effective in limiting the formation of such deposits. During certification, additive manufacturers must provide EPA with information on additive composition. To ensure that in-use additives meet EPA

requirements, manufacturers are required to limit variation in the composition of additive production batches from that reported during certification.

The four amendments in the November 5, 2001, direct final rule were made to address additive manufacturer concerns that compliance with the existing requirements would be burdensome and difficult. These changes were agreed upon in a Settlement Agreement which resolved a Petition for Regulatory Review by the American Chemistry Council. We expected that these would not adversely impact the environmental benefits of the gasoline deposit control program. Nevertheless, we received adverse comments on two of the four amendments in the direct final rule stating their implementation would adversely impact the environmental benefits of the program. The amendments on which we received adverse comments (and are consequently withdrawn by today's action) would have allowed additive manufacturers additional flexibility in the composition of the components in their deposit control additive packages that are classified as nondetergent-active. The adverse comments on the withdrawn amendments will be addressed in a subsequent final action based on the parallel proposed rule. We will not open a second comment period.

The following two amendments that we did not receive adverse comment on will go into effect on February 4, 2002, as provided in the direct final rule: 40 CFR 80.162(d), and 40 CFR 80.169(c)(4)(i)(C)(2). These provisions are associated with the evaluation of variability in additive production batches using FTIR test results. The adoption of these amendments clarifies that EPA's evaluation of additive composition will be based on objective scientific criteria and will be focused on identifying the detergent-active components in the deposit control additive package. These amendments will not impact the environmental benefits of the gasoline deposit control additive program.

Where to Obtain Copies of Today's Notice and Associated Documents

The Withdrawal Notice is available electronically on the day of publication from the Office of the Federal Register internet Web site listed below. Prepublication electronic copies of these notices are also available from the EPA Office of Transportation and Air Quality Web site listed below. This service is free of charge, except for any cost that you already incur for internet connectivity.

Federal Register Web Site:

<http://www.epa.gov/docs/fedrgstr/EPA-AIR/> (Either select desired date or use Search feature.)

Office of Transportation and Air Quality Web Site:

<http://www.epa.gov/otaq/> (Look in “What’s New” or under the specific rulemaking topic.)

The Direct Final and Notice of Proposed Rulemakings are also available at the above web sites.

The Withdrawal Notice, Direct Final Rulemaking, Notice of Proposed Rulemaking, and Comments on the Proposed Rule are contained in Public Docket No. A-2001-15, at: Air Docket Section, U.S. Environmental Protection Agency, First Floor, Waterside Mall, Room M-1500, 401 M Street SW., Washington, DC 20460 (Telephone 202-260-7548; Fax 202-260-4400). Dockets may be inspected from 8 a.m. until 12 noon, and from 1:30 p.m. until 3 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

Who to Contract About Today’s Action

Jeffrey A. Herzog, Mechanical Engineer
United States Environmental Protection Agency
National Vehicle and Fuel Emissions Laboratory
Assessment and Standards Division
2000 Traverwood Drive
Ann Arbor, Michigan, 48105
Phone: (734) 214-4227
Fax: (734) 214-4816
E-Mail: herzog.jeff@epa.gov