Program Overview

Resource Information: Plain-Language Format of Emission Regulations for Mobile Sources

In the Clean Air Act, Congress has given the Environmental Protection Agency (EPA) responsibility to set emission standards for all types of highway and nonroad engines, vehicles, and equipment, and for the in-use fuels they need. We have tried to write the regulations to adopt these emission standards in a way that is easy to understand, even for someone with little legal or engineering experience in reading regulations. This fact sheet describes this approach to writing regulations and the plans to extend this to other programs in the future.

What issues does plain language address?

Regulations related to engine emissions often involve complex language to implement standards and procedures. However, we are making an extra effort to write the standards, instructions, and prohibitions in ways that are easy to understand and less likely to raise questions that require interpretation. This effort is consistent with Congress' instruction in the Plain Writing Act of 2010, which directs federal agencies to use plain language in official documents.

How is plain language different?

Writing plain-language regulations involves four main strategies. We:

- Identify the group of people who are most affected and write it directly to them. This way requirements and prohibitions sound more like instructions that are short and to the point. We do make clear, however, that failing to follow these instructions carries the same penalties as if they were written more formally.
- Generally use active verbs so it is clear who is responsible to do certain things.
- Avoid using technical or legal terms when common words communicate the same meaning.

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- Organize the provisions to put related things together. This helps the reader find those things faster and reduces the risk of overlapping or inconsistent requirements. Leaving some section and part numbers unused allows us to add related requirements in the future without causing confusion.

How are the new plain-language regulations organized?

These regulations related to certification and emission standards have three main portions:

- The main element of the regulations sets emission standards for engines, vehicles, or equipment (also known as the standard-setting part). This includes everything a manufacturer needs to know to design compliant products, certify them, and show that they meet all the requirements. See 40 CFR parts 1030 through 1060.
- Another part of the regulations has general procedures and specifications that describe how to test engines (or vehicles) to show that they meet emission standards. This includes analyzer and test-fuel specifications and instructions for testing engines (or vehicles), calibrating equipment, and calculating emission levels. We describe any testing provisions that are specific to a particular type of engine (or vehicle) in the standard-setting part. See 40 CFR parts 1065 and 1066.
- A third part of the regulations describes how we administer and enforce our emission-control programs. Many of these provisions come directly from the Clean Air Act. As with the test procedures and specifications, we address compliance provisions that are specific to a particular type of engines in the standard-setting part. See 40 CFR part 1068. The general compliance provisions include
    - general prohibitions
    - requirements for people installing, using, or servicing certified engines
    - general exemptions for a variety of situations
    - procedures for auditing production-line engines
    - defect-reporting and recall
    - hearing procedures
- Additional parts describe other provisions that apply for engines, vehicles, and equipment that are subject to emission standards and certification requirements. 40 CFR part 1027 describes how we require certifying manufacturers to pay fees for each certificate; 40 CFR part 1074 describes how states are preempted from adopting emission standards for these engines, vehicles, and equipment.

In effect, the standard-setting part serves as a handbook for manufacturers to meet all the requirements that apply to them, while the general parts serve as reference materials for manufacturers and anyone involved in activities related to certified engines.

We now also have adopted 40 CFR part 1090 with requirements that apply for producing and distributing gasoline and diesel fuel for highway, nonroad, and stationary engines, including locomotives and marine engines.

Chapters, parts, sections, paragraphs—how does it all fit together?

The Office of the Federal Register publishes the Code of Federal Regulations (CFR) with a uniform format and nomenclature that all federal agencies use when writing regulations. The CFR is divided into 50 "titles," of which Title 40 is reserved for all requirements related to environmental protection. As with all the titles in the CFR, Title 40 is divided into parts to address specific programs. Regulations initiated by the Office of Air and Radiation (OAR) have historically all been located together in Parts 49 through 99 under Subchapter C Air Programs. Within the Office of Air and Radiation, the Office of Transportation and Air Quality originally adopted emission standards for various types of highway and nonroad engines in Parts 85 through 94. Note that we have removed content for nonroad emission control programs from Parts 89 through 94.

To address the need for more regulatory parts for new programs and write them in plain language, we have reserved a new set of parts—1000 through 1099 for emission control programs from the Office of Transportation and Air Quality under Subchapter U Air Pollution Controls, with the intended distribution shown in Table 1 below. So far, we have proposed or adopted regulations in the following new parts:

- Part 1027 specifies certification fees for all engines, vehicles, and equipment.
- Part 1030 is the standard-setting part for airplanes. Note that the Federal Aviation Administration is responsible for certification.
- Part 1031 has been proposed as the standard-setting part for aircraft engines. Note that the Federal Aviation Administration is responsible for certification.
- Part 1033 is the standard-setting part for locomotives.
- Part 1036 is the standard-setting part for heavy-duty highway engines.
- Part 1037 is the standard-setting part for heavy-duty highway vehicles.
- Part 1039 is the standard-setting part for land-based nonroad diesel engines.
- Part 1042 is the standard-setting part for marine diesel engines.
- Part 1043 describes the requirements that apply under MARPOL Annex VI for marine diesel engines, including in-use fuel requirements.
- Part 1045 is the standard-setting part for marine spark-ignition engines.
- Part 1048 is the standard-setting part for nonroad spark-ignition engines over 19 kilowatts that are not used in recreational vehicles.
- Part 1051 is the standard-setting part for recreational vehicles, including snowmobiles, all-terrain vehicles, and off-highway motorcycles.

- Part 1054 is the standard-setting part for nonroad spark-ignition engines at or below 19 kilowatts.
- Part 1060 specifies emission standards and test procedures for all types of nonroad engines.
- Part 1065 describes general provisions related to procedures for testing engines.
- Part 1066 describes general provisions related to procedures for testing vehicles.
- Part 1068 includes general compliance provisions.
- Part 1074 describes provisions related to preemption of state regulations.
- Part 1090 specifies standards and other requirements for in-use gasoline and diesel fuel.

Each of these parts has various subparts, sections, and paragraphs. The following illustration shows how these fit together and what format we use to identify them.

Part 1054
Subpart A
Section 1054.1
(a)
(b)
    (1)
    (2)
        (i)
        (ii)

Note that a cross-reference to §1054.1(b) in this illustration would refer to the parent paragraph (b) and all the paragraphs under it. For example, this would include paragraphs (b), (b)(1), (b)(2), (b)(2)(i), and (b)(2)(ii). A reference to "§1054.1(b) introductory text" would refer only to the single, parent paragraph (b).

What are the advantages of taking this approach?

The first step for anyone to comply with regulations is to understand them. We believe plain-language regulations will be a great help to those trying to meet all the requirements that apply.

In addition, setting general testing provisions in Parts 1065 and 1066 and general compliance provisions in Part 1068 should greatly simplify and coordinate regulations across different programs.

- When we add a new standard-setting part to Subchapter U for a different category of engines or vehicles, we apply the existing provisions of Parts 1065, 1066, and 1068 as a supplement to the new standard-setting part.
- If we need to change Parts 1065, 1066, or 1068 for any reason, those changes would automatically apply to the other nonroad engines that are already regulated under those parts.

- Where the specific provisions of the general parts do not apply for a particular type of engine, or apply uniquely, the standard-setting part can include provisions to make these distinctions.

This approach has three important implications:

- First, companies already subject to Parts 1065, 1066, and 1068 need to stay abreast of what we are doing in other programs. We generally plan to apply the same provisions to everyone, but we will go through a public process to do this for each new category of engines. As a result, there may be some changes resulting from discussions on an otherwise unrelated subject.
- Second, by relying on single "reference" sections to cover multiple programs, we will necessarily take a consistent approach to these general regulatory provisions. Relying on centralized reference sections prevents the risk of making corrections or improvements in one program that don't apply to other programs where that would be the right thing to do. This approach is especially helpful for EPA management of multiple emission control programs and for manufacturers involved in different sectors.
- Third, the standard-setting part will be smaller. For example, many of the older parts with nonroad emission standards were 100 - 150 pages in the CFR. Moving the general provisions into stand-alone parts condenses the program-specific information in the standard-setting parts for those nonroad programs down to about 50 pages.

How would other programs fit into the new scheme?

The following table shows how Subchapter U organizes regulations related to issues that fall under the responsibility of the Office of Transportation and Air Quality. We generally refer to these as "mobile sources" of emissions.

Table 1: Regulatory Blueprint for Parts 1000 through 1099

Part	Subject	Status
1000 through 1011 State/Federal Implementation Plans, Conformity, Other Broad MobileSource Issues		
1012 through 1026 Motor vehicles—Motorcycle and light-duty programs		
1012	Light-duty vehicle standards (including clean fuel fleets/ILEV)	—
1015	Fuel economy and FE retrofits (currently in 40 CFR parts 600 and 610)	—
1018	Highway motorcycles	—
1027 through 1029 General certification provisions		
1027	**Certification fees**	**adopted October 2008**

1030 through 1056 Highway and nonroad engine and equipment programs		
1030	**Aircraft greenhouse gas standards**	**adopted January 2021**
1031	*Aircraft air pollution standards*	*proposed February 2022*
1033	**Locomotives**	**adopted June 2008**
1036	**Heavy-duty highway engine standards**	**adopted September 2011**
1037	**Heavy-duty highway vehicle standards**	**adopted September 2011**
1039	**Nonroad diesel engines and equipment**	**adopted June 2004**
1042	**Marine diesel engines and vessels**	**adopted June 2008**
1043	**Marine vessel operations (MARPOL)**	**adopted April 2010**
1045	**Marine spark-ignition engines and vessels**	**adopted October 2008**
1048	**Large nonroad spark-ignition engines and equipment**	**adopted November 2002**
1051	**Land-based recreational vehicles**	**adopted November 2002**
1054	**Small nonroad spark-ignition engines and equipment**	**adopted October 2008**
1057 through 1081 General provisions		
1060	**General standards and procedures—evaporative emissions**	**adopted October 2008**
1065	**General procedures for engine testing (SI and CI)**	**adopted November 2002**
1066	**General procedures for vehicle testing (SI and CI)**	**adopted September 2011**
1068	**General enforcement provisions for engine programs**	**adopted November 2002**
1071	Nonconformance penalties	—
1074	**Preemption**	**adopted October 2008**
1077	Maintenance of In-Use Engines and Equipment	—
1090 through 1099 In-use fuel requirements		
1090	**In-use fuel requirements**	**adopted December 2020**

Key:
Bold: Final regulations
Italics: Proposed regulations
Plain text: Existing regulatory requirements not yet written in plain language.

For More Information

You can access documents related to emission standards on the Office of Transportation and Air Quality Web site at

www.epa.gov/transportation-air-pollution-and-climate-change.

You can also contact the OTAQ library for document information at:

U.S. Environmental Protection Agency
Office of Transportation and Air Quality Library
2000 Traverwood Drive
Ann Arbor, Michigan 48105
(734) 214-4311 & 214-4434
Email Us at Group_AALibrary@epa.gov

For feedback on our use of plain language in the regulations or other documents, send us a comment from our website at

www.epa.gov/web-policies-and-procedures/forms/contact-us-about-web-policies-and-procedures.