

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 69, 80, 89, 1039, 1065, and 1068****[AMS-FRL-7485-8]****RIN 2060-AK27****Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Nonroad diesel engines contribute considerably to our nation's air pollution. These engines, used primarily in construction, agricultural, and industrial applications, are projected to continue to contribute large amounts of particulate matter (PM), nitrogen oxides (NO<sub>x</sub>), and sulfur oxides (SO<sub>x</sub>), all of which contribute to serious public health problems in the United States. These problems include premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function. We believe that diesel exhaust is likely to be carcinogenic to humans by inhalation.

Today EPA is proposing new emission standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel that will dramatically reduce emissions attributed to nonroad diesel engines. This comprehensive national program will regulate nonroad diesel engines and diesel fuel as a system. New engine

standards will begin to take effect in the 2008 model year. These standards are based on the use of advanced exhaust emission control devices. We estimate PM reductions of 95%, NO<sub>x</sub> reductions of 90%, and the virtual elimination of sulfur oxides (SO<sub>x</sub>) from nonroad engines meeting the new standards. Nonroad diesel fuel sulfur reductions of up to 99% from existing levels will provide significant health benefits as well as facilitate the introduction of high-efficiency catalytic exhaust emission control devices as these devices are damaged by sulfur. These fuel controls would begin in mid-2007. Today's nonroad proposal is largely based on EPA's 2007 highway diesel program.

To better ensure the benefits of the standards are realized in-use and throughout the useful life of these engines, we are also proposing new test procedures, including not-to-exceed requirements, and related certification requirements. The proposal also includes provisions to facilitate the transition to the new engine and fuel standards and to encourage the early introduction of clean technologies and clean nonroad diesel fuel. We have also developed provisions for both the proposed engine and fuel programs designed to address small business considerations.

The requirements in this proposal would result in substantial benefits to public health and welfare and the environment through significant reductions in emissions of NO<sub>x</sub> and PM, as well as nonmethane hydrocarbons (NMHC), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>) and air toxics. We project

that by 2030, this program would reduce annual emissions of NO<sub>x</sub> and PM by 827,000 and 127,000 tons, respectively. These emission reductions would prevent 9,600 premature deaths, over 8,300 hospitalizations, and almost a million work days lost, and other quantifiable benefits every year. All told the benefits of this rule would be approximately \$81 billion annually by 2030. Costs for both the engine and fuel requirements would be many times less, at approximately \$1.5 billion annually.

**DATES:** Comments: Send written comments on this proposal by August 20, 2003. See section IX for more information about written comments.

**Hearings:** We will hold public hearings on the following dates: June 10, 2003; June 12, 2003; and June 17, 2003. Each hearing will start at 9 a.m. local time. If you want to testify at a hearing, notify the contact person listed below at least 10 days before the hearing. See section IX for more information about public hearings.

**ADDRESSES:** Comments: Comments may be submitted by mail to: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. A-2001-28.

Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in section IX of the **SUPPLEMENTARY INFORMATION** section.

**Hearings:** We will hold public hearings at the following three locations:

New York, New York, Park Central New York, 870 Seventh Avenue at 56th Street, New York, NY 10019, Telephone: (212) 247-8000, Fax: (212) 541-8506.	June 10, 2003
Chicago, Illinois, Hyatt Regency O'Hare, 9300 W. Bryn Mawr Avenue, Rosemont, IL 60018, Telephone: (847) 696-1234, Fax: (847) 698-0139.	June 12, 2003.
Los Angeles, California, Hyatt Regency Los Angeles, 711 South Hope Street, Los Angeles, California, USA. 90017, Telephone: (213) 683-1234, Fax: (213) 629-3230.	June 17, 2003.

See section IX, "Public Participation" below for more information on the comment procedure and public hearings.

**FOR FURTHER INFORMATION CONTACT:** U.S. EPA, Office of Transportation and Air Quality, Assessment and Standards Division hotline, (734) 214-4636, [asinfo@epa.gov](mailto:asinfo@epa.gov). Carol Connell, (734) 214-4349; [connell.carol@epa.gov](mailto:connell.carol@epa.gov).

**SUPPLEMENTARY INFORMATION:****Regulated Entities**

This action would affect you if you produce or import new heavy-duty diesel engines which are intended for use in nonroad vehicles such as agricultural and construction equipment, or produce or import such nonroad vehicles, or convert heavy-duty vehicles or heavy-duty engines used in nonroad vehicles to use alternative fuels. It would also affect you if you

produce, import, distribute, or sell nonroad diesel fuel, or sell nonroad diesel fuel.

The following table gives some examples of entities that may have to follow the regulations. But because these are only examples, you should carefully examine the regulations in 40 CFR parts 80, 89, 1039, 1065, and 1068. If you have questions, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble:

Category	NAICS codes <sup>a</sup>	SIC codes <sup>b</sup>	Examples of potentially regulated entities
Industry .....	333618	3519	Manufacturers of new nonroad diesel engines.