

Plain-Language Format of Emission Regulations for Nonroad Engines

In the Clean Air Act, Congress has given the U.S. Environmental Protection Agency (EPA) responsibility to set emission standards for all types of highway and nonroad engines, vehicles, and equipment. 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 an October 1998 Executive Order instructing 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.
- Organize the provisions to put related things together. This helps the reader find 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 have three portions:

- The main element of the regulations sets emission standards for engines 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.
- Another part of the regulations has general procedures and specifications that describe how to test engines to show that they meet emission standards. This includes analyzer and test-fuel specifications and instructions for testing engines, calibrating equipment, and calculating emission levels. We describe any testing provisions that are specific to a particular type of engine in the standard-setting part.
- 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. 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

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.

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. Within the Office of Air and Radiation, the Office of Transportation and Air Quality has adopted emission standards for various types of highway and nonroad engines, which are generally in Parts 85 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 1299. The first 100 of these parts are reserved for emission control programs from the Office of Transportation and Air Quality, with the intended distribution shown in Table 1 below. So far, we have proposed or adopted regulations that use five of these new parts:

- Part 1027 specifies certification fees for all engines, vehicles, and equipment. Part 1033 is the standard-setting part for locomotives.
- 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 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 1068 includes general compliance provisions.
- Part 1074 describes provisions related to preemption of state regulations.

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 Part 1065 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, we apply the existing provisions of Parts 1065 and 1068 as a supplement to the new standard-setting part.
- If we need to change Parts 1065 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, or apply uniquely, for a particular type of engine, the standard-setting part can include provisions to make these distinctions.

This approach has three important implications:

- First, companies already subject to Parts 1065 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, which will be especially helpful for EPA management of multiple emission control programs and for manufacturers involved in making engines for more than one kind of nonroad application.
- Third, the standard-setting part will be smaller. Most parts with nonroad emission standards are 100 - 150 pages in the CFR. Moving the general provisions into stand-alone parts will allow us to condense the program-specific information in the standard-setting part down to about 50 pages.

How would other programs fit into the new scheme?

The following table shows how we plan to use Subchapter U for 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 Mobile-Source Issues		
1005	<i>Conformity</i>	
1012 through 1026 Highway vehicle programs		
1012 1015 1018 1022 1025	<i>Light-duty vehicle standards</i> <i>Fuel economy and FE retrofits (currently in 40 CFR parts 600 and 610)</i> <i>Highway motorcycles</i> <i>Clean fuel fleets/ILEV programs</i> <i>General enforcement provisions for vehicle programs (mirror 1068, plus consumer imports, performance warranty, etc.)</i>	
1027 through 1029 General certification provisions		
1027	Certification fees	proposed
1030 through 1060 Highway and nonroad engine and equipment programs		
1030 1033 1036 1039 1042 *1043 1045 1048 1051 1054	<i>Aircraft</i> Locomotives <i>Heavy-duty highway engines and vehicles</i> Nonroad diesel engines and equipment Marine diesel engines and vessels <i>Marine vessel operations (MARPOL)</i> Marine spark-ignition engines and vessels Large nonroad spark-ignition engines and equipment Land-based recreational vehicles Small nonroad spark-ignition engines and equipment	proposed adopted June 2004 proposed proposed adopted November 2002 adopted November 2002 proposed
1057 through 1081 General provisions		
1060 1064 1065 1068 1071 1074	General standards and procedures—evaporative emissions <i>General procedures for <u>vehicle</u> testing (SI and CI)</i> General procedures for <u>engine</u> testing (SI and CI) General enforcement provisions for engine programs <i>Nonconformance penalties</i> Preemption	proposed adopted November 2002 adopted November 2002 proposed
1082 through 1099 In-use fuel requirements		
1083 1086 1089 *1092 *1095 1098	<i>Registration of fuels and fuel additives</i> <i>Gasoline</i> <i>Diesel fuel</i> <i>Heavy fuels and SOx Emission Control Areas</i> <i>Alternative fuels</i> <i>General compliance provisions (penalties, CBI, dumping, hardship, exemptions, etc.)</i>	

Key: **Bold** = adopted. Plain text = under development. *Italics* = later.

* The marked parts would involve development of fundamentally new regulatory provisions that may be adopted in the future. Other categories already have existing regulatory provisions in the CFR.

Note that part numbers are not sequential to allow for flexibility with future rulemakings.

Where Can I Get More Information?

You can access documents related to emission standards on the Office of Transportation and Air Quality Web site at: www.epa.gov/otaq/.

You can also contact us at:

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