

Direct Final Rule for Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Partial Exemption for U.S. Pacific Island Territories

The U.S. Environmental Protection Agency (EPA) is issuing a direct final rulemaking to exempt the three U.S. Pacific Island Territories – American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (C.N.M.I.) – from the Tier 2 rule for gasoline sulfur requirements.

Summary of Final Rule

EPA is exempting the three U.S. Pacific Island Territories – American Samoa, Guam and C.N.M.I. – from the Tier 2 rule for gasoline sulfur requirements. The Governor of American Samoa petitioned us for an exemption from the Tier 2 gasoline sulfur requirement because of the added cost, the potential for gasoline shortages, and minimal air quality benefits to American Samoa. Representatives of the Governors of Guam and C.N.M.I. have also requested an exemption referencing the petition submitted by American Samoa. The Far East market, primarily Singapore, supplies gasoline to the U.S. Pacific Island Territories.

The Tier 2 sulfur standard effectively requires the importation of special product runs, which would increase the cost and could jeopardize the security of the gasoline supply to the Territories. The air quality in American Samoa, Guam, and C.N.M.I. is generally pristine, due to the wet climate, strong prevailing winds, and distance from any pollution sources. We recognize that exempting the U.S. Pacific Island Territories from the gasoline sulfur standard will result in smaller emission reductions. However, Tier 2 vehicles using higher sulfur gasoline still emit 30 percent less hydrocarbons and 60 percent less nitrogen oxides than Tier 1 vehicles. In addition, negative effects

on the catalytic converter due to the higher sulfur levels are, in many cases, reversible. Additionally, these reduced benefits are acceptable due to the pristine air quality, the fact that gasoline quality will not change as enforcement discretion is in place, and the cost and difficulty of consistently acquiring Tier 2 compliant gasoline.

Key Elements of the Direct Final Rule

- This rule relieves the Territories of the burden of complying with the Tier 2 gasoline sulfur requirement. It is impractical to supply the Territories with Tier 2 compliant gasoline because they are thousands of miles away from the U.S. mainland and they lack refining capability. The Territories currently receive the majority of their gasoline from Singapore and Australia.
- This rule also provides related flexibilities to the Territories for complying with the Tier 2 vehicle emission standards. Vehicles in the Territories will not likely be able to comply with the Tier 2 vehicle emission standards if tested in-use because gasoline with Tier 2 sulfur levels is necessary for a vehicle to meet the Tier 2 standards. The flexibilities allow additional preconditioning prior to conducting exhaust emissions tests and special on-board diagnostic (OBD) system considerations to account for higher levels of sulfur present in the gasoline.

Background

The [Tier 2 rule](#) was published on February 10, 2000 (65 Fed. Reg. 6697) and instituted a comprehensive regulatory program designed to significantly reduce the emissions from new passenger cars and light trucks. These reductions provide for cleaner air and greater public health protection, primarily by reducing ozone and particulate matter pollution. The program treats vehicles and fuels as a system, combining requirements for much cleaner vehicles with requirements for much lower levels of sulfur in gasoline. The program phases in a single set of tailpipe emission standards that apply to all passenger cars, light trucks, and larger passenger vehicles operated on any fuel. To enable the very clean Tier 2 vehicle emission control technology to be introduced and to maintain its effectiveness, we also require reduced gasoline sulfur levels. The reduction in sulfur levels contributes directly to cleaner air in addition to its beneficial effects on vehicle emission control systems. These standards currently apply to the U.S. Pacific Island Territories – American Samoa, Guam, and C.N.M.I.. However, the Territories have received enforcement discretion to allow gasoline with sulfur levels in excess of the Tier 2 requirements to be distributed and sold.

Pursuant to Section 325(a)(1) of the Clean Air Act, the Honorable Togiola Tulafono, Governor of American Samoa, petitioned EPA to exempt all persons in American Samoa from the Tier 2 gasoline sulfur requirements promulgated by the EPA pursuant to Section 211(c)(1) of the Clean Air Act and set forth at 40 C.F.R. Part 80, Subpart

H ("Gasoline Sulfur Regulations"). According to the petition, compliance with these requirements in American Samoa is unreasonable due to the unique geographical, meteorological and economic factors of the Territory.

Representatives of the Governors of Guam and C.N.M.I. have also filed a request for exemption from the Tier 2 gasoline sulfur standards. These requests reference the American Samoa petition which provides justification primarily on economic grounds.

Public Participation Opportunities

This rule is being released as a Direct Final Rule because we view it as a non-controversial action and anticipate no adverse comment. However, comments can be submitted under a parallel Notice of Proposed Rulemaking. Comments will be accepted for 30 days beginning when this proposal is published in the *Federal Register*. All comments should be identified by Docket No. EPA-HQ-OAR-2006-0363 and submitted by one of the following methods:

- Internet: www.regulations.gov
- E-mail: A-and-R-Docket@epa.gov
- Mail:
 - U.S. Environmental Protection Agency
 - Air and Radiation Docket and Information Center (6102T)
 - 1200 Pennsylvania Avenue NW
 - Washington, DC 20460
- Hand Delivery:
 - EPA West Building
 - EPA Docket Center (Room 3340)
 - 1301 Constitution Avenue NW
 - Washington, DC

For More Information

You can access the rule and related documents on EPA's Office of Transportation and Air Quality (OTAQ) Web site at:

www.epa.gov/tier2/amendments.htm

For further information on this Direct Final Rule, please contact Sean Hillson at:

U.S. Environmental Protection Agency
Office of Transportation and Air Quality
2000 Traverwood Drive
Ann Arbor, MI 48105
734-214-4789
E-mail: hillson.sean@epa.gov