

# Regulatory Announcement

---

## **EPA Proposes Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and U.S. Territories**

*The U.S. Environmental Protection Agency (EPA) is proposing to modify the reformulated gasoline (RFG) regulations to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico and the Virgin Islands to petition EPA to change the way in which they calculate emissions from such gasoline to demonstrate compliance with the RFG program's anti-dumping requirements. We are proposing this rule to address certain inconsistencies in the regulations which may have the effect of requiring these refiners and importers to produce or import gasoline that is cleaner than that required under the Clean Air Act and that required of refiners and importers of gasoline produced or imported for use in other parts of the country.*

### **Background**

The Clean Air Act (Act) requires EPA to establish rules requiring that gasoline sold in certain areas be reformulated to reduce vehicle emissions of toxic and ozone-forming compounds. This is known as reformulated gasoline (RFG). The Act also requires EPA to establish rules that would ensure that non-RFG, or conventional, gasoline used in the rest of the country becomes no "dirtier" than gasoline produced or imported in

1990. EPA published regulations for the certification and enforcement of RFG, and regulations for conventional gasoline on February 16, 1994. The regulations for conventional gasoline are called the “anti-dumping” regulations.

This proposed rule would modify the anti-dumping regulations to allow refiners and importers who produce or import conventional gasoline for use in Alaska, Hawaii, Puerto Rico and the Virgin Islands to change the way that they calculate emissions from such gasoline to calculate their anti-dumping baselines and evaluate annual average emissions. Under the current regulations, in certain situations, refiners and importers who produce or import conventional gasoline for use in these areas are required to comply with a baseline emissions standard that was calculated using a different model than that required for calculating annual average emissions. As a result, some conventional gasoline produced or imported for use in these areas is subject to an inappropriate standard. This proposed rule would address this inconsistency by allowing these refiners and importers the option to change their anti-dumping baselines to one that was calculated using the same model as that required for calculating annual average emissions.

This proposed rule would also extend a similar option to refiners and importers for purposes of conventional gasoline compliance under the Mobile Source Air Toxics rule.

### **Effect on Industry**

This proposed rule would provide an alternative compliance method for refiners and importers of conventional gasoline produced or imported for use in Alaska, Hawaii, Puerto Rico and the Virgin Islands who, under the current regulations, are required to produce or import gasoline that is actually cleaner than that required under the Clean Air Act. This rule would result in lower compliance costs and greater flexibility for these parties.

### **Health and Environmental Benefits**

This proposed rule would provide an alternative compliance method for affected parties without compromising the environmental goals of the RFG program. Under this proposal, even if all of the affected parties choose the new compliance method, the goals of the RFG program’s anti-dumping regulations would be met.

## **Public Participation Opportunities**

We welcome your comments on this proposed rule. For instructions on submitting written comments, please see the *Federal Register* notice, which is available from the EPA Air Docket by calling 202-566-1742; please refer to Docket No. OAR-2003-0010. In addition, you can access the proposed rule and related documents on EPA's Office of Transportation and Air Quality (OTAQ) Web site at:

[www.epa.gov/otaq/rfg\\_regs.htm](http://www.epa.gov/otaq/rfg_regs.htm)

## **For More Information**

For more information on this proposed rule, please contact Marilyn Bennett at:

U.S. Environmental Protection Agency  
Office of Transportation and Air Quality (6406J)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 343-9624  
E-mail: [bennett.marilyn@epa.gov](mailto:bennett.marilyn@epa.gov)