

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 86**

**[AMS-FRL-       ]**

**RIN 2060-AF75**

**Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Finding of National Low Emission Vehicle Program in Effect**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Finding of National Low Emission Vehicle (LEV) Program In Effect.

**SUMMARY:** Today EPA is finding the National LEV program in effect.

Nine northeastern states and 23 manufacturers have opted into this voluntary clean car program and the opt-ins have met the criteria set forth by EPA in its National LEV regulations. This means light-duty vehicles and light light-duty trucks cleaner than those available today will be produced and sold starting later this year. The National LEV program demonstrates how cooperative, partnership efforts can produce a smarter, cheaper program that reduces regulatory burden while increasing protection of the environment and public health.

**DATES:** This finding is effective [insert date of signature].

**ADDRESSES:** Materials relevant to this finding have been placed in Public Docket No. A-95-26. The docket is located at the Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460 (Telephone 202-260-7548; Fax 202-260-4400) in Room M-1500, Waterside Mall, and may be inspected weekdays between 8:00 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket materials. For further information on electronic availability of this final rule, see the SUPPLEMENTARY INFORMATION section below.

**FOR FURTHER INFORMATION CONTACT:** Karl Simon, Office of Mobile Sources, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Telephone (202) 260-3623; Fax (202) 260-6011; e-mail [simon.karl@epamail.epa.gov](mailto:simon.karl@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Obtaining Electronic Copies of the Regulatory Documents**

This finding, along with rulemaking documents and other documents related to this finding are available electronically from the EPA Internet Web site. This service is free of charge,

except for any cost you already incur for internet connectivity. The electronic Federal Register version of this finding is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes Federal Register notices and related documents on the secondary Web site listed below.

1. <http://www.epa.gov/docs/fedrgstr/EPA-AIR/>  
(either select desired date or use Search feature)

2. <http://www.epa.gov/OMSWWW/lev-nlev.htm>

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### **In Effect Finding**

Today EPA is taking the final step necessary for the National Low Emission Vehicle program to come into effect. The National LEV program is a voluntary clean car program which will reduce smog and other pollution from new motor vehicles. On December 16, 1997, EPA finalized the regulations for the National Low Emission Vehicle (National LEV) program. 63 FR 926 (January 7, 1998). Because it is a voluntary program, it could only come

into effect if agreed upon by the northeastern states and the auto manufacturers. EPA has now received notifications from all the auto manufacturers and the relevant states lawfully opting into the program. As a result, starting in the northeastern states in model year 1999 and nationally in model year 2001, new cars and light light-duty trucks will meet tailpipe standards that are more stringent than EPA can mandate prior to model year 2004. Now that the program is agreed upon, these standards will be enforceable in the same manner as any other federal new motor vehicle program.

National LEV will reduce air pollution nationwide, harmonize federal and California motor vehicle standards to reduce manufacturers' design and testing costs, avoid a patchwork of state regulatory requirements, and achieve emission reductions in the northeast equivalent to or better than would be achieved if each northeastern state adopted the California Low Emission Vehicle program. Although it originated as a way to help the northeastern states address their smog problems, National LEV will have public health and environmental benefits nationwide. Across the country, National LEV will reduce ground level ozone, the principle harmful component in smog, as well as emissions of other pollutants, including particulate matter, benzene and formaldehyde. This will assist states in achieving cleaner air

while the economy grows.

This program is the result of a remarkable effort by EPA, the northeastern states, the auto industry and other interested parties. EPA applauds the effort, time and energy that all parties have invested in the National LEV program. As a result of this cooperative, partnership approach, we now have a smarter, cheaper, cleaner program that reduces regulatory burden while increasing protection of the environment and public health.

In the December Final Rule, EPA promulgated the criteria for the Agency to find the National LEV program in effect. 40 CFR 86.1706-99(b) provides that EPA shall find the National LEV program in effect if each of the manufacturers listed in the rule submits an opt-in notification that complies with the requirements for opt-ins, each opt-in submitted by an Ozone Transport Commission (OTC) State complies with the requirements for opt-ins, any conditions placed on any of the opt-ins are satisfied, and no valid opt-out has become effective pursuant to 40 CFR 86.1707-99. As set forth below, these criteria have been met.

The following northeastern states have agreed to the National LEV program and have lawfully opted in pursuant to 40

CFR 86.1705-99(e):

Connecticut  
Delaware  
District of Columbia  
Maryland  
New Hampshire  
New Jersey  
Pennsylvania  
Rhode Island  
Virginia

Several of these states conditioned their opt-ins on all auto manufacturers opting into the program and/or on EPA finding that National LEV was in effect pursuant to 40 CFR 86.1706-99. All of the conditions these states placed on their opt-ins are now met.

All auto manufacturers have agreed to the National LEV program and have lawfully opted in pursuant to 40 CFR 86.1705-99(c). These auto manufacturers are listed below and at 40 CFR 86.1706-99(c):

American Honda Motor Company, Inc.  
American Suzuki Motor Corporation

BMW of North America, Inc.  
Chrysler Corporation  
Fiat Auto U.S.A., Inc.  
Ford Motor Company  
General Motors Corporation  
Hyundai Motor America  
Isuzu Motors America, Inc.  
Jaguar Motors Ltd.  
Kia Motors America, Inc.  
Land Rover North America, Inc.  
Mazda (North America) Inc.  
Mercedes-Benz of North America  
Mitsubishi Motor Sales of America, Inc.  
Nissan North America, Inc.  
Porsche Cars of North America, Inc.  
Rolls-Royce Motor Cars Inc.  
Saab Cars USA, Inc.  
Subaru of America, Inc.  
Toyota Motor Sales, U.S.A., Inc.  
Volkswagen of America, Inc.  
Volvo North America Corporation

Several of these manufacturers conditioned their opt-ins on the nine northeastern states listed above opting into the program, on

all auto manufacturers opting into the program, and/or on EPA finding the program in effect or finding it in effect no later than March 2, 1998. All of the conditions the auto manufacturers placed on their opt-ins are now met.

No state or manufacturer has withdrawn its opt-in, nor has any submitted an opt-out notification.

**Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Finding of National Low Emission Vehicle Program in Effect -- Page 8 of 8**

Thus, pursuant to 40 CFR 86.1706-99(b), EPA finds that the National LEV program is in effect. This finding is a nationally applicable final action.

The Congressional Review Act, 5 U.S.C. § 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. § 804(3).

Dated: \_\_\_\_\_

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Carol M. Browner



Administrator