



25 April 2024

(24-3410)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: <u>UNITED STATES OF AMERICA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: Federal Aviation Administration (FAA) [2147] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov
3.	Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other [X]: This rule adopts the procedures necessary for the FAA to implement the regulatory emissions limits and test requirements (together referred to as standards) for nvPM emitted by aircraft engines adopted by the EPA under 42 U.S.C. 7571 (sec. 231 of the Act) (87 FR 72312, 23 November 2022) that were effective 31 December 2022.
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Non-volatile particulate matter from aircraft engines; Quality (ICS code(s): 03.120); Environmental protection (ICS code(s): 13.020); Air quality (ICS code(s): 13.040); Test conditions and procedures in general (ICS code(s): 19.020); Aircraft and space vehicles in general (ICS code(s): 49.020)
5.	Title, number of pages and language(s) of the notified document: Control of Non-Volatile Particulate Matter From Aircraft Engines: Emission Standards and Test Procedures; (13 page(s), in English)
6.	Description of content: Final rule; request for comments by 24 June 2024 - This action adopts standards for measuring non-volatile particulate matter (nvPM) exhaust emissions from aircraft engines. With this rulemaking, the FAA implements the nvPM emissions standards adopted by the Environmental Protection Agency (EPA), allowing manufacturers to certificate engines to the new nvPM emissions standards in the United States, and fulfilling the statutory obligations of the FAA under the Clean Air Act (CAA). The emission standards adopted by the EPA in 40 CFR part 1031 represent the results of widely coordinated international efforts and public notice and comment rulemaking. The FAA, EPA, industry representatives, and foreign certification authorities all participated in a multi-year process that resulted in the nvPM standards adopted by the International Civil Aviation Organization (ICAO), which the EPA thereafter prescribed in 40 CFR part 1031 . Because the FAA has no authority to change any of the standards adopted by the EPA, a solicitation of comments will not result in any substantive changes to the standards and would unnecessarily delay their implementation. Accordingly, the FAA finds that notice and comment on the standards and procedures adopted in this rulemaking is unnecessary because the FAA does not have authority to

	make changes to the standards or procedures adopted by the EPA and the EPA issued its proposed rule for notice and sought public comment on these standards and test procedures prior to promulgating them on 23 November 2022; G/TBT/N/USA/1831 and Add.1 - Control of Air Pollution From Aircraft Engines: Emission Standards and Test Procedures, EPA-HQ-OAR-2019-0660 .
7.	Objective and rationale, including the nature of urgent problems where applicable: Protection of the environment; Quality requirements
8.	Relevant documents: 89 Federal Register (FR) 31078, 24 April 2024; Title 14 Code of Federal Regulations (CFR) Part 34 : https://www.govinfo.gov/content/pkg/FR-2024-04-24/html/2024-08453.htm https://www.govinfo.gov/content/pkg/FR-2024-04-24/pdf/2024-08453.pdf This final rule; request for comments is identified by Docket Number FAA-2023-2434. The Docket Folder is available on Regulations.gov at https://www.regulations.gov/docket/FAA-2023-2434/document and provides access to primary documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point . Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by 4pm Eastern Time on 24 June 2024 will be shared with the FAA and will also be submitted to the Docket on Regulations.gov if received within the comment period.
9.	Proposed date of adoption: To be determined Proposed date of entry into force: 24 May 2024
10.	Final date for comments: 24 June 2024
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: https://members.wto.org/crnattachments/2024/TBT/USA/24_02798_00_e.pdf