NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** UNITED STATES OF AMERICA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA) [1978]  **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](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****X],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Secondary lead smelters; Quality (ICS code(s): 03.120); Environmental protection (ICS code(s): 13.020); Air quality (ICS code(s): 13.040); Lead, zinc, tin and their alloys (ICS code(s): 77.120.60); Equipment for the metallurgical industry (ICS code(s): 77.180) |
| **5.** | **Title, number of pages and language(s) of the notified document:** New Source Performance Standards Review for Secondary Lead Smelters; (15 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Environmental Protection Agency (EPA) is proposing amendments to the Standards of Performance for secondary lead smelters per the Agency's periodic review of the new source performance standards required by the [Clean Air Act (CAA)](https://www.epa.gov/laws-regulations/summary-clean-air-act). In this action, we are proposing updates to the current [New Source Performance Standards (NSPS)](https://www.epa.gov/stationary-sources-air-pollution/new-source-performance-standards) for secondary lead smelters and proposing a new NSPS subpart that applies to affected sources constructed, reconstructed, or modified after the date of this proposed rule. For the current NSPS subpart, we are proposing to revise the definitions of blast furnace, reverberatory furnace, and pot furnace to more closely align with the equipment definitions used in the [National Emissions Standards for Hazardous Air Pollutants (NESHAP)](https://www.epa.gov/compliance/national-emission-standards-hazardous-air-pollutants-compliance-monitoring) for secondary lead smelting. We are also proposing requirements for periodic performance tests for particulate matter (PM) and incorporating revised monitoring, recordkeeping, and reporting requirements, including electronic reporting of performance tests, to be more consistent with the NESHAP. For the new subpart, we are proposing updated PM and opacity emissions limits for blast, reverberatory, and pot furnaces that reflect the performance achieved by the best system for emissions reductions (BSER). In the new subpart, we are proposing PM and opacity emissions limits that apply at all times, including during periods of startup, shutdown, and malfunction (SSM), and proposing initial and periodic PM and opacity performance testing and the same equipment definitions, recordkeeping, and reporting requirements proposed for current NSPS subpart. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of the environment; Quality requirements |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 73708, 1 December 2022; Title 40 Code of Federal Regulations (CFR) Part 60:  <https://www.govinfo.gov/content/pkg/FR-2022-12-01/html/2022-25586.htm>  <https://www.govinfo.gov/content/pkg/FR-2022-12-01/pdf/2022-25586.pdf>  This proposed rule is identified by Docket Number EPA-HQ-OAR-2022-0481. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OAR-2022-0481/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 17 January 2023 will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-OAR-2022-0481/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 17 January 2023 |
| **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/2022/TBT/USA/22_8250_00_e.pdf> |