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) [1845]  **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 [****],** **5.7.1 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Renewable fuel standard program; Environmental protection (ICS 13.020), Fuels (ICS 75.160) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Renewable Fuel Standard (RFS) Program: RFS Annual Rules (66 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - Under section 211 of the Clean Air Act, the Environmental Protection Agency (EPA) is required to set standards every year to implement nationally applicable renewable fuel volume targets. This action proposes to modify the 2021 and 2022 statutory volume targets for cellulosic biofuel, advanced biofuel, and total renewable fuel, as well as to establish the 2022 volume target for biomass-based diesel. This action also proposes to modify the previously established cellulosic biofuel, advanced biofuel, and total renewable fuel volume requirements for 2020. In addition, this action proposes the 2020, 2021, and 2022 renewable fuel standards for all four of the above biofuel categories. Finally, this action also proposes to address the remand of the 2016 standard-setting rulemaking, as well as several regulatory changes to the Renewable Fuel Standard (RFS) program including regulations for the use of biointermediates to produce qualifying renewable fuel, flexibilities for regulated parties, and clarifications of existing regulations.  EPA announced information regarding the public hearing for this proposal in a Federal Register document published on 10 December 2021, at [86 FR 70426](https://www.govinfo.gov/content/pkg/FR-2021-12-10/html/2021-26821.htm). |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Prevention of deceptive practices and consumer protection; Protection of the environment |
| **8.** | **Relevant documents:**  86 Federal Register (FR) 72436, 21 December 2021; Title 40 Code of Federal Regulations (CFR) Parts 80 and 1090: <https://www.govinfo.gov/content/pkg/FR-2021-12-21/html/2021-26839.htm> <https://www.govinfo.gov/content/pkg/FR-2021-12-21/pdf/2021-26839.pdf>  This proposed rule is identified by Docket Number EPA-HQ-OAR-2021-0324.  The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OAR-2021-0324/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) by or before [4pm](https://time.is/EST) Eastern Time on 4 February 2022.  Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-OAR-2021-0324/document) on Regulations.gov if received within the comment period.  Public Hearing for RFS Annual Rules; Notification of public hearing published 10 December 2021 identified by Docket Number [EPA-HQ-OAR-2021-0324](https://www.regulations.gov/docket/EPA-HQ-OAR-2021-0324/document):  <https://www.govinfo.gov/content/pkg/FR-2021-12-10/html/2021-26821.htm><https://www.govinfo.gov/content/pkg/FR-2021-12-10/pdf/2021-26821.pdf>  EPA will hold a virtual public hearing on 4 January 2022 on its proposal for the "Renewable Fuel Standard (RFS) Program: RFS Annual Rules," which was signed on 7 December 2021. An additional session will be held on 5 January 2022 if necessary, to accommodate the number of testifiers that sign-up to testify. EPA is proposing the 2020, 2021, and 2022 renewable fuel standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. EPA is also proposing to address the remand of the 2016 standard-setting rulemaking, extend certain RFS compliance and attest engagement reporting deadlines for the 2019, 2020, and 2021 compliance years, and several regulatory changes to the RFS program.  [G/TBT/N/USA/1693 and subsequent addendum and revision](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=United+States+of+America&DocumentSymbol=1693&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=&ReasonForAddendum=) - Extension of 2019 and 2020 Renewable Fuel Standard Compliance and Attest Engagement Reporting Deadlines  [G/TBT/N/USA/1510 and subsequent addenda](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=United+States+of+America&DocumentSymbol=1510&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=&ReasonForAddendum=) - Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021, Response to the Remand of the 2016 Standards, and Other Changes  [G/TBT/N/USA/999 and G/TBT/N/USA/999/Add.1](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=United+States+of+America&DocumentSymbol=999&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=&ReasonForAddendum=)- Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017 |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 4 February 2022 |
| **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/2021/TBT/USA/21_7991_00_e.pdf> |