

Advocacy Recommends that EPA Re-examine Regulation of Emissions from Reciprocating Internal Combustion Engines (RICE)

On June 3, 2009, the Office of Advocacy (“Advocacy”) commented on the Environmental Protection Agency’s (“EPA”) proposed rule, *National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE)*, Docket ID No. EPA-HQ-OAR-2008-0708, 74 Fed. Reg. 9698 (March 5, 2009). The proposed RICE rule regulates the emission of air toxics from specific categories of RICE engines.

Advocacy submitted one letter concerning the proposed RICE requirements overall and a separate letter solely addressing the proposed start-up, shutdown, and malfunction (SSM) standards as applied to RICE engines. These letters can be found at www.sba.gov/advo/laws/comments.

- EPA’s proposed rule would require emissions testing, operating and maintenance procedures, and recordkeeping that will heavily burden hundreds of thousands of small businesses. Small businesses use mostly small engines that yield lower emission reduction benefits than larger engines. Advocacy recommends that EPA examine alternatives that would reduce the regulation of small engines, such as excluding small emergency generators and other limited-use engines.
- Testing to ensure compliance with emissions standards can be costly, and the proposed emissions standards were created using a database that has not been updated since 2002. EPA should consider more effective alternative approaches, such as requiring operating and maintenance procedures, rather than instituting emissions standards based on possibly insufficient data.
- Advocacy also recommends that the EPA analyze the higher risks posed by RICE in urban areas, compared to the lower risks posed by engines in less populated areas, and consider less stringent regulation of non-urban sources.
- Advocacy believes that the proposed SSM requirements are not technically feasible for many small businesses with RICE engines. Furthermore, EPA did not develop adequate data to support the standards as proposed, and has not demonstrated that substantial numbers of covered engines could potentially meet the standards. Finally, EPA should consider delaying proposal of SSM standards until current litigation over SSM has been resolved.

For more information, visit SBA’s website at www.sba.gov/advo or contact Assistant Chief Counsel Kevin Bromberg by email at Kevin.Bromberg@sba.gov or by phone at (202) 205-6964.