

## *Herman & Associates*

3730 Military Road NW Suite 400  
Washington, DC 20015  
202-550-4282 (c)  
202-362-9520 (o)  
MHerman697@aol.com  
www.HermanAssociates.com

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John McGuire, Chair  
Doug Rathbun  
Kevin Schnepf  
Tory Brewer  
Mauricio Mejia

### **Re: Support for Adoption of "ITEM BLOCK 4 (B4) V EPA CFR REFERENCE UPDATES" in Publication 16**

Chairman McGuire and members of the NCWM Laws and Regulations (L&R) Committee:

The below members of the FALS EPA Streamlining Focus Group would like to express their support for adoption of "ITEM BLOCK 4 (B4) V EPA CFR REFERENCE UPDATES" as currently published in Publication 16. The FALS Focus Group developed this item for FALS.

This item proposes to update and correct obsolete CFR References in the "Uniform Engine Fuels and Automotive Lubricants Regulation" and the "Uniform Regulation for the Method of Sale of Commodities" from 40 CFR Part 80 to the new 40 CFR Part 1090 in order to align with the Federal EPA Streamlining Rule. As of January 1, 2021, the majority of fuel provisions in 40 CFR Part 80 have been superseded by 40 CFR Part 1090.

This item has been fully developed and should be voted on and adopted by the Conference without any additional changes. Over the last year, several states including Minnesota, Florida, Missouri, and Oregon have changed their regulations and laws to update their CFR references from Part 80 to Part 1090, in accordance with Federal EPA regulations. We believe the time is now for the Conference to adopt these changes into the next edition of Handbook 130.

It is our understanding that a new proposal was recently submitted to CWMA to amend "ITEM BLOCK 4 (B4) V EPA CFR REFERENCE UPDATES".

- The new proposal submitted to CWMA recommends adding the titles from the Code of Federal Regulations into the Block 4 updates. Adding the exact subtitles from EPA regulations into the Handbook can be "wordy" and would introduce new EPA terms into the Handbook. If, however, the members of NCWM elect to add the titles of CFR citations to Handbook 130, then we believe that this approach should be done uniformly for all references in the Handbooks, not merely those CFR references in Block 4 pertaining to the EPA Streamlining Rule.
- The new proposal submitted to CWMA also recommends revising the text and adding new words and deleting certain text to "ITEM BLOCK 4 (B4) V EPA CFR REFERENCE UPDATES". In our opinion, these changes are "substantive" in nature and are not "editorial" and go beyond the scope of the item currently published in Publication 16. Proper time for evaluation and comments on the new proposal can be handled by submitting a new Form 15 through the Conference.

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In conclusion, we urge the L&R Committee and the Conference to adopt the proposed changes in Block 4 updating EPA CFR citations as currently published in Publication 16. Considering any new amendments at this time would delay making the necessary updates to enable the EPA CFR references in Handbook 130 to be current.

We appreciate the opportunity to submit these comments.

Respectfully Submitted,

Marilyn Herman, Herman & Associates (Chair of FALS EPA Streamlining Focus Group)

Kelly Davis, Renewable Fuels Association

Stephen Benjamin, North Carolina

Steven Harrington, Oregon

Stephen Kirby, General Motors

Joe Sorena, Chevron

Jim Rocco, Energy Marketers of America