

C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919-541-4072; or email: [tenant.ginger@epa.gov](mailto:tenant.ginger@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. General Information

#### Written Comments

Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2014-0128, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

### II. Information About the Documents

Two sections of the Clean Air Act (CAA or the Act) govern the establishment and revision of the NAAQS. Section 108 directs the Administrator to identify and list certain air pollutants and then issue "air quality criteria" for those pollutants. The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air. . ." (CAA section 108(a)(2)). Under section 109 of the Act, the EPA is then to establish primary (health-based) and secondary (welfare-based) NAAQS for each pollutant for which the EPA has issued air quality criteria. Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria. Revised air quality criteria are to reflect advances in

scientific knowledge on the effects of the pollutant on public health and welfare. Under the same provision, the EPA is also to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria. The Act additionally requires appointment of an independent scientific review committee that is to periodically review the existing air quality criteria and NAAQS and to recommend any new standards and revisions of existing criteria and standards as may be appropriate (CAA section 109(d)(2)(A)-(B)). Since the early 1980s, the requirement for an independent scientific review committee has been fulfilled by the Clean Air Scientific Advisory Committee (CASAC).

In characterizing effects related to atmospheric deposition of oxides of nitrogen and oxides of sulfur and their transformation products, this review also recognizes the contribution of PM through deposition to eutrophication-related effects, acidification-related effects, and other such welfare effects, as well to the direct and other indirect effects on vegetation, soils, and biota. Addressing the pollutants together enables us to take a comprehensive look at the nature and interactions of the pollutants, which is important for ensuring that all scientific information relevant to ecological effects is thoroughly evaluated. This approach also addresses the CASAC's comments on the draft Integrated Review Plan (IRP) for this review, as well as the CASAC's comments on the draft IRP for the PM NAAQS review. In particular, the CASAC expressed concern that PM deposition-related effects were not adequately covered in the PM review; and they also encouraged the EPA to include all reduced nitrogen compounds, including ammonia and ammonium, to properly evaluate ecological impacts from nitrogen deposition in the secondary standards review for oxides of nitrogen and oxides of sulfur (Diez Roux and Fernandez, 2016; Diez Roux, 2016). Additional welfare effects associated with PM, such as visibility impairment, climate effects and materials damage, and the health effects of PM (including particulate transformation products of oxides of nitrogen and oxides of sulfur) are considered as part of the separate review of the NAAQS for PM.

In March 2017, EPA released the first external review draft of the *Integrated Science Assessment (ISA) for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter Ecological Criteria*, which was then discussed at a CASAC meeting May 24-25, 2017. Comments from the CASAC (Diez Roux, 2017) and

the public were considered in preparing the second external review draft (June 2018), which was then discussed at a CASAC meeting September 5-6, 2018, and April 27, 2020. CASAC provided a final letter on the second draft ISA in May 2020 (Cox, 2020), and in October 2020, EPA released the final ISA for NO<sub>x</sub>, SO<sub>x</sub>, and PM ecological criteria (U.S. EPA, 2020).

This draft PA serves to "bridge the gap" between the scientific and technical information in the 2020 ISA and any air quality, exposure, and risk analyses available in this review, and the judgments required of the Administrator in determining whether to retain or revise the existing secondary ambient air quality standards for NO<sub>2</sub>, SO<sub>2</sub> and PM. The draft PA document will be available on or about May 31, 2023, on EPA's website at <https://www.epa.gov/naaqs/nitrogen-dioxide-no2-and-sulfur-dioxide-so2-secondary-air-quality-standards>. The EPA is soliciting advice and recommendations from the CASAC by means of a review of this draft document in an upcoming public meeting of the CASAC. Information about this public meeting, including the dates and location, was published as a separate notice in the **Federal Register** on March 23, 2023 (88 FR 17572). Following the CASAC meeting, the EPA will consider comments received from the CASAC and the public in preparing the final PA.

The Draft PA will be available primarily via the internet at: <https://www.epa.gov/naaqs/nitrogen-dioxide-no2-and-sulfur-dioxide-so2-secondary-air-quality-standards>. The document will be accessible under "Policy Assessments" from the current review. The draft document briefly described above does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

**Erika Sasser,**

*Director, Health and Environmental Impacts Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2023-0284; FRL-10996-01-OGC]

### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Clean Air Act, as amended (CAA or the Act), the Environmental Protection Agency (EPA or the Agency) is providing notice of a proposed consent decree in *California Communities Against Toxics, et al. v. Regan*, No. 1:22-cv-03724 (D.D.C.). On December 14, 2022, Plaintiffs California Communities Against Toxics, Clean Power Lake County, Rio Grande International Study Center, Sierra Club, and Union of Concerned Scientists filed a complaint in the United States District Court for the District of Columbia alleging that EPA has failed to perform its nondiscretionary duty to “review, and revise as necessary” the National Emission Standards for Hazardous Air Pollutants: Ethylene oxide Emissions Standards for Sterilization Facilities, at least every 8 years. The proposed consent decree would establish a deadline for EPA to sign a final rule for this action.

**DATES:** Written comments on the proposed consent decree must be received by *June 30, 2023*.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0284, online at <https://www.regulations.gov> (EPA’s preferred method). Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Amy Huang Branning, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564-1744; email address [branning.amy@epa.gov](mailto:branning.amy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Obtaining a Copy of the Proposed Consent Decree**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2023-0284) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket

Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

##### **II. Additional Information About the Proposed Consent Decree**

On December 14, 2022, Plaintiffs California Communities Against Toxics, Clean Power Lake County, Rio Grande International Study Center, Sierra Club, and Union of Concerned Scientists (collectively “Plaintiffs”) filed a complaint in the United States District Court for the District of Columbia alleging that EPA has failed to perform its nondiscretionary duty under CAA section 112(d)(6) to “review, and revise as necessary” the National Emission Standards for Hazardous Air Pollutants (“NESHAP”): Ethylene oxide Emissions Standards for Sterilization Facilities, 40 CFR part 60, subpart O (“Sterilization Facilities NESHAP”), at least every 8 years. EPA promulgated the Sterilization Facilities NESHAP in 1994. 59 FR 62585 (December 6, 1994). In 2006, EPA conducted a risk assessment of this source category pursuant to CAA section 112(f)(2) and a technology review of its NESHAP pursuant to section 112(d)(6), neither of which resulted in revisions to the Sterilization Facilities NESHAP. 71 FR 17712 (April 7, 2006). EPA has not completed a section 112(d)(6) review of this NESHAP since then. EPA recently published a proposed rule that includes revisions to the Sterilization Facilities NESHAP pursuant to CAA section 112(d)(6) of the Act. 88 FR 22790 (April 13, 2023). The proposed consent decree, if finalized, would require that EPA sign a final rule on its review and “necessary revisions” of the Sterilization Facility NESHAP pursuant to section 112(d)(6) by March 1, 2024.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the

proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

##### **III. Additional Information About Commenting on the Proposed Consent Decree**

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0284, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties

and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

**Gautam Srinivasan,**

*Associate General Counsel.*

[FR Doc. 2023-11493 Filed 5-30-23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2006-0407; FRL-11005-01-OAR]

### Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; EPA's ENERGY STAR Program in the Commercial and Industrial Sectors (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), "EPA's ENERGY STAR Program in the Commercial and Industrial Sectors" (EPA ICR Number 1772.09, OMB Control Number 2060-0347) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 21, 2024. This notice allows for 60 days for public comments.

**DATES:** Comments must be submitted on or before July 31, 2023.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2006-0407, to EPA online using [www.regulations.gov](https://www.regulations.gov) (our preferred method), by email to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov) or by mail to: EPA Docket Center, Environmental

Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia Veit Maia, Climate Protection Partnerships Division, (5230A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-9494; fax number: 202-343-2204; email address: [veitmaia.cynthia@epa.gov](mailto:veitmaia.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This is a proposed extension of the ICR, which is currently approved through January 31, 2024. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](https://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the

submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** EPA created ENERGY STAR as a voluntary program to help businesses and individuals protect the environment through superior energy efficiency. The program focuses on reducing utility-generated emissions by reducing the demand for energy. In 1991, EPA launched the Green Lights Program to encourage corporations, State and local governments, colleges and universities, and other organizations to adopt energy-efficient lighting as a profitable means of preventing pollution and improving lighting quality. Since then, EPA has rolled Green Lights into ENERGY STAR and expanded ENERGY STAR to encompass organization-wide energy performance improvement, such as building technology upgrades, product purchasing initiatives, and employee training. At the same time, EPA has streamlined the reporting requirements of ENERGY STAR and focused on providing incentives for improvements (e.g., ENERGY STAR awards program). EPA also makes tools and other resources available over the Web to help the public overcome the barriers to evaluating their energy performance and investing in profitable improvements.

To join ENERGY STAR, organizations are asked to complete a Partnership Application that establishes their commitment to energy efficiency. Partners agree to undertake efforts such as measuring, tracking, and benchmarking their organization's energy performance by using tools such as those offered by ENERGY STAR; developing and implementing a plan to improve energy performance in their facilities and operations by adopting a strategy provided by ENERGY STAR; and educating staff and the public about their Partnership with ENERGY STAR, and highlighting achievements with the ENERGY STAR, where available.

Partners also may be asked to periodically submit information to EPA as needed to assist in program implementation.

Partnership in ENERGY STAR is voluntary and can be terminated by Partners or EPA at any time. EPA does not expect organizations to join the program unless they expect participation to be cost effective and otherwise beneficial for them.

In addition, Partners and other interested parties can seek recognition and help EPA promote energy-efficient technologies by evaluating the efficiency of their buildings using EPA's on-line tools (e.g., Portfolio Manager) and applying for recognition. EPA does