



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Ms. Pamela Amette
Vice President
Motorcycle Industry Council
2 Jenner Street, Suite 150
Irvine, California 92618-3806

Dear Ms. Amette:

This is in response to your letter of March 14, 2002, to Assistant Administrator Jeffrey Holmstead regarding the requirement for filler inlet restrictors for motorcycles. In that letter, you request that the enforcement discretion issued previously regarding these restrictors be extended until a final rule eliminating this requirement is effective. Mr. Holmstead has requested that I respond to your letter.

As you know, section 211 of the Clean Air Act (Act), and the regulations thereunder (40 CFR Part 80), establish requirements for the quality of gasoline and diesel fuel. Additionally, 40 CFR § 80.22 requires that unleaded gasoline pumps be equipped with nozzle spouts meeting certain specifications, including a specification for maximum diameter. Prior to January 1, 1996, § 80.22 also required that pumps dispensing leaded gasoline be equipped with nozzle spouts having a certain minimum diameter that was larger than the diameter of unleaded nozzle spouts. Section 80.24 requires the use of filler inlet restrictors on motor vehicles equipped with an emission control device which the EPA Administrator has determined will be impaired by the use of gasoline other than unleaded gasoline. The most common emission control device that requires unleaded gasoline is the catalytic converter. Inlet restrictors are intended to prevent use of the larger leaded gasoline nozzle spouts in such vehicles because the catalytic converter is easily rendered inoperative by use of only a few tanks full of leaded gasoline.

Under 40 CFR § 80.22(b) use of leaded gasoline was prohibited in all motor vehicles beginning January 1, 1996. As a result, larger diameter leaded gasoline nozzle spouts no longer are used on pumps that dispense gasoline into motor vehicles. Nevertheless, the requirement for fuel inlet restrictors remains in the regulations primarily because some vapor recovery nozzles have been designed to be compatible with the filler inlet restrictors on passenger cars.

A number of motorcycles now are being equipped with catalytic converters. Motorcycles are motor vehicles, and, as a result, are subject to the filler inlet restrictor requirement of § 80.24. However, because of the configuration of motorcycle fuel tanks and filler inlets the issue of compatibility between pump nozzles and inlet restrictors, described above, does not apply to

motorcycles. As a result, EPA's Office of Air and Radiation intends to finalize a rulemaking shortly to revise 40 CFR § 80.24 to eliminate the filler inlet restrictor requirement for motorcycles equipped with catalytic converters (see Notice of Proposed Rulemaking at 66 FR 54965, 31 Oct. 2001).

By my letter of April 4, 2001, I stated that as a matter of enforcement discretion I would not enforce the requirement under 40 CFR § 80.24, that motorcycles with catalytic converters must be equipped with fuel filler inlet restrictors. That enforcement discretion expires April 1, 2002, or at such time that a final regulatory change for this matter is complete, whichever is earlier. However, the final regulation that would eliminate the requirement for filler inlets on motorcycles equipped with catalytic converters will not be effective by the April 1, 2002 expiration date. Therefore, I am extending the enforcement discretion not to enforce the requirement under 40 CFR § 80.24, that motorcycles with catalytic converters must be equipped with fuel filler inlet restrictors. This subsequent enforcement discretion will expire September 1, 2002, or at such time that a final regulatory change on this matter is complete, whichever is earlier. If you have any questions, you may call Mr. Richard Ackerman of my staff at (202) 564-1301.

Sincerely,

Sylvia K. Lowrance
Acting Assistant Administrator