NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** United States of America **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT) [1714]**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 |
| **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):** Motor vehicle parts and accessories; Road vehicles in general (ICS 43.020), Crash protection and restraint systems (ICS 43.040.80) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Parts and Accessories Necessary for Safe Operation; Rear Impact Guards and Rear Impact Protection (8 page(s), in English) |
| **6.** | **Description of content:** Notice of proposed rulemaking - FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to include rear impact guards on the list of items that must be examined as part of the required annual inspection for each commercial motor vehicle (CMV). In addition, FMCSA proposes to amend the labeling requirements for rear impact guards, and to exclude road construction controlled (RCC) horizontal discharge trailers from the rear impact guard requirements, consistent with changes made by the National Highway Traffic Safety Administration (NHTSA) to the corresponding Federal Motor Vehicle Safety Standards (FMVSS). This notice of proposed rulemaking (NPRM) responds to rulemaking petitions, as well as a recommendation from the Government Accountability Office (GAO). |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Consumer information, labelling; Protection of human health or safety; Harmonization |
| **8.** | **Relevant documents:** * 85 Federal Register (FR) 85571, 29 December 2020; Title 49 Code of Federal Regulations (CFR) Parts 393 and 399:

<https://www.govinfo.gov/content/pkg/FR-2020-12-29/html/2020-27502.htm><https://www.govinfo.gov/content/pkg/FR-2020-12-29/pdf/2020-27502.pdf>* This notice of proposed rulemaking is identified by Docket Number FMCSA-2019-0211. The Docket Folder is available on [Regulations.gov](http://www.regulations.gov) at <https://www.regulations.gov/docket?D=FMCSA-2019-0211> and provides access to primary 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. 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?D=FMCSA-2019-0211) on [Regulations.gov](http://www.regulations.gov) if received within the comment period.
* [G/TBT/N/USA/1016 and Add.1](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=United+States+of+America&DocumentSymbol=1016&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=): Advanced Notice of Proposed Rulemaking (ANPRM) from the National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT), "Rear Impact Protection, Lamps, Reflective Devices, and Associated Equipment, Single Unit Trucks", identified by Docket Number NHTSA–2015–0070 is available on [Regulations.gov](http://www.regulations.gov) at <https://www.regulations.gov/docket?D=NHTSA-2015-0070> 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.
* [G/TBT/N/USA/1055](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=United+States+of+America&DocumentSymbol=1055&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=), NHTSA Notice of Proposed Rulemaking (NPRM), "Rear Impact Guards, Rear Impact Protection", identified by Docket Number NHTSA-2015-0118. The Docket Folder is available on [Regulations.gov](http://www.regulations.gov) at <https://www.regulations.gov/docket?D=NHTSA-2015-0118> 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.
* [FMVSS No. 223, Rear impact guards](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=453fbacc6072d2d7506c69c1175cb637&mc=true&n=pt49.6.571&r=PART&ty=HTML#se49.6.571_1223)
* [FMVSS No. 224, Rear impact protection](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=453fbacc6072d2d7506c69c1175cb637&mc=true&n=pt49.6.571&r=PART&ty=HTML#se49.6.571_1224)
 |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 1 March 2021 |
| **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_0268_00_e.pdf> |