Import Controls: Learning from Experience with ODS

Jeremy Arling

US Environmental Protection Agency

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EPA's ODS Phaseout Program

- **Importing ODS**
  - Virgin ODS requires consumption allowances
  - Used ODS requires a petition to EPA for each shipment prior to import
- **Coordination with Customs**
  - Automated Commercial Environment (ACE) and International Trade Data System (ITDS)
    - System contains a list of allowance holders and import petitioners provided by EPA to facilitate processing
  - EPA can request Customs assistance as needed for flagged imports
  - EPA has provided Customs with trainings on ODS import controls, fact sheets, and a POC hotline number

Verifying Imports and Exports

- ODS Tracking System (ODSTS)
  - EPA's electronic recordkeeping system for quarterly and annual reports
  - Allowance balances updated quarterly; trades updated instantly
  - Can match up petitions with importer reports
  - Allows for easy identification of new importers
  - Allows for easy analysis of trends
- ACE/ITDS
  - Real-time records of imports and exports from Customs and Border Protection
  - Variety of search fields allow for verification of ODSTS and GHGRP reporting
- Commercially available data

Illegal Activities

▶ Cool Penguin
  ▶ Small cans of refrigerant marketed as R-12 for use in motor vehicle air conditioners
  ▶ Cans were imported over several years from one entity in China and sold by one entity in the U.S. through eBay
  ▶ Contained inconsistent amounts of varying constituents (CFC-12, CFC-114, HCFC-22, HCFC-142b, HFC-134a, R-40, and others)
  ▶ Imports and sales have ceased; enforcement action is ongoing

▶ Halon 1301
  ▶ In early 2020, a U.S. company imported 2,825 kg of used Halon 1301 without petitioning EPA
  ▶ The violation was resolved:
    ▶ The importer assisted the purchaser in preparing a retroactive petition for import
    ▶ The importer agreed to pay a penalty of $57,397