



**The Alliance**  
*for Responsible Atmospheric Policy*

October 20, 2014

**VIA E-MAIL**

[a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

Attn: Docket ID No. EPA-HQ-OAR-2014-0198

Re: Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program

Dear Sir or Madam:

I am writing on behalf of the Alliance for Responsible Atmospheric Policy (“Alliance”) to provide comments regarding EPA’s **Proposed Rule on Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program. 79 Fed. Reg. 46125. (August 6, 2014)**

The Alliance is an industry coalition organized in 1980 to address the issue of stratospheric ozone depletion and the production and use of fluorocarbon compounds. It is composed of manufacturers and businesses, including trade associations, which have historically relied on HCFCs and HFCs. According to a recent study, the US fluorocarbon using and producing industries contribute more than \$158 billion annually in goods and services to the US economy, and provide employment to more than 700,000 individuals with an industry-wide payroll of more than \$32 billion. Today, the Alliance coordinates industry participation in the development of economically and environmentally beneficial international and domestic policies at the nexus of ozone protection and climate change. The Alliance is proud to continue its long history of working in a positive manner with EPA on the protection of stratospheric ozone and the mitigation of climate change. A list of member companies is attached.

While Alliance members will comment individually on the specific changes in listing status proposed for this rule, there are a number of broader perspectives which are shared across the broader membership, which we will address.

- i. The Alliance strongly supports EPA’s goal to achieve a gradual phasedown of HFC on a GWP-weighted basis, as part of the proposed North American Amendment to the Montreal Protocol. The Alliance believes that the gradual phasedown approach is important in order to allow for effective technology development and introduction, to allow for the building codes and safety standards process to catch up with the newly

available low-GWP compounds and technologies and to ensure continued improvement of energy efficiency performance where relevant. As announced earlier this year, the Alliance supports the negotiation of such an amendment to the Montreal Protocol as the best means of achieving ozone and climate environmental objectives while considering performance, safety, energy efficiency, and technology availability.

- ii. With the proposed rule not likely to be finalized before the first or second quarter of 2015, EPA needs to set achievable dates for changes to SNAP listing status. Alliance member companies will go into further detail in their individual comments about what dates may be feasible for specific end-uses, but broadly speaking, the current SNAP proposal does not allow for the gradual phasedown of HFCs, technology development, adequate time for the development of building codes and standards, or consistently facilitate energy efficiency improvements.
- iii. The Alliance believes that the SNAP rulemaking schedule should be carefully coordinated with the ongoing Department of Energy (DOE) energy efficiency rulemaking schedules. The proposed modifications have significant energy efficiency implications. When proposed changes to SNAP listing status, EPA should consider the requirements of stringent new DOE efficiency standards being promulgated simultaneously to this SNAP rulemaking. Additionally, when proposing dates for changes to SNAP listing status, EPA should consider DOE energy conservation standard transition dates. Misaligned transition dates impose significant and unnecessary cost, burden, and complexity on industry.
- iv. As EPA evaluates the timing of transitions in various end use segments, it is important that life cycle greenhouse gas emissions, including those associated with energy use, are given proper consideration as part of ensuring the alternative presents “no greater risk to human health and the environment.”
- v. The SNAP change of listing status process should be used carefully as the economic implications of this process demand a higher standard of care in considering transition dates and market assumptions than is needed for the SNAP listing approval process. Whereas SNAP listing does not place a burden on companies to change their operations, a change of listing status requires adjustments to business models or practices that might not otherwise occur, potentially to a company’s economic detriment. This does not mean that some relatively rapid transitions are not achievable, nor does it mean that transitions are not already taking place. However, final transition deadlines should take into account reasonable timeframes from an economic standpoint and other competing regulatory initiatives such as energy efficiency standards, building codes, and safety standards issues.

- vi. It is important to avoid stranding equipment by permitting the continual use of refrigerants that are already in systems on the market. The Alliance appreciates that EPA is not proposing to change the status of refrigerants used for servicing. EPA should encourage the use of recovery, reclaim and reuse as a significant source of aftermarket supply for those systems.
- vii. The Alliance appreciates the stakeholder outreach which was conducted by EPA prior to the proposal of this rule. However, for business planning and investment purposes, it is necessary that the Agency's plans for any rule are communicated as comprehensively as possible in advance. Regulatory changes which may carry significant commercial consequences can cause considerable economic disruption if sufficient notice of their arrival is not provided.
- viii. In any future change of SNAP listing status rulemaking, the Alliance encourages EPA to publish a clear and predictable evaluation process by which risk factors are compared in the comparative risk framework to make SNAP change of listing status decisions.
- ix. We would like to highlight that EPA has yet to respond in a formal manner to the petition filed by the Alliance on January 31, 2014 to extend Clean Air Act Section 608 rules to HFCs. Promoting effective refrigerant management practices, including recovery, reclamation and reuse, is an important immediate element of reducing the greenhouse gas footprint associated with the use of HFCs and will allow production to be focused primarily for use in new equipment. A response to this petition will serve to underscore the commitment to refrigerant management principles made by both the Alliance and EPA in their recently announced support for the Global Refrigerant Management Initiative.

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### Conclusion

At the September 16, 2014 White House HFC Industry Leaders Roundtable, and the July 11-12, 2014 Montreal Protocol workshop on HFC management, the Alliance and others documented the significant progress in the last few years on the development, availability and implementation of low-GWP HFC alternatives. Many companies, including Alliance members, have committed to minimizing the climate change impacts of ODS substitutes and have made rapid progress.

While the Alliance supports concerted global action to avoid significant future growth in the greenhouse emissions associated with the use of HFCs in their various applications, it is important that those emissions are avoided in a manner that ensures industry is able to continue to deliver the critical societal benefits that HFCs provide today. Therefore, action to change SNAP listing statuses should be used cautiously and take into account the important considerations we have cited above. We should all work together to achieve an effective global regime to phase down HFCs that follows the Protocol's historical pattern of ensuring measures that are both environmentally and economically acceptable.

The Alliance appreciates the opportunity to comment on the proposed rule and looks forward to working with EPA in a constructive manner to achieve and implement an environmentally beneficial, safety enhancing, economically viable rule. If you have any questions, please feel free to reach me at [fay@alliancepolicy.org](mailto:fay@alliancepolicy.org) or 703-243-0344.

Sincerely,

A handwritten signature in black ink, appearing to read 'KF' with a stylized flourish.

Kevin Fay  
Executive Director  
Alliance for Responsible Atmospheric Policy

## **MEMBERS**

AGC Chemicals Americas	Halotron
A-Gas/RemTec	Heating, Air-conditioning & Refrigeration Distributors International
Air-Conditioning, Heating & Refrigeration Institute	Honeywell
Airgas	Hudson Technologies
American Pacific Corp.	Hussmann
Arkema	ICOR International
Association of Home Appliance Manufacturers	IDQ Holdings
Auto Care Association	International Pharmaceutical Aerosol Consortium
Bard Manufacturing Co.	Johnson Controls
BASF	Lennox International
Brooks Automation, Inc.	Metl-Span Corporation
Cap & Seal Company	Mexichem Fluor Inc.
Carrier Corporation	Midwest Refrigerants
Center for the Polyurethanes Industry	Mitsubishi Electric
Combs Gas	National Refrigerants
Daikin Applied	Owens Corning Specialty & Foam Products Center
Danfoss	Polar Technology
DuPont	Rheem Manufacturing Company
Dynatemp International	Ritchie Engineering
Emerson Climate Technologies	Solvay
E.V. Dunbar Co.	Sub-Zero
Extruded Polystyrene Foam Association	The Dow Chemical Company
Falcon Safety Products	Trane Company
FP International	Whirlpool Corporation
Golden Refrigerant	Worthington Cylinder