Summary of Comments on EPA's Proposed Revisions to the Refrigerant Management Program under Section 608 of the Clean Air Act
November 5, 2018

On October 1, 2018, the EPA proposed a revision to the Refrigerant Management Program under Section 608(c) of the Clean Air Act, which would relieve businesses from having to conduct leak inspections, repair leaks, and keep records for refrigeration and air conditioning equipment containing Hydrofluorocarbons (HFCs) or any other refrigerant that is a substitute for an ozone-depleting substance (ODS).

Members of the Environmental Protection Network, an organization comprised of over 350 EPA alumni volunteering their time to protect the integrity of US EPA, human health and the environment, believe that this reversal in long-standing agency policy appears to be arbitrary, contrary to statutory intent and without scientific basis, increasing environmental threats, while creating confusion and ultimately additional liabilities and costs to industry and to society that the agency has not accounted for.

1. **Proposal is Contrary to Statutory Language/Intent**
   Section 608(c) of the Clean Air Act ("the Act") prohibits the knowing venting, release or disposal of ODS refrigerants *and their substitutes* in the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration.

2. **Proposal Arbitrarily Reverses Prior Policy Without a Clear Rationale**
   While the agency reasonably asserts its authority to revisit existing regulations and interpretations, EPA fails to provide a clear explanation why it is reversing prior rulemakings and long-established policy.

3. **Proposal Creates Industry Confusion**
   With the October 2018 proposal, the agency has suddenly and without clear rationale created uncertainty about how refrigerants should be managed across the industry. Businesses and individual technicians who have previously been equipped and trained to monitor and repair refrigerant leaks would now be let off the hook for HFC, HFO and hydrocarbon-based equipment.

4. **Proposal Ignores Science on HFCs**
   For over a decade, culminating in the 2016 Kigali Amendment to the Montreal Protocol, the United States under multiple administrations advocated for a global phasedown of HFCs because of their immediate threat to the earth's climate system.

5. **Economic Analysis is Flawed**
   EPA claims that the proposal would save $39 million per year, but the logic underlying EPA's modeling is flawed. EPA is assuming that leaky equipment would require repairs each year, resulting in ongoing costs over an indefinite period. In reality, repairing a leaky refrigeration or air conditioning appliance or a refrigeration system, when done properly, should be needed once or at most infrequently.

For all of these reason, EPN believes that EPA should withdraw their proposed revision to the Refrigerant Management Program under Section 608(c) of the Clean Air Act.

Read EPN's Full Public Comments: https://www.environmentalprotectionnetwork.org/hfc-comments/

For more information, contact EPN by email at info@environmentalprotectionnetwork.org or call 202-656-6229.

Media inquiries can be directed to press@environmentalprotectionnetwork.org or 202-656-6229.