



The Alliance
for Responsible Atmospheric Policy

July 10, 2015

General Services Administration
Regulatory Secretariat (MVCB)
ATTN: Ms. Flowers
1800 F Street, NW, 2nd Floor
Washington, DC 20405

Re: FAR Case 2014-026

Dear Sir or Madam:

I am writing on behalf of the Alliance for Responsible Atmospheric Policy (“Alliance”) to provide comments regarding the proposal by DoD, GSA and NASA in FAR Case 2014-026 (FR publication date: May 11, 2015).

The Alliance is an industry coalition organized in 1980 to address the issue of stratospheric ozone depletion. It is the leading voice of manufacturers, businesses and trade associations who make or use fluorinated gases for the global market. Today, Alliance member companies are leading the development of safe, efficient, next-generation, climate- and ozone-friendly technologies and applications. 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. The Alliance represents more than 100 companies across several sectors engaged in the development of economically and environmentally beneficial international and domestic policies regarding fluorinated gases. A list of Alliance member companies is attached, some of whom may also submit written comments.

The Alliance is proud of its extensive history of working in a constructive manner with the US government and with international bodies on the protection of stratospheric ozone and the mitigation of climate change.

The Alliance is generally supportive of the objective of the President’s Climate Action Plan and the requirements for low global warming potential (GWP) compounds and technologies in the Federal Acquisition Regulations (FAR). However, care must be taken to also consider the circumstances of a particular use when considering only the GWP of a compound may not be appropriate, e.g., energy efficiency or flammability may be of concern.

Our membership believes that an effective means of reducing the future climate change contribution of HFCs must be global in nature. It also must do so in an orderly, flexible fashion which allows companies to continue to fulfill consumers' need for our products and technologies which are vital to public health, food safety, energy conservation, comfort and productivity. The Montreal Protocol has met both of these standards when successfully addressing CFCs and HCFCs. We believe an amendment to address HFCs would do so as well.

We were proud to join numerous government and industry colleagues at the September 16, 2014 White House HFC Industry Leaders Roundtable to announce our commitment to achieving an 80 percent reduction in global HFC emissions by 2050.

We are pleased to provide the following comments on the content of the proposed rule:

Refrigerant Management

The Alliance has long been a strong advocate of efforts to encourage greater proper management of refrigerants. It is known that the majority of refrigerant emissions occur during the service, maintenance, repair and disposal of air-conditioning and commercial refrigeration units. That is why on January 31, 2014, the Alliance submitted a petition to EPA to extend Clean Air Act Section 608 rules to HFCs. The Alliance welcomes news that the agency is moving towards the promulgation of a proposed rule to formally respond to that petition.

Given this support for enhanced refrigerant management, the Alliance supports the elements of the proposed rule which would address refrigerant leaks and encourage recovery, recycling/reclamation and reuse, and responsible disposal programs (proposed revision of 40 CFR sections 23.000, 23.802(a) and 52.223-12).

The Alliance has previously stated that the federal government should encourage the use of recovery, reclaim and reuse as a significant source of aftermarket supply for installed systems. Just like the federal government promotes recycled paper and other consumer goods, the federal government should give preference to the use of reclaimed refrigerant to service existing federal buildings and facilities.

Procurement Preference

The Alliance would like to provide input on how to best implement a procurement preference for lower global warming potential (GWP) alternatives to high-GWP HFCs (proposed revisions of 40 CFR sections 2.101, 7.103, 23.802(b) and 23.803(c)).

40 CFR section 2.101

This section appears to create a definition of high-GWP HFCs simply by reference to the SNAP program. The Alliance believes that consideration should be given to other relevant factors, such as performance, safety, energy efficiency, and technology availability.

40 CFR sections 7.103 and 23.803(c)

The reliance on the word “feasible” is problematic as it is left undefined in the proposed rule. While the Alliance could provide suggestions for how to define “feasible” for the time being, we flag that as point of concern as contractors will have little guidance as to when adoption of low-GWP substances would be appropriate and/or required.

40 CFR sections 23.802(b) and 23.803(c)

With the stated goal of the proposed revision to this section being to “reduce overall risk to human health and the environment,” it is important that in addition to the refrigerant GWP, the lifecycle greenhouse gas emissions, including those associated with energy use, are given proper consideration. GWP alone is an insufficient measure of a product’s impact on human health and the environment. As noted in the proposed rule, the President’s Climate Action Plan is intended “to slow the effects of climate change” with his Executive Order 16393 intended to lead that effort by reducing the greenhouse gas emissions of the federal government. The potential indirect climate impact of SNAP-approved alternatives, namely their energy efficiency implications, is not considered in this proposed rule.

40 CFR section 23.804

Adding a government policy of preferring reclaimed refrigerant could help to create a demand for reclaimed product which would incentivize refrigerant management, recovery, reclamation and re-use not just for the government but also in the private sector.

Timing

The proposed rule also provides little insight into when the proposed revisions would take effect. As has become abundantly clear during the SNAP rulemaking process, there is a great range of speeds by which the sectors, and the companies within them, who use HFCs, are transitioning into lower GWP alternatives. Some industries could convert in the near future; others need some time to transition. The relevant technologies are developing rapidly, but companies are also working to comply with the requirements of stringent new Department of Energy (DOE) energy efficiency and conservation standards being promulgated simultaneously to this rulemaking. The Alliance believes that the effective dates chosen for this rule should be carefully coordinated with SNAP and DOE energy efficiency rulemaking schedules to facilitate the adoption of appropriate technologies.

Standards and Codes

Existing safety standards and building codes, notably ASHRAE and ICC, do not currently allow some new technologies and could pose challenges to the implementation of lower-GWP alternatives. Therefore the feasibility of alternatives should consider standards and codes compliance.

Exemptions

The proposed rule includes no mention of exemptions. The absence of commercially available alternatives should constitute a viable exemption from the provisions of this rule.

Conclusion

At the September 16, 2014 White House HFC Industry Leaders Roundtable, 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, even since September.

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 critical societal and lifecycle climate benefits provided by their products. The rule should be carefully pursued, including the important considerations we have cited above. In addition, we look forward to working together to achieve an effective global regime to phase down HFCs in a manner 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 the agencies in a constructive manner to achieve and implement an environmentally beneficial, safety enhancing, and economically viable rule. If you have any questions, please feel free to reach me at fay@alliancepolicy.org or 703-243-0344.

Sincerely,

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

Kevin Fay
Executive Director
Alliance for Responsible Atmospheric Policy



The Alliance

for Responsible Atmospheric Policy

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