

Congress of the United States
Washington, DC 20515

September 17, 2021

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Shalanda Young
Acting Administrator
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Administrator Regan and Acting Administrator Young:

As members of Ohio's congressional delegation, we recognize the effect that hydrofluorocarbon (HFC) emissions have in contributing to atmospheric warming. As you know, the American Innovation and Manufacturing (AIM) Act, which was enacted as part of the Consolidated Appropriations Act, 2021 (P.L. 116-260), directs the Environmental Protection Agency to phase down HFC production and use.

The EPA's proposed rule, "Phasedown of Hydrofluorocarbons," issued under the AIM Act and which is currently under review at OMB, included a ban of non-refillable, disposable cylinders used to store and transport various HFC gases. Because this ban would have a significant negative impact on workers in our state, we write to seek assurances that the final rule will protect existing American manufacturing jobs in the disposable cylinder industry while also effectively reducing HFC emissions.

The proposed ban on disposable cylinders is largely based on the rationale that residual amounts of HFC, known as the heel, remain in the cylinder and are ultimately vented into the atmosphere. Heel gas is a valuable commodity, and we believe there is a financial incentive that can be leveraged to capture heel gas from disposable cylinders. This could be done through alternatives to an outright ban, such as a mandatory take-back regime or more stringent regulatory requirements for recovery and recycling.

EPA also asserts that a ban on disposable cylinders will make it easier to identify cylinders that are counterfeit or smuggled illegally into the country. The proposed rule specifically references a prohibition in the European Union imposed on those grounds. However, some reporting indicates that the EU's regime has led to an influx of low-quality refillable cylinders, including some smuggled, that are prone to leaking. This issue should be fully considered to avoid a scenario in which the proposed ban actually leads to increased HFC emissions.

Moreover, refillable cylinders are typically heavier and more frequently sourced from overseas compared to disposable containers. After accounting for greenhouse gas emissions in the manufacturing supply chain and transportation, this could significantly reduce, or perhaps completely negate, the benefits of a ban on disposable cylinders on a lifecycle basis. This is also a factor that should be contemplated in the final rule.

We believe the final “Phasedown of Hydrofluorocarbons” rule should reflect these considerations. We look forward to working with you to finalize a robust rule to reduce HFC emissions that does not unduly harm American workers.

Sincerely,



Sherrod Brown
U.S. Senator



Joyce Beatty
Member of Congress



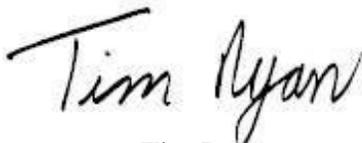
Rob Portman
U.S. Senator



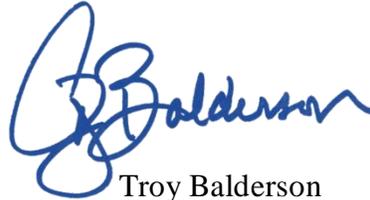
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