



Innovative Products For **Home. Work. Life.**

May 17, 2021

via electronic transmission

Allison Archambault
Supervising Air Quality Supervisor
Rhode Island Department of Environmental Management
Office of Air Resources
235 Promenade Street
Providence, RI 02908

Subject: Proposed Rulemaking 250-RICR-120-05-53 Prohibition of Hydrofluorocarbons in Specific End-Uses

Dear Ms. Archambault,

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to offer comments on Rhode Island Department of Environmental Management (DEM) proposed regulation² 250-RICR-120-05-53, Prohibition of Hydrofluorocarbons in Specific End-Uses. The purpose of this regulation is to reduce hydrofluorocarbon (HFC) emissions by adopting specific prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses. HCPA supports the proposed regulation which would adopt the 2015³ and 2016⁴ United States Environmental Protection Agency (EPA) prohibitions on the use of HFCs as substitutes for ozone-depleting substances to ensure consistency with other state activity to limit the use of certain HFCs; however, there is one correction which HCPA requests as well as a clarification.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply and market a wide variety of products packaged in an aerosol form.

¹The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² Available at https://risos-apa-production-public.s3.amazonaws.com/DEM/REG_11345_20210416111207.pdf

³ Appendix U of Subpart G of 40 CFR Part 82

⁴ Appendix V of Subpart G of 40 CFR Part 82

I. HCPA Supports Rhode Island's Actions to Restrict the Use of High Global Warming Potential HFCs in a Manner that Is Consistent with Other States

HCPA is in support of DEM's goal to restrict the use of high global warming potential (GWP) HFCs (GWP > 150) and thus improve air quality through innovation and technology through limiting their use in a manner that is consistent with similar action taken by other states to restrict the use of HFCs. California, Colorado, Delaware, Maryland, Massachusetts, New Jersey, New York, Vermont and Washington have all passed legislation or regulations to achieve the same goal of limiting the use of certain high GWP HFCs by utilizing Appendix U and Appendix V of Subpart G of 40 CFR Part 82 (Jan. 3, 2017). Further, other states⁵ are also in process of drafting and approving their own legislative or regulatory actions to restrict the use of HFCs in a similar manner.

DEM's approach is consistent with other state actions, which is critical so that industry has regulatory certainty for compliance and future planning, investment, sales and research and development decisions.

Aerosol manufacturers utilize a variety of propellants which pressurize the aerosol system and influence how the product is expelled from the container. Traditionally, the use of high-GWP HFCs by the aerosol industry was limited to a small number of product categories where their usage was necessary. Because of the original timeline with EPA's SNAP Rules, the U.S. aerosol industry has already moved away from using high-GWP HFCs in aerosol products except for the critical uses that were exempted. Thus, Rhode Island and other states are ensuring through this consistent action that aerosol products in which the usage of high-GWP is not critical do not reenter the market.

II. Correction of Acceptable Uses for Aerosol Propellants

HCPA believes that using the EPA SNAP Rules as the basis for this proposed regulation will help ensure consistency across states; however, HCPA would like to point out one acceptable use from EPA SNAP Rule 20 that is not in DEM's proposed regulation as we believe this was accidentally missed.

Within EPA SNAP Rule 20, one of the acceptable uses⁶ of HFC-134a is "cleaning products for removal of grease, flux, and other soils from electrical equipment *or electronics*." It is the *or electronics* that is missing from DEM's proposed regulation as it only states within the Exemptions⁷ for Aerosol Propellant use of HFC-134a "cleaning products for removal of grease, flux, and other soils from electrical equipment." As this proposed regulation is intended to align with EPA SNAP Rule 20, HCPA requests that the "*or electronics*" is included for this use.

⁵ Connecticut, Maine, Oregon, Pennsylvania, Texas and Virginia

⁶ See the table "Substitutes Acceptable Subject To Use Conditions" under Aerosols at https://www.ecfr.gov/cgi-bin/text-idx?SID=1d1aff85fbc3c554a4149ad6cee4b040&mc=true&node=ap40.21.82_1184.u&rqn=div9

⁷ Table 1: Exemptions within 250-RICR-120-05-53.5(B)

III. Comment on the Disclosure Requirement

HCPA understands that the disclosure statement is required for aerosol products when using any of the listed HFCs⁸ in § 53.6, Table 2 of this proposed regulation except for the exemptions listed in § 53.5 Table 1. HCPA thanks DEM for allowing companies to utilize one of two options – either through a label change or through a date code and the propellant within the product or the SDS – to provide the buyer a disclosure and comply with this section.

IV. Conclusion

HCPA appreciates the opportunity to offer these comments on DEM's proposed regulation. By developing consistent regulations, states can achieve a reduction in HFC emissions without imposing impediments to interstate commerce.

If you have any questions about our support or suggestions presented in these comments, please do not hesitate to contact me directly at (202) 833-7304 or ngeorges@thehcpa.org.

Sincerely,



Nicholas Georges

Vice President, Scientific & International Affairs

⁸ HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and HFC-134a