

July 6, 2021

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

Subject: HCPA and NAA Petition to Reinstate HFC Prohibitions for Aerosol Propellant from SNAP Rules 20 & 21 Under the American Innovation and Manufacturing Act of 2020

Dear Administrator Regan,

The Household & Commercial Products Association¹ (HCPA) and National Aerosol Association² (NAA) submit this petition to respectfully request that the U.S. Environmental Protection Agency (EPA) prohibit the use of specific Hydrofluorocarbons (HFCs) as aerosol propellants³ as was deemed as 'unacceptable' under the Significant New Alternatives Policy (SNAP) Program in 2015 and 2016 (SNAP Rules 20⁴ and 21⁵). HCPA and NAA submit this petition under the American Innovation and Manufacturing (AIM) Act of 2020.

HCPA and NAA represent the interest of companies that manufacture, formulate, supply and market products packaged in an aerosol form. Between the two associations, a majority of the U.S. aerosol industry is represented. Traditionally, the use of the specific HFCs restricted by the SNAP Rules by the aerosol industry was limited to a small number of products categories where their usage was necessary. Because of the original timeline with the SNAP Rules, the U.S. aerosol industry has already moved away from using these specific HFCs in aerosol products except for the critical uses that were exempted.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar 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 The National Aerosol Association (NAA) is an industry group devoted to serving the public's health, safety and hygiene needs through the aerosol product form. The NAA represents marketers, manufacturers, fillers and suppliers to the aerosol market.

³ Under SNAP Rule 20, the use HFC-125, HFC-134a, HFC-227ea, and blends of HFC-227ea and HFC-134a were restricted

⁴ Appendix U, Subpart G of 40 C.F.R. Part 82

⁵ Appendix V, Subpart G of 40 C.F.R. Part 82

Several states⁶ have either enacted legislation or promulgated regulation based on the EPA SNAP Rules 20 and 21 to restrict the use of the specific HFCs regulated by these rules except for the critical uses that were exempted. Further, other states⁷ are also in process of drafting and approving their own legislative or regulatory actions to restrict these HFCs in a similar manner. However, this leaves several states that have not restricted the use the specific HFCs, leaving a patchwork of restrictions. HCPA and NAA believe that through federal implementation, the benefit of the SNAP Rules can still be achieved for all Americans without imposing impediments to commerce and ensuring a level playing field for all aerosol product manufactures, marketers and importers.

HCPA and NAA request that the implementation to restrict these specific HFCs as aerosol propellant consistent with the SNAP Rules 20 and 21 with a prohibition date of January 1, 2023, unless a rulemaking with faster effective date is feasible. For consistency with the SNAP Rules 20 and 21, HCPA and NAA request the following uses be deemed ‘acceptable’ in addition to metered dose inhalers and defense sprays which EPA is required to provide mandatory allocation for:

Propellant	Acceptable Uses
HFC-125	<ul style="list-style-type: none"> • None
HFC-134a	<ul style="list-style-type: none"> • Cleaning products for removal of grease, flux and other soils from electrical equipment or electronics; • Refrigerant flushes; • Products for sensitivity testing of smoke detectors; • Lubricants and freeze sprays for electrical equipment or electronics; • Sprays for aircraft maintenance; • Sprays containing corrosion preventive compounds used in the maintenance of aircraft, electrical equipment or electronics, or military equipment; • Pesticides for use near electrical wires, in aircraft, in total release insecticide foggers, or in certified organic use pesticides for which EPA has specifically disallowed all other lower-GWP propellants; • Mold release agents and mold cleaners; • Lubricants and cleaners for spinnerettes for synthetic fabrics; • Duster sprays specifically for removal of dust from photographic negatives, semiconductor chips, specimens

⁶ California, Colorado, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Vermont, Virginia, and Washington

⁷ Connecticut, Oregon, Pennsylvania, and Texas

	<p>under electron microscopes, and energized electrical equipment;</p> <ul style="list-style-type: none"> • Adhesives and sealants in large canisters; • Document preservation sprays; • FDA-approved MDIs for medical purposes; • Wound care sprays; • Topical coolant sprays for pain relief; and • Products for removing bandage adhesives from skin.
HFC-227ea	<ul style="list-style-type: none"> • FDA-approved MDIs for medical purposes.
Blends of HFC-227ea and HFC-134a	<ul style="list-style-type: none"> • FDA-approved MDIs for medical purposes.

The AIM Act, in section (i)(3)(A), calls on all petitioners to include in their petitions a request that EPA conduct a negotiated rulemaking before proposing regulations responsive to that petition. We thus duly request that EPA do so, but we note that EPA must, under section (i)(2)(A), make its own determination whether a negotiated rulemaking is appropriate. Considering the extensive stakeholder involvement that has already occurred at both the federal and state levels to restrict these specific HFCs as aerosol propellant consistent with the SNAP Rules 20 and 21, we would support EPA's conclusion that negotiated rulemaking would not be appropriate or efficient in this instance.

HCPA and NAA appreciate the opportunity to submit this petition to EPA and thank you for your time and consideration of this matter. HCPA and NAA respectfully request EPA's prompt attention and swift action in promulgating the rule proposed by this petition. HCPA and NAA are happy to provide any further information which may be required in the consideration of this petition and commencement of the requested rulemaking.

Sincerely,



Nicholas Georges
Household & Commercial Products Association
Vice President, Scientific & International Affairs
ngeorges@thehcpa.org



Douglas Raymond
National Aerosol Association
Consultant
draymond@me.com

cc: Cindy Newberg, newberg.cindy@epa.gov