



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 7 2021

THE ADMINISTRATOR

Mr. Nicholas Georges  
Vice President, Scientific and International Affairs  
Household and Commercial Products Association  
1667 K Street, NW, Suite 300  
Washington, D.C. 20006

Dear Mr. Georges:

I would like to thank you for the petition submitted to the U.S. Environmental Protection Agency jointly by the Household and Commercial Products Association and the National Aerosol Association July 6, 2021. The petition was filed pursuant to subsection (i) of the American Innovation and Manufacturing Act of 2020. The AIM Act provides for three main types of programs with respect to the hydrofluorocarbons that are designated as regulated substances under the act, including phasing down their production and consumption under subsection (e) of the act, regulating their management under subsection (h) of the act and facilitating the transition to next-generation technologies through sector-based restrictions on their use under subsection (i) of the act. Subsection (i) further permits the public to petition the EPA to promulgate a rule establishing such restrictions on use and provides statutory timeframes for addressing such petitions. Your petition requests that the EPA prohibit the use of specific hydrochlorofluorocarbons as aerosol propellants whose status was deemed “unacceptable” under the EPA’s Significant New Alternatives Policy program, in regulations issued in 2015 and 2016 pursuant to section 612 of the Clean Air Act (80 FR 42870 and 81 FR 86778, respectively).<sup>1</sup>

Upon consideration of the relevant factors specified under subsection (i) of the AIM Act for making a determination to grant or deny a petition, the EPA hereby grants your petition. More information related to the EPA’s consideration of these factors and the rationale for the decision to grant your petition is available at [www.regulations.gov](http://www.regulations.gov) under Docket ID EPA-HQ-OAR-2021-0643.

---

<sup>1</sup> After a court challenge, the D.C. Circuit partially vacated the SNAP 2015 Rule “to the extent it requires manufacturers to replace hydrochlorofluorocarbons with a substitute substance,” and remanded to the EPA for further proceedings. *Mexichem Fluor, Inc. v. EPA*, 866 F.3d 451, 464 (D.C. Cir. 2017). However, the court upheld the EPA’s decisions in that rule to change the listings for certain hydrochlorofluorocarbons in certain SNAP end-uses from acceptable to unacceptable as being reasonable and not arbitrary and capricious. *Id.* at 462-64. The same court later issued a similar partial vacatur for portions of the SNAP 2016 Rule. See *Mexichem Fluor, Inc. v. EPA*, 760 Fed. Appx. 6 (Mem) (per curiam) (D.C. Cir. 2019).

The EPA intends to move swiftly to develop a proposal and will continue to engage with stakeholders as we proceed. However, please note that a petition grant does not mean that the agency will propose or finalize requirements identical to those in your petition.

We look forward to working with you and all stakeholders in the next steps of this process. Should you have any questions, please contact Cindy Newberg in the Office of Atmospheric Programs at [newberg.cindy@epa.gov](mailto:newberg.cindy@epa.gov).

Sincerely yours,

A handwritten signature in black ink that reads "Michael S. Regan". The signature is written in a cursive, flowing style.

Michael S. Regan

cc: Douglas Raymond