



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

November 22, 2021

via electronic transmission

Erle Townsend
Environmental Specialist
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Subject: HCPA Comments on Chapter 147: Hydrofluorocarbon Prohibitions

Dear Mr. Townsend,

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to offer comments on Maine Department of Environmental Protection (DEP) draft rule² Chapter 147: Hydrofluorocarbons Prohibitions. The purpose of this regulation is to reduce hydrofluorocarbon emissions by adopting specific prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses. HCPA supports the draft rule 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, HCPA would like to make one recommendation to better harmonize the draft rule with already existing regulations in Maine.

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://www.maine.gov/tools/whatsnew/attach.php?id=5846047&an=1>

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 Maine’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 DEP’s goal to restrict the use of high global warming potential (GWP) HFCs (HFCs with a GWP greater than 150 as reported in the Intergovernmental Panel on Climate Change Fourth Assessment Report) 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, Rhode Island, 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, HCPA submitted a joint petition⁵ with the National Aerosol Association (NAA) to the EPA under the American Innovation and Manufacturing (AIM) Act to reinstate these restrictions for aerosol products federally. EPA has granted⁶ this petition and now must promulgate a final rule within two years of their decision.

DEP’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, Maine 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. HCPA Recommends Modification to the Recordkeeping for Aerosol Products

HCPA recommends that the DEP modify the recordkeeping requirement to maintain consistency with other regulations for aerosol products. Specifically, HCPA respectfully urges DEP to modify the recordkeeping requirement so that records of aerosol products must be maintained for three years, not five.

HCPA requests this modification to align with the recordkeeping requirements found in Maine’s VOC regulation.⁷ Maine’s requirement that aerosol manufacturers keep accurate records for each day of production of the amount and chemical composition of the individual product constituents and maintain those records for three years is the same for all state VOC regulations and the federal EPA. It is critical that the recordkeeping requirements in this proposed regulation for aerosol products be

⁵ HCPA and NAA joint petition available at <https://www.regulations.gov/document/EPA-HQ-OAR-2021-0289-0037>

⁶ EPA’s decision to grant the petition is available at <https://www.govinfo.gov/content/pkg/FR-2021-10-14/pdf/2021-22318.pdf>

⁷ Code Me. R. Ch. 152.

harmonized with other existing regulations which the aerosol industry has standardized their recordkeeping practices upon.

III. Conclusion

HCPA appreciates the opportunity to offer these comments on DEP's draft rule. 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,

A handwritten signature in cursive script that reads "Nicholas Georges".

Nicholas Georges

Senior Vice President, Scientific & International Affairs