

August 15, 2011

The Honorable Lisa P. Jackson
Office of the Administrator
Ariel Rios Building
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We are writing to request a rulemaking to close a loophole in current law regarding air conditioning condensing units designed to use hydrochlorofluorocarbon-22 (“HCFC-22”) refrigerant. In December 2009, the Environmental Protection Agency (“EPA”) published a final rule to ban the sale or distribution of air-conditioning and refrigeration appliances containing HCFC-22 and HCFC-142b.¹ This rule (hereinafter referred to as the “Appliance Rule”) established regulations that apply to appliances and components manufactured on or after January 1, 2010.

While the Appliance Rule bans the sale and distribution of appliances that are *precharged* with HCFC-22 at the time they are manufactured or imported into the United States, EPA did not apply the same prohibition to appliance components that are *uncharged*. Instead, the Appliance Rule allows major components of an air conditioner or refrigeration unit to be shipped “dry” or with a holding charge containing an inert gas and then charged with refrigerants on-site. This situation creates a gaping loophole in the Appliance Rule and allows the continued widespread use of HCFC-22.

On February 3, 2011, EPA received a petition to amend the Appliance Rule and close this loophole. This petition and subsequent communications from other companies have outlined multiple problems contained in the final Appliance Rule provisions concerning appliance components and included proposed regulatory language. The below signed companies respectfully request that you promptly take action and propose measures to prevent the sale or distribution of newly manufactured HCFC-22 based sub-systems after an established date.

The concerns expressed by multiple parties over the past 18-months are even more pressing today. The sale of uncharged HCFC-22 sub-systems is proliferating. In certain cases, the purchase of such units is encouraged through discounts offered on the HCFC-22 refrigerant itself. When these systems are ultimately assembled and charged in the field, there can only be

¹ Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances, 74 Fed. Reg. 66,450 (December 15, 2009).

one result: our nation's reliance on HCFC-22 will continue and the transition to newer, more efficient and environmentally preferable alternatives will be delayed. This is directly opposite to the result originally contemplated in the Appliance Rule.

If EPA does not act, more ozone-depleting chemicals will be released to the environment. The long-lifespan of air-conditioning equipment ensures that additional HCFCs will be emitted during normal servicing of the systems (and under EPA's own analysis, when such systems are ultimately retired). Maintaining current regulations will lessen the environmental gains that can be obtained by transitioning away from HCFC-based technology. In addition, allowing on-site charging of major HCFC-22 sub-systems will prevent the proper "matching" of system components to achieve maximum energy efficiency. The substantial gains in energy efficiency that can be made by utilizing new refrigerants in systems specifically designed for their use will be minimized or lost.

We do not believe this result is what EPA originally intended – or what EPA and Administration policy would currently support. Therefore, we respectfully request that you amend the Appliance Rule to eliminate the uncharged component loophole.

Sincerely,

Carrier Corporation
Contact: John Mandyck
john.m.mandyck@carrier.utc.com

Johnson Controls
Contact: Mark Wagner
mark.f.wagner@jci.com

Daikin/McQuay International
Contact: Julian de Bullet
julian.debullet@mcquay.com

Lennox International
Contact: Kyle Gilley
kyle.gilley@Lennoxintl.com

Ingersoll Rand/Trane
Contact: David Modi
dmodi@irco.com

cc: Gina McCarthy
Drusilla Hufford