

August 21, 2023

Clerks' Office
California Air Resources Board
1001 I Street
Sacramento, California 95814
<https://ww2.arb.ca.gov/applications/public-comments>

Subject: Comments on smallcontainer2023; Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant

Dear Board Members,

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to provide comments to the California Air Resources Board (CARB) on the proposed amendments² to the state's Regulation for Small Containers of Automotive Refrigerant. HCPA has been and continues to be supportive of CARB's goal of reducing Hydrofluorocarbon (HFC) emissions and is in general supportive of this proposal which continues to make progress towards that goal; however, we would like to express a couple of concerns.

Several HCPA member companies have a long-standing history of working with CARB to address environmental concerns related to the use of HFCs in motor vehicle air conditioning (MVAC). Through HCPA's Industrial & Automotive Products Division, HCPA represents companies that manufacture, supply, and market small containers of automotive refrigerant.

In addition to supporting CARB's goal of reducing HFC emissions, HCPA has been supportive and an active stakeholder in the implementation of the American Innovation and Manufacturing (AIM) Act, which federally phases down the production and consumption of HFCs. It is important to note that the AIM Act does incentivize the recovery of HFCs and increasing the supply of reclaimed refrigerant and we expect the Environmental Protection Agency (EPA) to publish a draft proposal for a refrigerant management rule before year end 2023. HCPA supports the use of reclaimed HFCs in applications in which any potential impurity from the

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 text of the proposed amendments

reclamation process does not pose potential harm to human health, such as is the case in MVACs.

HCPA does have concerns about availability and supply of legitimately “certified” reclaim HFC-134a for the automotive aftermarket. It is important for CARB to recognize that **if** it is difficult to get HFC-134a certified reclaim for Automotive refrigerant aftermarket, CARBs regulatory action will further incentivize “unsafe and unapproved” products introduced and used in the California marketplace. According³ to the EPA:

“While unsafe and not approved under the EPA’s SNAP Program, HC refrigerants for use in MVACs can be purchased online and in stores, often in small cans. These cans can only be sold to certified technicians under CAA Sections 608 or 609, unless the cans have a self-sealing valve. They are sometimes advertised as replacements for refrigerants such as R-134a and R-1234yf. They have been sold under a variety of names, including ZeroR AC Refrigerant and Arctic Air for HFO-1234yf. The advertisements for these products may not mention that the alternative is a HC, such as propane, or a blend of HCs, or clearly state the safety risks associated with use of the product.”

HCPA does have concerns about the percentage of certified reclaimed refrigerant required each calendar year starting in 2025 and the quick ramp up to 100% in 2027. To be clear, HCPA supports the eventual use of 100% reclaimed refrigerant;⁴ however, we are unsure if the supply of reclaimed refrigerant will be able to meet the needs that quickly. HCPA recommends a lower starting point in 2025, such as 5%, and a more gradual increase to 100%, such as in 2030. A revised table could look something like the following:

| Percentage of Certified Reclaimed Refrigerant Required each Calendar Year | Starting Date |
|---|-----------------|
| 5% | January 1, 2025 |
| 10% | January 1, 2026 |
| 25% | January 1, 2027 |
| 50% | January 1, 2028 |
| 75% | January 1, 2029 |
| 100% | January 1, 2030 |

HCPA supports CARB’s decision to determine each manufacturer’s percentage requirement of pounds of certified reclaimed refrigerant based on the prior calendar year’s total aggregate amount of pounds of refrigerant in small containers of automotive refrigerant entered into California. From a practical standpoint, this eases the burden on companies as not every manufacturer has the ability to mix refrigerant within their tanks, and it accomplishes the purpose of ensuring compliance.

³ <https://www.epa.gov/mvac/questions-and-answers-about-safety-risks-using-hydrocarbons-hcs-motor-vehicle-air-conditioners>

⁴ For those refrigerants with a GWP greater than 150 and IF reclaim availability supports the demand

HCPA would also like to express our support for the removal of the container deposit and return program. As CARB staff has shown within their analysis, disadvantage communities bear a disproportionate burden of the negative impacts resulting from the deposit and return program. Since a majority of the small containers of automotive refrigerant have little remaining contents, with the removal of this program, HCPA hopes that consumers are more likely to exhaust the entire contents of the container, and then recycle the empty metal container in their local recycling programs.

HCPA appreciates the consideration CARB staff made on potential alternative actions and agree with their assessment. As noted above, HCPA supports the use of reclaimed refrigerant in MVACs and the removal of the deposit and return program. Thus, we view this proposal as better than the first alternative of “no change.” Further we would like to voice our support of rejecting a ban on the sale of small containers of automotive refrigerant in California. As a result of the phasedown of HFCs under the AIM Act, disadvantage communities will already be burdened by the increased cost of HFCs. By not requiring all MVAC servicing be done by professional technicians, CARB will at least help offset some of the potential burden that would occur on disadvantage communities if there was a ban on the sale of small containers of automotive refrigerant. Also, small auto shops that do not use significant amounts of refrigerants in the servicing of vehicles may eventually opt to purchase and use small containers of automotive refrigerants rather than purchase large cylinders so that less of their money is tied up in inventory, so the choice that CARB staff has chosen to proceed with may also provide a benefit to small businesses.

In conclusion, HCPA in general supports the proposal, though recommends a longer phase-in of the use of reclaimed refrigerant to ease potential supply burdens on manufacturers and minimize use of “unsafe and unapproved” alternatives. If there are any questions about our comments, please do not hesitate to contact me at ngeorges@thehcpa.org.

Respectfully submitted,



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