



June 30, 2008

Mr. Jim Nussle
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC, 20503

RE: Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Products (RIN:2060-AN58)

Dear Mr. Nussle:

On behalf of the 350 members of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), I am writing to urge the Office of Management and Budget (OMB) to release a rule submitted by the Environmental Protection Agency (EPA) proposing to ban the sale or distribution of pre-charged equipment with hydrochlorofluorocarbon (HCFC) substances. AHRI is the trade association representing manufacturers of heating, cooling, and commercial refrigeration equipment. In North America, the HVACR industry produces more than \$20 billion worth of product.

The current regulations (40 CFR Part 82.16(c)) on the phaseout of ozone depleting chemicals makes it unlawful, effective January 1, 2010, to charge newly manufactured air conditioning and refrigeration equipment in the U.S. with HCFC-22, a refrigerant widely used in the industry today. However, the prohibition on the production of new equipment with HCFCs does not apply to imported products because these appliances are charged before entering the U.S.

This apparent loophole in the regulation is of great concern to AHRI for a couple of reasons. First, it is in direct contradiction to the intent of the Clean Air act amendments of 1990, which call for the phaseout of ozone depleting substances. The continued imports of HCFC pre-charged products past January 1, 2010, could have significant environmental impacts on the stratospheric ozone. Second, it would put U.S. manufacturers in a competitive disadvantage over foreign manufacturers. While, effective January 1, 2010, the regulation will force domestic manufacturers to sell ozone friendly products, which are more expensive to manufacture, it would do absolutely nothing to stop foreign manufacturers from importing and selling cheaper pre-charged HCFC products.

AHRI understands that EPA drafted a notice of proposed rule to close this loophole and submitted it to OMB on November 9, 2007. Since that time, the rule has been under review at OMB. AHRI strongly supports EPA's action and

does not understand why it is taking so long for OMB to complete its review. Given that the phaseout date of HCFC-22 is less than 18 months away, we urge OMB to expeditiously complete its review and release the rule without further delay. It is critical that the proposed rule be published as soon as possible to ensure an orderly and timely phaseout of HCFCs. Thank you for your prompt attention to this important matter.

Sincerely,



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Cc: Art Fraas, Chief, Natural Resources, Energy and Agriculture Branch, Office of Management and Budget.
Drusilla Hufford, Director, Global Program Division, U.S. Environmental Protection Agency