



The Alliance

for Responsible Atmospheric Policy

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

Dear Mr. Nussle:

On behalf of the Alliance for Responsible Atmospheric Policy (Alliance), an industry coalition addressing issues related to the phaseout of ozone-depleting compounds and the implementation of alternatives, I am writing to express our support for a US EPA proposed rule concerning hydrochlorofluorocarbons (HCFCs) that has been under consideration at OMB for many months. A list of Alliance members is attached.

The rule bans the import of products such as appliances after January 1, 2010 that are pre-charged with HCFCs in the exporting country. The Alliance advocated the promulgation of this rule several years ago in various meetings with EPA. We encouraged the Agency to determine that Clean Air Act authority existed to ban the import of such products.

As you know, domestic manufacturers are prohibited from manufacturing equipment after January 1, 2010 that uses new HCFCs. However, there appears to be a loophole that advantages foreign manufacturers who can export such products to the US with HCFC refrigerant already in the product. The Montreal Protocol and US Clean Air Act did not contemplate that foreign manufacturers would be competing in these product sectors when the treaty was negotiated in 1987, and when the Act was signed into law in 1990. The Protocol and Act did not extend the same HCFC-related prohibitions to foreign manufacturers.

While it appears that the Clean Air Act's intention was to achieve phase-down and eventual phaseout of HCFCs, we can find no reason why the Act would have required domestic manufacturers to abide by a manufacturing prohibition that would not extend to similarly imported products.

It is very important that the Bush Administration and EPA send a clear and early signal to the foreign manufacturers that the US import of these products will be cut off on January 1, 2010. We encourage you to complete your review and allow the proposed rule to be published in the Federal Register so that industry can formally express its consensus support for the promulgation of a final rule.

Regards,

Dave Stirpe
Executive Director

Cc: Art Fraas, Chief, Natural Resources, Energy and Agriculture Branch, Office of Management and Budget
Bob Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency
Drusilla Hufford, Director, Global Program Division, U.S. Environmental Protection Agency

MEMBERSHIP LIST

AGC Chemicals Americas
Air Conditioning, Heating &
Refrigeration Institute
Alliance for the
Polyurethanes Industry
American Pacific Corp.
American Plastics Council
Arkema
Association of Home
Appliance Manufacturers
Bard Manufacturing Co.
Brooks Automation, Inc.
Cap & Seal Company
Carrier Corporation
CoolGas
DuPont
Dynatemp International
Emerson Climate
Technologies
E.V. Dunbar Co.
Falcon Safety Products
FP International
General Electric
General Motors
Halotron
Honeywell
Hudson Technologies
Ineos
Ingersoll-Rand
Institute of International
Container Lessors
International Pharmaceutical
Aerosol Consortium
Johnson Controls
Lennox International
McQuay International
Metl-Span Corporation
National Refrigerants
Owens Corning Specialty &
Foam Products Center
Refron
RemTec International
Ritchie Engineering
Solvay
Spray Foam Alliance
Sub-Zero
The Dow Chemical Company
Trane Company
Whirlpool Corporation
Worthington Cylinder