



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

TRANSMITTED VIA EMAIL  
RETURN RECEIPT REQUESTED

Michael Wong  
Assistant General Counsel  
Honeywell International Inc.  
855 Mint Street  
Charlotte, NC 28202  
Michael.Wong3@Honeywell.com

Re: Clean Air Act Information Request for Honeywell International Inc.

Dear Mr. Wong:

The United States Environmental Protection Agency (EPA) hereby requires Honeywell International Inc. (Honeywell or Company) to provide information, as detailed in the enclosures, to determine its compliance with the American Innovation and Manufacturing Act (AIM Act), 42 U.S.C. § 7675; the Clean Air Act (CAA), 42 U.S.C. §§ 7401–7671q; and the regulations set forth at 40 C.F.R. Parts 82, 84, and 98, Subparts A and OO.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person subject to the CAA (including certain importers and exporters) to provide information to evaluate compliance with the CAA, 42 U.S.C. § 7401 et seq., and the regulations promulgated thereunder, establish and maintain records, make reports, install and use monitors, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as may reasonably be required for the purpose of, among other things, determining whether any person is in violation of the CAA. This authority has been delegated to the undersigned official. The AIM Act provides that Sections 113 and 114 of the CAA, 42 U.S.C. § 7413 and 42 U.S.C. § 7414, apply to the AIM Act and any regulation promulgated thereunder. 42 U.S.C. § 7675(k)(1)(C).

You are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to Requests 1–13 listed in Enclosure 2, within 30 calendar days of receipt of the Information Request. Instructions and definitions are provided in Enclosure 1.

You are required to attach a properly executed Statement of Certification (see Enclosure 3) with your response to this Information Request. The statement must be signed and dated. You are under an obligation to preserve all Documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to Section 113(d) of the CAA; 2) issuance of an order requiring compliance with this Information Request pursuant to Section 113(a) of the CAA; 3) initiation of a civil action pursuant to Section 113(b) of the CAA; and/or 4) initiation of any other action authorized under the CAA. In addition, knowingly providing false information in response to this Information Request may be actionable under Section 113(c) of the CAA, and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under Section 114(c) of the CAA, and pursuant to regulations at 40 C.F.R. Part 2, including 40 C.F.R. § 2.301, you may assert a claim of business confidentiality on any information you provide to the EPA, in accordance with the procedures described in the regulations, 40 C.F.R. Part 2, Subpart B. However, no such claim of business confidentiality may be made with respect to emission data, as defined at 40 C.F.R. § 2.301(a)(2), or to information required to be reported under 40 C.F.R. Part 98 where the Agency has already made a confidentiality determination or emission data determination<sup>1</sup> under 40 C.F.R. Section 2.301(d). Any asserted business confidentiality claim must conform to the requirements of 40 C.F.R. § 2.203(b). For detailed instructions, please see Enclosure 4. Information that you claim as business confidential will be handled in a manner that is consistent with the EPA's regulations under 40 C.F.R. Part 2, Subpart B. If a business confidentiality claim does not accompany the information submitted to the EPA, then the EPA may make the information available to the public without further notice to you.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

Without making a determination that your business or organization is a small business, the EPA is providing you with this Small Business Resources Information Sheet which provides important information that may assist small businesses in identifying and complying with environmental requirements: <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

Please submit the requested information electronically to Amelie Isin, U.S. Environmental Protection Agency, at [Isin.Amelie@epa.gov](mailto:Isin.Amelie@epa.gov). Please note that the EPA email server will not allow attachments over 20 MB and will not accept documents saved in a .zip file. Alternatively, Honeywell may want to provide documents in response to this information request through a secure file sharing site. Please let the EPA know your preferred method for electronic document submittal.

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<sup>1</sup> See 76 Fed. Reg. 30782 (May 26, 2011), 76 Fed. Reg. 73886 (Nov. 29, 2011), 81 Fed. Reg. 89188 (Dec. 9, 2016), 77 Fed. Reg. 48072 (Aug. 13, 2012), 78 Fed. Reg. 71904 (Nov. 29, 2013).

To inform the EPA of your electronic document submittal preference, or if you have questions regarding this Information Request, please contact Jessica Portmess at [Portmess.Jessica@epa.gov](mailto:Portmess.Jessica@epa.gov) or (303) 312-7026.

Sincerely,

Greene,  
Mary E

Digitally signed by  
Greene, Mary E  
Date: 2023.08.30  
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Mary E. Greene, Director  
Air Enforcement Division  
United States Environmental Protection Agency

Enclosures: 1) Instructions and Definitions  
2) Information Request  
3) Statement of Certification  
4) Confidential Business Information  
5) Request 7 Responses

cc (by email): Amelie Isin, HFC Program Lead (Acting), EPA  
Jessica Portmess, EPA  
Josh Zaharoff, EPA  
Nathan Dancher, EPA

## **ENCLOSURE 1**

### **A. Instructions**

1. This Information Request is a continuing request. You are required to submit all such material within 10 calendar days of discovery in the event you learn that you possess responsive information not yet produced, or if you gain possession, custody, or control of responsive information after initially responding to this information request.
2. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit the information in accordance with these Instructions. Identify the information that was previously provided, the date on which it was provided, how the information was provided (e.g., electronically, fax, mail), and the person or office at the EPA to whom it was provided.
3. Provide a separate narrative response to each request and subpart set forth in the Information Request. Provide copies of all Documents supporting Your responses to this Information Request. If you have no responsive information or Documents pertaining to a particular request, submit an affirmative statement and explanation.
4. Precede each answer with the number of the request to which it corresponds and at the end of each answer identify the Person(s) (including name, title, and a description of job duties) who provided information that was used or considered in responding to that request, as well as each Person (including name, title, and a description of job duties) who was consulted in the preparation of that response.
5. Indicate on each Document produced in response to this Information Request, or in some other reasonable manner, the number of the request to which it corresponds. If a Document is responsive to more than one request, this must be so indicated and only one copy of the Document needs to be provided.
6. When a response is provided in the form of a number, specify the units of measure of the number and the basis for the number provided (e.g., estimated, measured or engineering judgment).
7. Where Documents or information necessary for a response are neither in Your possession nor available to You, indicate in Your response why such Documents or information are not available or in Your possession and identify any source that either possesses or is likely to possess such Documents or information.
8. Narrative Documents are to be provided in searchable electronic Portable Document Format (PDF) or in Word format.
9. Documents scanned from paper must be produced in legible copies.
10. For electronically stored information produced in response to this Information Request:

- a. Provide detailed instructions sufficient to enable the federal government to access and retrieve the data contained in each electronic file.
- b. If you maintain responsive information in a commercially available software format for spreadsheets, presentations, photographs, etc. (e.g., Microsoft Excel), then:
  - i. Files must be delivered in their unlocked native format.
  - ii. Native files must be collected using a method that preserves all of the files' metadata, folder location and generates a "hash" value for verification that an exact copy of the file was collected.
  - iii. Files should be organized on the media in folders by component and custodian.
- c. If you maintain responsive information in an enterprise database or archiving system, the system must be made available to the government for inspection including any manuals, field lists, data dictionaries, indices, etc. for the government to use to formulate methods for identifying and extracting responsive information into a usable form. Information identified as responsive within the system must be extracted in a forensically sound manner and provided with documentation of the procedures used to identify and extract the responsive information from the system.
- d. Do not de-duplicate the production without prior notice to and consultation with the EPA.
- e. Ensure that all submissions of electronic data are free of computer viruses and that all passwords protecting files or media are removed or provided with the media.

**B. Definitions**

All terms used in this Information Request, whether capitalized or lower case, will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 et seq., the AIM Act, 42 U.S.C. § 7675, implementing regulations, including 40 C.F.R. Parts 82, 84 or 98, or in this Enclosure 1, in which case the aforementioned definitions shall prevail.

*Affiliate* or *Affiliated* is used to indicate a relationship to a specified person, and means any person that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by or is under common ownership or control with such person.

*Company* means Honeywell International Inc. and includes any predecessors, successors, parent corporation, subsidiaries, assignees, joint ventures, whether wholly or partially owned, and any of its Affiliates.

*Control* means (i) the ownership of fifty percent (50%) or more of the direct or indirect equity interest in another Person, or (ii) the power, whether by contract, equity ownership or otherwise, to direct or cause the direction of the policies or management of another Person.

*Document* and the plural form thereof means all written, recorded or graphic matters, however produced or reproduced, of every kind and description, pertaining in any way to the subject matter of this action. The term "Document" shall include, but is not limited to: any receipts; invoices; shipping records; purchase orders; purchase records; books; pamphlets; periodicals; memoranda (including those of telephone or oral conversations); contracts; correspondence; agreements; applications; financial records; security instruments; disbursements; checks; bank statements; time records; accounting or financial records; notes; diaries; logs; facsimiles (faxes); telegrams or cables prepared, drafted, received or sent; electronic mail (emails), whether drafted, received, or sent; tapes; transcripts; recordings; minutes and notes of meetings; directives; work papers; charts; drawings; prints; flow sheets; photographs; infrared camera recordings; film; computer printouts; x-ray photographs; advertisements; catalogs; data; sampling reports, plans, protocols, reports, analyses; or any handwritten, recorded, transcribed punched, taped, filmed, or graphic matter, however produced or reproduced, in Your possession, custody, or control or to which You have or have had access.

*Person* or its plural or any synonym thereof, is intended to and shall embrace and include any individual, partnership, corporation, company, association, government agency (whether federal, state, local or any agency of the government of a foreign country), or any other entity, and includes Company.

*Software* means any tangible or non-tangible machine-readable code, information, or instructions.

*We, us, and our* means the delegate of the Administrator of the U.S. Environmental Protection Agency.

*You and/or Your* means Company and all its agents, servants, employees, representatives, investigators, accountants, auditors, attorneys, experts, consultants, contractors, and others who are in possession, custody, or control (actual or constructive) of relevant information that is otherwise available to You, or may have obtained information for or on Your behalf.

## **ENCLOSURE 2**

### **Information Request**

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide the following information:

1. Provide an organizational chart showing the relationship of Honeywell International Inc. to all affiliates, including parent entities that have the right to control Honeywell International Inc., directly or indirectly. Include any percentage ownership those entities have in Honeywell International Inc.
2. Provide an organizational chart showing the relationship of Honeywell International Inc.'s Fluorine Products Division to other organizational components, including divisions, groups, or offices, within Honeywell International Inc.
3. Provide the annual gross revenue for calendar year 2022 of (i) Company and (ii) its ultimate parent.
4. State, yes or no, whether Company submitted reports, pursuant to 40 C.F.R. § 98.3, to the EPA for each year from 2019 through 2022, and provide, in an organized electronic spreadsheet, the date of submission of any such reports to the EPA. Provide a copy of any such reports in electronic spreadsheet format to the EPA.
5. State, yes or no, whether Company submitted certifications, pursuant to 40 C.F.R. § 98.4, to the EPA for each year from 2019 through 2022, and provide, in the organized electronic spreadsheet referenced in Request 4, the date of submission of any such certifications to the EPA and the name and title of each person signing such certifications. Provide a copy of any such certifications to the EPA.
6. Provide a copy of all of Company's 40 C.F.R. § 98.3(g)(5) Greenhouse Gas Monitoring Plans, in place at any time from 2019 to present, that address HFC production or importation.
7. For each bulk regulated substance under 40 C.F.R. Part 84 that Company imported since January 1, 2022, provide the following information in the electronic spreadsheet in Enclosure 5:
  - a. Chemical formula;
  - b. Common name;
  - c. Chemical name (*e.g.*, HFC-125, HFC-143a, etc.) or blend name (*e.g.*, R-404A);
  - d. Chemical Abstracts Service (CAS) number;

- e. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) designation of the regulated substance or blend;
- f. Percentages of each regulated substance if contained within a blend;
- g. Brand under which the regulated substance is sold and/or marketed;
- h. Exchange value;
- i. The U.S. Department of Homeland Security's Bureau of Customs and Border Protection (Customs) entry number;
- j. Number and type of containers (e.g., ISO tanks, disposable cylinders, refillable cylinders, drums, small cans) holding the regulated substance;
- k. Amount (in kg) imported;
- l. The basis for determining the amount (in kg) imported under Request 7.k (actual weight or other calculation);
- m. Name and address of the company that produced the regulated substance;
- n. Name and address of the company from which you obtained the regulated substance;
- o. Date of import;
- p. Port of import;
- q. Declared value;
- r. Importer of Record number;
- s. Harmonized Tariff System code;
- t. Country from which the regulated substance was imported;
- u. Whether the regulated substance was imported for transformation in containers designed to hold 100 pounds or less of regulated substances;
- v. Whether the regulated substance was imported for destruction in containers designed to hold 100 pounds or less of regulated substances;
- w. Whether the regulated substance was claimed as a transshipment;
- x. Any exemption under 40 C.F.R. § 84.23(b)(4) that was claimed at the time of import; and

- y. The Bates number(s) for any documents submitted under Requests 8 and 9.
8. Provide the following documents for each import identified in response to Request 7:
    - a. Customs Entry Form 3461 or 7501;
    - b. Any EPA petitions, non-objection notices, or other documents obtained under 40 C.F.R. §§ 84.25(a), 84.25(b), or 84.31(c)(3);
    - c. Supporting documents showing the actual weight of regulated substances listed under Request 7.k; and
    - d. The invoice, packing list, bill of lading, and other shipping documents.
  9. If you listed an exemption in response to Request 7.x, provide a justification for the exemption.
  10. Provide a narrative description and any documents, in place at any time from 2019 to the date of this Information Request, describing the Company's compliance assurance processes or procedures to ensure compliance with 40 C.F.R. Parts 82, 84 and 98, specifically any processes to ensure the accuracy and timeliness of required reporting of regulated substances and to track allowance expenditures under Part 84.
  11. Provide the following information for any CFC-113 that Company manufactures:
    - a. The location where Company manufactures CFC-113;
    - b. The quantity of CFC-113 Company has manufactured at each location in each year from 2019-2023 (for 2023, through the date of this Information Request);
    - c. A narrative description of how any CFC-113 manufactured by Company is used by Company; and
    - d. A description of where in the facility's process CFC-113 is emitted to the atmosphere (include a schematic or process flow diagram, if necessary).

**ENCLOSURE 3**

**Statement of Certification**

I certify that I am fully authorized by Honeywell International Inc. to provide the above information on its behalf to EPA. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## ENCLOSURE 4

### **Confidential Business Information**

You may assert a business confidentiality claim covering some portion of the information you provide in response to this Information Request for any business information you believe may be entitled to confidential treatment under section 114(c) of the CAA, 42 U.S.C. § 7414(c); Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4); and 40 C.F.R. Part 2, Subpart B. Under section 114(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Exemption 4 under FOIA protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential[.]” 5 U.S.C. § 552(b)(4). Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

However, your business confidentiality claims are limited by any confidentiality or emission data determinations the Agency has made through rulemaking for information required to be reported to the Agency. In accordance with 40 C.F.R. Section 2.301(d), the general CBI rules at 40 C.F.R. Sections 2.201 through 2.215 do not apply to any information found to be emission data or not otherwise entitled to confidential treatment through rulemaking. *See* 76 Fed. Reg. 30782 (May 26, 2011), 76 Fed. Reg. 73886 (Nov. 29, 2011), 81 Fed. Reg. 89188 (Dec. 9, 2016), 77 Fed. Reg. 48072 (Aug. 13, 2012), 78 Fed. Reg. 71904 (Nov. 29, 2013), 86 Fed. Reg. 55116 (Oct. 5, 2021). If you claim any information already determined to be emission data or not otherwise entitled to confidential treatment through rulemaking, the information may be released without further notice to you in accordance with 40 C.F.R. Section 2.301(d).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the CAA, 42 U.S.C. § 7414(c), 40 C.F.R. Part 2, Subpart B, and Exemption 4 under FOIA. **If a business confidentiality claim does not accompany the information submitted to EPA, then EPA may make the information available to the public without further notice to you. *See* 40 C.F.R. § 2.203(c).**

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential information should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. Please be specific by page (including Bates Stamp, if applicable), paragraph, and sentence when identifying the information subject to your claim. Where your claim does not include all information on a page, please place brackets around, or otherwise designate, the text that you

claim to be CBI. Please note that if a page, document, group or class of documents claimed by you to be CBI contains information which EPA determines is not CBI, your CBI claim regarding that page, document, group, or class of documents may be denied. All confidentiality claims are subject to EPA verification. If EPA reviews your CBI claim(s), EPA may send notice to your business and ask you to submit additional information to substantiate the CBI claim(s). *See* 40 C.F.R. § 2.204(e).

In making its final confidentiality determination, the EPA will consider the relevant substantive criteria in its CBI regulations, under 40 C.F.R. § 2.208(a)–(d), as well as the U.S. Supreme Court’s *decision in Food Marketing Institute v. Argus Leader Media (Argus)*, 139 S. Ct. 2356 (2019), which evaluated the definition of “confidential” as used in Exemption 4 under FOIA. In the *Argus* decision, the Court held that at least where “[1] commercial or financial information is both customarily and actually treated as private by its owner and [2] provided to the government under an assurance of privacy, the information is ‘confidential’ within the meaning of Exemption 4.” *Argus*, 139 S. Ct. at 2366. The definition of “trade secret” under FOIA is limited to “a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” *Pub. Citizen Health Research Grp. v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). This definition requires that there be a “direct relationship” between the information at issue and the production process. *Id.*

For each item or class of information that you claim as CBI, please answer the following questions, giving as much detail as possible. EPA will use your responses to these questions to determine whether the information has been shown to be entitled to confidential treatment:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you’ve specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

By submitting this information, you are consenting to a limited release of any confidential business information to EPA interns and contractors pursuant to 40 C.F.R. § 2.209(f). The EPA's interns and contractors are required to sign confidentiality agreements as a requirement of their participation in EPA related matters. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number 68HERH19C0004.