

**To:** Pruitt, Scott[Pruitt.Scott@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**From:** Chiang, Amy  
**Sent:** Wed 8/23/2017 9:09:40 PM  
**Subject:** Letter regarding Request for Appeal; Mexichem Fluor v. EPA  
[image009.emz](#)  
[Support for En Banc Appeal-FINAL 8-23.pdf](#)

August 23, 2017

The Honorable Scott Pruitt

Administrator

United States Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

**Re: Request for Appeal; Mexichem Fluor v. EPA**

Dear Administrator Pruitt:

We request that you appeal en banc the decision reached by the United States Court of Appeals for the District of Columbia Circuit on August 8 in *Mexichem Fluor Inc. v. Environmental Protection Agency*.

We believe that the Court wrongly vacated EPA's rule establishing restrictions on the use of some hydrofluorocarbons (HFCs) through the Significant New Alternatives Program (SNAP). The 1994 final rule implementing the SNAP program summarized, "In section 612 of the CAA, the Agency is authorized to identify and restrict the use of substitutes for class I and II ozone-depleting substances where the Administrator has determined that other alternatives exist that reduce overall risk to human health and the environment." This authority has driven industry to innovate, invest and continuously improve the product offerings for markets subject to SNAP regulation, and in the process increasing U.S. competitiveness and creating a significant number of jobs. Our hope is that a successful appeal results in the preservation of this SNAP tenet which

leverages the strengths of U.S. industry.

The Court's decision will have a significant negative economic impact on the global business for ozone-depleting substances (ODS) and hydrofluorocarbon (HFC) substitutes including hydrofluoro-olefins (HFO), hydrofluoroethers (HFE), fluoroketones (FK), and the equipment and systems that use them. The companies signing this letter have invested heavily over the past 20 years in developing these unique products and the capacity to manufacture them in the United States, and some companies are currently investing hundreds of millions of dollars to construct and expand manufacturing facilities in support of compliance with this regulation. After years of U.S. policy and regulatory signals that these were sound investments, the Court's decision creates uncertainty for the future use of these innovative solutions. For example, U.S. companies have invested well over \$1 billion in the development and manufacture of HFOs and products containing HFOs to meet U.S. and global demand while the foreign competitors who brought this lawsuit have not invested in the R&D, process technology or manufacturing capital to commercialize these alternatives. At stake are thousands of U.S.-based jobs supporting local economies, including manufacturing plants throughout the U.S.

The impacted rules are essential to economic growth and job creation in the U.S., and foster American competitiveness in this industry. The decisions made by EPA in this area have global implications as other countries will follow the U.S.'s lead. ODS and HFC substitutes, and products utilizing substitutes such as air conditioning and refrigeration equipment, foam insulation, aerosols, fire suppression systems, and solvents are exported from the U.S. to enable other countries to meet global commitments in phasing away from ODSs and HFCs.

If this ruling stands, the American companies who innovated new technology will need to reevaluate the investments to date and any future investment plans. American companies lead the world in innovation and this ruling, instigated by two foreign competitors, discourages U.S. industry from making similar future investments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt T. Wimmer". The signature is written in a cursive style with a large, looped initial "K".

Kurt Werner, Environmental Affairs Manager

3M Electronics Materials Solutions Division



William Lowery, President

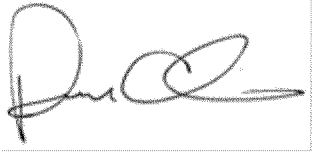


All Weather Insulated Panels

Eugene Silberstein  
AC&R Safety Coalition



Bob Dwyer  
Carbon Monoxide Safety Association



Paul Kirsch, President - Fluoroproducts

The Chemours Company.



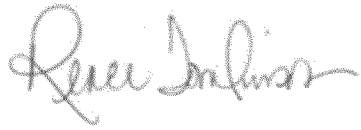
Paul Valle, President & CEO

Demilec



Jerry Weiss, Chairman

ESCO Institute



Renee Tomlinson

Green Mechanical Council



George Koutsaftes, Vice President and General Manager

Honeywell



Howard S Weiss, Executive Vice President  
HVAC Excellence

Lei Z. Schlitz

Lei Schlitz, Executive Vice President

ITW Food Equipment Group

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Doug Kramer, President & CEO

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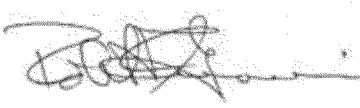
La Polla Industries Inc

Chip Holton, President

NCFI Polyurethanes

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G William Northrup, CEO

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North Park Innovations

Bob Guarasci, President

VGI Training