

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: rich.gold@hklaw.com
Sent: Thur 9/7/2017 3:45:38 PM
Subject: RE: FYI

Additional info from one of the companies:

For further clarification, there was unanimous agreement among the 3 judges on the panel that EPA was neither arbitrary nor capricious in their use of GWP in their comparative analysis. This means EPA can and, I suppose, must continue to use GWP as a reason to remove products from the approved list of replacements for ODSs, but they cannot impact replacements of HFCs. That is what has created the perverse outcomes below.

There are many, many grocery stores, plant sites, and commercial buildings that are using ODSs still that will continue to be regulated and not allowed to use the high GWP replacements specifically because they use equipment using ODSs. Their equipment is assembled on site and the refrigerant is installed there. Their competitors using HFCs will be able to use anything that they want to use including unsafe quantities of explosive fluids like propane and ammonia (Chinese companies are ready to import immediately and SNAP is the only thing keeping them out). The regulatory burden has been moved to a location by location management and away from OEMs and chemical companies.

We are not asking EPA to appeal GHG portion of this decision. We are asking EPA to appeal because of the issues that have been inadvertently created likely due to a general lack of understanding about how the SNAP program works. This is why the OEMs (Carrier, IR, Daikin, Danfoss etc.) are weighing in. This creates a mess for them.

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From: Gold, Richard (WAS - X77143)
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Subject: FYI

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