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May 17, 2021

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**Re: AHRI Comments to Rhode Island Proposed Adoption of the Department of Environmental Management, Air Resources Air Pollution Control Regulation 250-RICR-120-05-53 – Prohibitions on Hydrofluorocarbons in Specific End-Uses**

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Dear Ms. Archambault,

This letter is submitted in response to the Rhode Island Department of Environmental Management, Air Resources Air Pollution Control Regulation 250-RICR-120-05-53 – Prohibitions on Hydrofluorocarbons in Specific End-Uses.

AHRI represents over 300 air-conditioning, heating, and refrigeration equipment manufacturers. In North America, the annual output of the HVACR and water heating industry is worth more than \$44 billion. In the United States, the industry supports 1.3 million jobs and \$256 billion in economic activity annually.

AHRI has been working for more than a decade to support regulations to reduce the consumption and production of HFCs. Our members strongly supported the agreement to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to phase down HFC production and consumption as a proven, predictable, and practical approach. We demonstrated that support in our work with state regulators and environmental non-governmental organizations (E-NGOs). Our industry has worked closely with local governments both foreign and domestic to prepare and successfully execute the safe and orderly transition to low-GWP refrigerants.

Recently, AHRI together with more than 35 supporters, submitted the two attached petitions to the EPA to reinstate the Significant New Alternatives Policy (SNAP) Program Rules 20 and 21 limitations for stand-alone equipment, expanded the scope of covered chillers, and proposed more aggressive limitations for other refrigeration equipment. AHRI also submitted a petition to EPA to limit the global warming potential (GWP) of refrigerants to 750 GWP for use in air conditioning. We coordinated this work with E-NGOs and the Climate Alliance. We do recommend that provided the EPA adopts measures as stringent or more stringent than those required in Rhode Island that the Rhode Island Department of Environmental Management (DEM) eliminate those duplicative requirements and any relevant administrative controls (e.g. record-keeping and labeling).

We look forward to collaborating with the Rhode Island Department of Environmental Management and hope our comments will be helpful and encourage you to contact us with any questions, concerns or requests.

AHRI recommends that if the Environmental Protection Agency (EPA) adopts provisions as stringent or more stringent than the HFC regulations in Rhode Island, then Rhode Island should adopt a provision that all administrative requirements be suspended to avoid being duplicative to national regulations.

Our comments focus on recommendations designed to harmonize aspects of the regulation with existing regulations, to align with the intent of the original EPA SNAP rules, and to achieve a workable, enforceable framework to provide certainty and consistency for industry by addressing the following topics:

- **Reclaim**
- **Definition of “Use”**
- **Allowance of the manufacture of products intended for service or maintenance**
- **Disclosure**
- **Codes and Standards**
- **Technician Training**
- **Formal Exemption and Essential Use Process**
- **Effective Dates**

### **Reclaim**

To support the important goals of emissions reductions, AHRI recommends that DEM encourage the use of reclaimed refrigerants through its HFC regulations. Creating demand for reclaimed refrigerant encourages the proper collection of refrigerant during maintenance and for end-of-life of equipment. We strongly recommend that DEM take affirmative steps to promote reclamation by requiring the use of reclaimed refrigerant in state procurement processes. A strategy that promotes the recovery, reclamation and re-use of refrigerants directly achieves DEM’s goal of reducing HFC emissions by eliminating, or at least significantly reducing, the need to service existing systems with newly manufactured product.

### **Definition of “Use”**

AHRI is concerned that the definition of “Use” in the draft regulation may prohibit the proper collection of refrigerant during maintenance and at the end of life for the equipment.

Banning the formulation or packaging of controlled substances inequitably impacts small and medium distributors, packagers, and companies who may not have sufficient capital to move their regional distribution centers to another state. It harms business owners who prefer operating in Rhode Island and are willingly compliant with HFC regulations in every state banning their use. AHRI strongly recommends that DEM modify the definition of “Use” as follows.

In Section 53.4, Definitions:

“Use” means any utilization of a compound or any substance, including but not limited to utilization in a ~~manufacturing process or~~ product ~~installed~~ in Rhode Island, consumption by the end-user in Rhode Island, ~~or in intermediate applications in the Rhode Island, such as formulation or packaging for other subsequent applications.~~ For the purposes of this Regulation, use excludes household use, ~~but does not exclude manufacturing for the purpose of household use.~~

### **Allowance of the manufacture of products intended for service or maintenance**

AHRI supports the clarification that products or equipment manufactured prior to the effective date may be used after the specified prohibition date. However, we are concerned that the language is not clear that products or substances that are intended for servicing, maintenance, or repairs may still be manufactured and used after the effective date, so long as they do not fall under the definition of “new equipment”. Clarification is needed in the regulation to allow for continued servicing of existing equipment as it is not DEM’s intention to force the replacement of equipment before the end of its useful life. AHRI suggests adding the following statement:

In Section 53.7, Requirements:

A. Prohibitions. No person may sell, offer for sale, lease, rent, install, use, manufacture, or otherwise cause to be entered into commerce, within the State of Rhode Island, any product or equipment using a listed substance for use in any air conditioning, refrigeration, foam, or aerosol propellant end-use listed as prohibited in § 53.6 of this Part, unless an exemption is provided for the end-use in § 53.5 of this Part.

1. Except where existing equipment is retrofitted, nothing in this Part requires a person that acquired a product or equipment containing a prohibited substance prior to an effective date of prohibition in § 53.6 of this Part. Tables 2-5 to cease use of that product or equipment.

2. Products or equipment manufactured prior to the applicable effective date of the prohibitions in this Part, including foam systems not yet applied on site or new refrigeration equipment for which a facility has received a building permit prior to the effective date of prohibition, may be sold, leased, rented, installed, imported, exported, distributed, and used on or after the effective date of prohibition. **For clarity, products, equipment, or substances may be manufactured, sold, imported, exported, distributed, installed, and used after the specified date of prohibition to service existing equipment. Finally, products may be manufactured, sold, imported, exported, and distributed for use outside the state.**

### **Disclosure**

AHRI recommends including a provision in the regulation that expressly permits the use of internet disclosures in lieu of physical labels. Industry experience demonstrates that physical labels are not an effective means of communicating compliance with consumers or regulators because HVAC equipment is rarely on display. Rather, it is stored in a warehouse until after it is contracted for, sold, and installed. Internet disclosures are acceptable and a more cost effective and practical means of communicating important compliance, installation, and consumer information about installed equipment such as commercial refrigeration. Indeed, under the Federal Trade Commission rules governing the familiar yellow Energy Guide labels, online information by manufacturers satisfies the disclosure obligation. Equipment requiring refrigerant disclosures could be made the same way.

The AHRI Directory offers an option as an existing accessible database of readily available information on a vast array of regulated equipment. The [AHRI Directory](#) may be of use to regulators as states promulgate HFC rulemakings, particularly as a means of easily accessing information on millions of models on the

market. Currently, the centralized database provides contractors, regulators, and consumers with product information, including model-specific certificates and EnergyGuide labels.

AHRI encourages DEM staff to explicitly allow the use of an online or written disclosure to ease the burden on manufacturers and to allow for a more effective means of communicating compliance with consumers and regulators.

### **Codes and Standards**

AHRI strongly recommends DEM work with the State of Rhode Island: Building Code Commission to adopt rules permitting the use of substitutes not prohibited by this regulation. For manufacturers to adopt some low-GWP alternative refrigerants, specifically for compliance with the chiller transition, the safety standards and building codes must be updated for the use of lower flammability refrigerants. This is a concern with the current proposal and it is important to note that some products' installation may be inhibited by existing code limitations.

For example, there are no refrigerants listed pursuant to the EPA's Significant New Alternatives Program as acceptable alternatives for chillers designed to use high pressure "410A"-like refrigerants. The ASHRAE-listed alternatives are classified as lower flammability, and the model building code to enable their use is not yet available. Unless ASHRAE Standard 15 and UL60335-2-40 are adopted into Rhode Island building codes, chillers manufacturers could not comply with 2024 transition date.

AHRI suggests that Rhode Island convene a meeting of interested stakeholders including local fire service, state fire marshal, building code officials and others for an educational session regarding the safe transition to low-GWP refrigerants.

### **Technician Training**

Training and servicing requirements for technicians will be important considerations for future regulations. AHRI suggests that DEM consider including a requirement that technicians have refresher training on some frequency as the transition to lower global warming potential refrigerants will require new uses of different American Society of Heating and Refrigeration Engineers (ASHRAE) safety classification of refrigerants than have been historically used.

### **Formal Exemption and Essential Use Process**

AHRI would like to request the inclusion of a process to allow for potentially necessary exemptions and potential supply disruptions as demonstrated by recent ice storms and port delays due to the pandemic that may come to light in the future. A good model for this framework is Canada's "essential purpose" permit option included in the [Ozone-Depleting Substances and Halocarbons Alternatives Regulations](#) (ODSHAR). Low-GWP alternatives and the products that use them are complex. Manufacturers are innovating and developing new products and technologies for a variety of vital applications like commercial refrigeration. As new uses and technologies come onto the market and as innovation continues, there may be a need to exempt certain products for certain applications. In the ODSHAR, the exemption permit clause is intended to allow a person to import, manufacture, use, or sell a substance or product designed to contain a substance if "it will be used for an essential purpose" and a permit is specifically issued. Environment and Climate Change Canada (ECCC) defines "essential purpose" as a

purpose requiring the use of a substance or a product containing or designed to contain a substance, when that use is necessary for the health and safety or the good functioning of society, encompassing its cultural and intellectual aspects, and when there are no technically or economically feasible alternatives to that use that are acceptable from the standpoint of the environment and of health. The permits are granted on a temporary basis; although, additional permits can be granted if necessary.

The ODSHAR essential purpose exemption and definition clause can be reviewed at Part 5 – s.66 (1) and (2). We encourage Rhode Island to work with ECCC directly to learn more about the “essential purpose” permitting avenue.<sup>1</sup>

### **Effective Dates**

AHRI is concerned that effective date for retail food refrigeration does not provide enough time due to the planning process needed for supermarkets. Retailers have indicated that the short effective dates have caused issues with transitioning equipment and complying with GWP limits in the past. Rhode Island would benefit from an updated effective date of July 1, 2022 for retail food refrigeration to ensure its rules achieve high saliency among the refrigeration industry.

Thank you for providing stakeholders the opportunity to give feedback during and following the stakeholder meetings along with sharing these comments with the Climate Alliance to ensure state-to-state harmonization of rules. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,

*Helen Walter-Terrinoni*

**Helen Walter-Terrinoni**

Vice President, Regulatory Affairs

Direct: 302-598-4608

Email: [hwalter-terriononi@ahrinet.org](mailto:hwalter-terriononi@ahrinet.org)

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<sup>1</sup> ECCC’s Halocarbons Management Team at [ec.gestionhalocarbures-halocarbonsmanagement.ec@canada.ca](mailto:ec.gestionhalocarbures-halocarbonsmanagement.ec@canada.ca).



Center for the  
Polyurethanes Industry

May 17, 2021

Allison Archambault  
Supervising Air Quality Specialist  
Climate Change & Mobile Sources Programs  
Rhode Island Department of Environmental Management  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908

Submitted via email to: [Allison.Archambault@dem.ri.gov](mailto:Allison.Archambault@dem.ri.gov)

**RE: Proposed Regulations Part 53 - Prohibition of Hydrofluorocarbons in Specific End-Uses (250-RICR-120-05-53)**

Ms. Archambault,

The American Chemistry Council's Center for the Polyurethanes Industry<sup>1</sup> (CPI) appreciates the opportunity to comment on the Rhode Island Department of Environmental Management's (DEM) proposed regulations Part 53 - Prohibition of Hydrofluorocarbons in Specific End-Uses (proposed regulations).

CPI members operate manufacturing facilities and sell polyurethane foam products across the United States. CPI advocates for consistency across all states that are regulating the use of HFC foam blowing agents to help reduce the regulatory burden on polyurethane companies. Consistency among the states will benefit states and the environment. A consistent approach to HFC regulations will help ensure compliance and reduce the enforcement burden on states. CPI advocates for consistency in four areas: definitions, disclosure, recordkeeping or reporting, and sell-through periods.

CPI thanks DEM for responding to our comments on the definitions and labeling provisions that were submitted in response to the draft regulations. Accordingly, CPI supports DEM's approach on the end-use definitions, disclosures, and sell-through period. CPI maintains its position against recordkeeping requirements.

CPI opposes the recordkeeping requirements in section 53.8. of the proposed regulations; instead, we support on-product disclosures. Recordkeeping requirements add additional burden to manufacturers that comply with the HFC regulations without providing a meaningful benefit if the product already contains an explicit written disclosure on the product or product label. The entire foam industry must be compliant with the new restrictions by the date the restrictions become effective. The restrictions on products in

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<sup>1</sup> The Center for the Polyurethanes Industry's (CPI) mission is to promote the growth of the North American polyurethanes industry through effective advocacy, demonstrating how polyurethanes deliver sustainable outcomes, and creation of robust safety education and product stewardship programs. CPI members are companies that produce and sell the raw materials and additives that are used to make polyurethane products, equipment used in the manufacture of polyurethanes, and companies engaged in end-use applications and the manufacture of polyurethane products.



Table 5 become effective on January 1, 2022. Therefore, on going recordkeeping requirements will not provide DEM novel information that will not already be communicated by the on-product disclosure.

CPI recommends striking section 53.8.

If you have any questions or need additional information, please contact me at [Stephen\\_wieroniey@americanchemistry.com](mailto:Stephen_wieroniey@americanchemistry.com), or (202) 249-6617.

Sincerely,



Stephen Wieroniey  
Director

May 14, 2021

Allison Archambault  
Supervising Air Quality Specialist  
Climate Change & Mobile Sources Programs  
Rhode Island Department of Environmental Management  
Office of Air Resources  
235 Promenade Street, Providence RI 02908  
[Allison.Archambault@dem.ri.gov](mailto:Allison.Archambault@dem.ri.gov)

Dear Ms. Archambault,

In response to Rhode Island's Department of Environmental Management's (RI DEM) 250-RICR-120-05-53 regulating the use of Hydrofluorocarbons (HFCs), DuPont Performance Building Solutions, a business unit of DuPont Specialty Chemicals LLC, would like to reiterate some critical impacts of this regulation on the small niche product category, extruded polystyrene boardstock foam insulation (XPS).

Our high performing Styrofoam™ Brand XPS insulation is a critical component to Rhode Island's ability to reduce energy waste, building emissions, and consumer costs in utility bills.

As we shared in our letter dated December 16, 2020, short lead-times and retroactive dates do not work in the construction industry and would cause Rhode Island job site closures, construction delays, and costly impacts to multiple projects in your state such as affordable housing, federal, and municipal sustainable building projects. We noted that the minimum lead-time for conversion is 12-18mo post enactment of a new regulation. As outlined in our petition to the U.S. EPA regarding the HFC phase-down via the National AIM Act, DuPont is implementing its XPS manufacturing site conversions now in an aggressive effort to be prepared by 1/1/2023. An enforcement date of 1/1/2022 does not afford us with the proper lead-time to convert our manufacturing sites in order to responsibly supply RI. As proposed in our December 2020 letter, we again propose an enforcement date of 7/1/2022 and no earlier.

We would like to thank the RI DEM for including the language that provides consistent labeling requirements among the Northeastern U.S. States, as well as the sell-through language which is critical in the construction industry.

If you have further questions or would like more information, please do not hesitate to contact us.

Sincerely,



Lisa Massaro  
Advocacy & Product Stewardship Manager  
Performance Building Solutions  
[Lisa.M.Massaro@DuPont.com](mailto:Lisa.M.Massaro@DuPont.com)

May 17, 2021

Ms. Allison Archambault  
Rhode Island Department of Environmental Management  
235 Promenade St  
Providence, RI 02908

Submitted via email to: [Allison.Archambault@dem.ri.gov](mailto:Allison.Archambault@dem.ri.gov)

RE: Proposed Rulemaking: PART 52 - Prohibition of Hydrofluorocarbons in Specific End-Uses  
(250-RICR-120-05-52)

Dear Ms. Archambault,

Thank you for the opportunity to provide comments on Rhode Island's proposed regulations to prohibit certain uses of hydrofluorocarbons (HFCs) in specific end-uses. Honeywell strongly supports this proposed regulation and applauds Rhode Island's action. With this action, Rhode Island will join California, Colorado, Delaware, Hawaii, Massachusetts, New Jersey, New York, Washington state, Vermont, Virginia and other states that have or will soon adopt consistent requirements to maintain the transition to safer, available alternatives to high-global-warming-potential (GWP) HFCs.

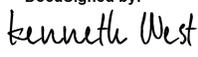
We so appreciate the Department of Environmental Management's responsiveness to our December 18, 2020 comments. The technical corrections made to the proposed definitions will improve the clarity of the regulations and support effective implementation.

The proposed regulation, which is aligned with other state actions on HFCs, is an important step in helping to keep the transition to low-GWP alternatives to HFCs on track. This transition supports American investment and innovation in HFC alternatives, and is a critical part of solutions necessary to stem global warming.

Alternatives to HFCs are commercially available today and are ready for widespread adoption. In addition to lower GWP, technologies using environmentally preferable HFC alternatives are often also more energy efficient than traditional systems, and thus lower customer costs and increase competitiveness. Honeywell continues to work with our customers to ensure a smooth transition to these advanced technologies.

We applaud Rhode Island's efforts to join other states on this essential initiative.

Sincerely,

DocuSigned by:  
  
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Ken West, Vice President & General Manager  
Honeywell Fluorine Products



Acadia  
Center



May 17, 2021

Allison Archambault  
Supervising Air Quality Specialist  
Climate Change & Mobile Sources Programs  
Rhode Island Department of Environmental Management  
Office of Air Resources  
235 Promenade Street, Providence RI 02908

Submitted via email to: [Allison.Archambault@dem.ri.gov](mailto:Allison.Archambault@dem.ri.gov)

Re: Comments to the RIDEM on Prohibition of Hydrofluorocarbons in Specific End-Uses rule

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Dear Ms. Archambault,

The Natural Resources Defense Council and the Acadia Center commend the Rhode Island Department of Environmental Management (RIDEM) for taking action to reduce emissions of the extremely potent greenhouse gases known as hydrofluorocarbons (HFCs).

HFCs have a heat-trapping capacity thousands of times larger than carbon dioxide and are harmful to the climate once released into the atmosphere. HFCs are classified as short-lived climate pollutants (SLCPs) meaning that they have a shorter atmospheric lifetime compared to carbon dioxide but have a much higher global warming potential (GWP). Since they are short-lived in the atmosphere, prompt emissions reductions will significantly reduce their projected climate impact within just a few decades.

U.S. HFC policy has progressed significantly over the past few months. In December of 2020, the American Innovation and Manufacturing (AIM) Act was enacted by the 116<sup>th</sup> U.S. Congress. The AIM Act mandates a nationwide phasedown of HFCs over the next 15 years. The US Environmental Protection Agency (EPA), the agency tasked with the implementation of the phasedown, recently published a proposed allocation rule – the first and crucial step to kickstart the phasedown. The allocation rule, once finalized, will set up the framework for allocating HFC allowances that will be gradually reduced as the phasedown progresses.

The allocation rule impacts the nationwide **supply** of HFCs. EPA is also authorized to promulgate **demand**-side measures, like the ones proposed in Rhode Island. In fact, NRDC joined by the Colorado Department of Public Health and the Environment (CDPHE) and the Institute for Governance and Sustainable Development (IGSD) filed a petition on April 13, 2021 requesting for the reinstatement of SNAP rules 20 & 21 nationwide. The petition's requests almost entirely mirror the RIDEM proposed rule (Part 53).

The RIDEM proposed rule will effectively curb the projected increase of HFC emissions in Rhode Island and result in cumulative emissions reductions of 774,000 metric tons of CO<sub>2</sub>e over the next 25 years. We support the rule as proposed since it offers a straightforward, predictable way to reduce the state's reliance on HFCs and help the market comply with the upcoming HFC phasedown. However, we recognize that the political landscape on HFCs is swiftly changing and we would understand should RIDEM decide to wait for EPA's response to the SNAP petition, before finalizing its own rule.

There's another critical piece of the HFC puzzle that we urge you to keep front and center – building codes. Building codes are one of the main hurdles that the transition to better, climate-friendlier refrigerants faces and states have an opportunity to clear it.

**Updating the state's building codes will facilitate the transition to climate-friendly alternatives.**

Some EPA-approved low-GWP alternatives demonstrate moderate flammability and their use is currently restricted under the existing building codes. The provisions in the proposed rule largely do not require building code changes, but several regulated sectors would benefit from such updates. Updated building codes will allow HFC alternatives to enter the market in air conditioning systems, the single largest HFC emitting sector in the U.S. For this reason, we encourage RIDEM to collaborate with the relevant state and local code agencies to update the applicable building codes to the latest product and safety standards that would allow for the safe use of low-GWP alternatives with mild flammability.

Thank you for the opportunity to comment and we are looking forward to working with RIDEM and all other stakeholders.

Sincerely,

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*Submitted Electronically*

May 14, 2021

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**Re: Public Comments – Proposed Rulemaking re: PART 53 – Prohibition of Hydrofluorocarbons in Specific End-Uses (250-RICR-120-05-53)**

Dear Ms. Allison Archambault,

The Polyisocyanurate Insulation Manufacturers Association (PIMA) appreciates the opportunity to comment on the Rhode Island Department of Environmental Management's (Department) proposed rule for the Prohibition of Hydrofluorocarbons in Specific End-Uses (Proposed Rule). We appreciate the Department's responsiveness to comments filed on previous versions of the rule.

PIMA represents North American manufacturers of laminated polyisocyanurate insulation board products (polyiso insulation).<sup>1</sup> Our members include Atlas Roofing Corporation, Carlisle Construction Materials, Firestone Building Products, GAF, Johns Manville, IKO Industries, Rmax, and Soprema. These manufacturers account for the majority of polyiso insulation produced for North America, including product sold into Rhode Island. **Importantly, PIMA members and the North American polyiso insulation industry do not use high-global warming potential (GWP) hydrofluorocarbons (HFCs) in their manufacturing processes for polyiso insulation.**<sup>2</sup> Therefore, and in recognition of our industry's long-standing environmental leadership, we generally support the Department's efforts to reduce harmful emissions of these greenhouse gases through the Proposed Rule.

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<sup>1</sup> Additional information on polyiso insulation products is available at: <https://www.polyiso.org/>.

<sup>2</sup> Additional information on the polyiso industry's use of low-GWP blowing agent solutions is available online at: <https://www.polyiso.org/page/Low-GWPBlowingAgentSolution>.

However, we have concerns with the Proposed Rule's recordkeeping requirements (Section 53.8) as applicable to manufacturers of polyiso insulation. Our concerns are outlined below.

**I. PIMA supports the use prohibitions in Section 53.6 of the Proposed Rule and encourages the Department to finalize the regulations with a consistent effective date for all foam end uses.**

PIMA supports the use prohibitions in Section 53.6 for the foam end-use sector and applauds the Department's decision to establish January 1, 2022 as the uniform prohibition date for this category of products.

The Proposed Rule establishes a level playing field for products within the foam end-use category which is imperative for the building foam insulation product sector because many products are in direct competition with one another. This sector includes products such as polyiso insulation, spray polyurethane foam insulation, and expanded (EPS) and extruded (XPS) polystyrene insulation boardstock products. **Importantly, low-GWP substitutes are commercially available and viable for all products in the building foam insulation sector.**

The Proposed Rule ensures that no manufacturer or foam insulation product type receives a competitive advantage due to unequal use restrictions for HFCs and blends thereof. The Department should maintain this approach in promulgating a final rule and reject any modifications that would establish unique prohibition dates or special exceptions for products in the foam end-use category (notwithstanding the exceptions for military, space and aeronautics in Section 53.5).

**II. The modified disclosure statement options now included in Section 53.7, subsection B of the Proposed Rule for foam end uses are acceptable to PIMA.**

In previous public comments, PIMA argued that the disclosure and labeling requirements are not necessary for end uses like polyiso insulation where high-GWP HFCs are not used and were never used by manufacturers. For products like polyiso insulation, notifying the public that a product does not contain a substance that was never used by the industry provides no public benefit and creates the potential for confusion.

Notwithstanding our general objections to the disclosure and labeling requirements as applicable to polyiso insulation and similarly situated products, we appreciate the modifications adopted by the Department in developing the Proposed Rule. For foam end uses, the Proposed Rule's requirements for disclosure and labeling now align with the requirements adopted by

other jurisdictions. Further, the Proposed Rule now expressly recognizes the ability of the manufacturer to provide the disclosure or label “on the equipment, product, or its packaging.” We support these modifications. The Proposed Rule will reduce the compliance burden on regulated entities while providing clear information to the Department and the public about a particular product’s compliance status.

**III. The recordkeeping requirement in Section 53.8 of the Proposed Rule should be stricken because the requirement will not improve compliance nor facilitate enforcement of the regulations.**

PIMA maintains its previously stated opposition to the Proposed Rule’s recordkeeping requirement. This requirement represents an administrative burden on manufacturers without providing a corresponding benefit to the public interest or the Department. With respect to foam end uses, products are manufactured with the blowing agent and the substance remains with the product for its entire life cycle. Unlike other end uses, foam products are not serviced or recharged with substances during their life cycles. Therefore, the recordkeeping requirement provides no additional benefit to the consumer or the Department beyond the benefit already provided by the disclosure statement and labeling requirements in Section 53.7. Further, the recordkeeping requirement as applied to polyiso insulation is asking manufacturers to maintain records for substances that were never used by the industry. If the Department is interested in establishing a meaningful enforcement mechanism, the state should consider testing products for the presence of the prohibited substances. This approach to enforcement would immediately alert the Department to bad actors, while not penalizing good actors with a burdensome recordkeeping mandate.

**IV. Conclusion.**

We appreciate the opportunity to comment on the Department’s Proposed Rule and appreciate the Department’s responsiveness to comments filed on previous versions of the rule. Please contact me at [jkoscher@pima.org](mailto:jkoscher@pima.org) or (703) 224-2289 should additional information be helpful to your process.

Respectfully submitted,



Justin Koscher  
President



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May 17<sup>th</sup>, 2021

Ms. Allison Archambault  
Rhode Island Department of Environmental Management  
Office of Air Resources  
235 Promenade Street  
Providence RI 02908-5767  
Electronic transmission at Allison.Archambault@dem.ri.gov

**Re: Comments on proposed rule 250-RICR-120-05-53 - Prohibition of Hydrofluorocarbons in Specific End-Uses**

Dear Mrs. Archambault:

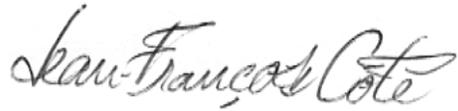
SOPREMA appreciates the opportunity to offer comments on the proposed 250-RICR-120-05-53 - *Prohibition of Hydrofluorocarbons in Specific End-Uses* that would prohibit the use of certain hydrofluorocarbons (HFCs) in refrigeration equipment, air conditioning chillers, aerosol propellants, and foams that are manufactured or used in Rhode Island.

SOPREMA is a manufacturer of various building construction materials with plants located in United States and many other countries. More specifically, SOPREMA operates an extruded polystyrene (XPS) manufacturing plant in Sherbrooke (Québec), Canada and a polyisocyanurate (ISO) foam insulation manufacturing plant in Drummondville (Québec), Canada, both just over 300 miles North of the Rhode Island state line. XPS insulation boards manufactured by SOPREMA no longer use HFCs and are in full compliance with the proposed rule. ISO insulation boards have always used zero ozone depletion potential (ODP) and low-GWP blowing agents of the pentane hydrocarbon family and are also in compliance.

We are pleased to see the actions taken by the State of Rhode Island being consistent with those from Canada and several other US states by prohibiting the use of HFCs in foam plastics. We are in full support of the prohibitions integrated in the proposed rule.

As an interested stakeholder in the development of the proposed rule, SOPREMA welcomes the opportunity to engage with the State of Rhode Island. Should you have any questions or clarifications, please contact me at [jfcote@soprema.ca](mailto:jfcote@soprema.ca) or (819) 473-2003.

Yours sincerely,

A handwritten signature in black ink that reads "Jean-François Côté". The signature is written in a cursive, flowing style.

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Jean-François Côté, PhD, Chemist  
Director, Standards and Scientific Affairs  
SOPREMA