

Automotive Refrigeration Products Institute (ARPI)

Comments to the Air Resources Board's Proposed 15-Day Modifications, Intended to Clarify and Finalize Regulatory Order CCR Subchapter 10 / Article 4 / Subarticle 5: Small Containers of Automotive Refrigerant Regulation

Submitted 22-April-2009

ARPI appreciates the continuing cooperation shared amongst CARB, our industry group, its customers and other stakeholders as we prepare to finalize a joint HFC emissions reduction plan with the aforementioned regulatory program. We acknowledge and thank staff for its earlier acceptance of recommended revisions, making this regulation more workable for stakeholders at different stations within this complex distribution chain.

In what may be ARPI's "final" submission of comments, we see one remaining issue upon which we recommend revision and two minor items where we simply seek to manage expectations. With one last dose of mutual understanding, this process will be complete.

Issue 1: Bringing clarity to manufacturer's deposits in the Regulation:

There must be a minimum specified deposit amount at the manufacturer's level in Section 95366 (b), after paragraph (1), requiring a manufacturer to: "Collect a deposit on each small container..." Unlike the provisions of Section 95366 (a), where paragraph (1) is followed by a defining paragraph (2), prescribing the minimum consumer deposit and mechanisms for revaluation, Section 95366 (b) has no prescribed or minimum deposit.

In order to assure fair administration of manufacturer deposits, remove the possibility of "competing" deposit sums and avoid effectively "forcing" manufacturers' into post-regulation pricing conversations that could be in violation of antitrust laws, we recommend that a nominal manufacturers' deposit guideline be established.

Issue 2: Managing expectations and addition to Certification Procedures:

- Page B-4 of Certification Procedures for Small Containers of Automotive Refrigerant, Section 2; Subsection 2.3 Container Labeling Requirements, Paragraph (A), Subparagraph (3), Procedure (f) reads: "Visit www.staycoolcalifornia.com..."
 - Note that not every manufacturer will list the www.staycoolcalifornia.com site as their label reference. Site selection should be noted to have the flexibility to be manufacturer-specific, so long as all substantive requisites are satisfied.
- Page B-5 of the Proposed 15-Day Modifications to Certification Procedures for Small Containers; Section 2, Sub 2.4 Education Requirement, Paragraph (A) was amended to now provide the underscored: "Each manufacturer ...must develop educational materials...format and content...must be in both English and Spanish..."
 - ARPI members understand and support this change but want to be on record with the Executive Officer in requesting some flexibility in program year-one. We expect to be compliant in bilingual labeling and placarding at inception, to be demonstrated in our certification paperwork. However, there may be a need for additional time and flexibility as we prepare parallel a Spanish language website or websites.

Thank you,

The Members of ARPI