



Center for the  
Polyurethanes Industry

March 19, 2018

Submitted Electronically to: <https://www.arb.ca.gov/lispub/comm/bclist.php>

California Air Resources Board  
1001 I Street  
Sacramento, CA 95841

**RE: Proposed Regulation: Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration and Foam End-Uses**

Dear Board Members,

The American Chemistry Council's Center for the Polyurethanes Industry<sup>1</sup> (CPI) appreciates the opportunity to comment on the California Air Resources Board's (CARB) Proposed Regulation: Prohibitions on Use of Certain Hydrofluorocarbons (HFC) in Stationary Refrigeration and Foam End-Uses (Proposed Regulations). CPI represents the polyurethane industry value chain, including raw material suppliers. CPI thanks CARB staff for hosting a public workshop with during the pre-rulemaking phase of the proposal.

The polyurethane foam insulation industry is committed the commercialization of products that have low environmental impacts during the manufacturing process and that provide energy and greenhouse gas (GHG) savings over their life cycle. CPI understands that CARB plans to continue to implement regulations that mirror those of foam end-uses included in the U.S. Environmental Protection Agency (EPA) Significant New Alternative Program (SNAP) Rules 20 and 21. Therefore, CPI encourages CARB to remain flexible and consider alternate approaches or sunset provisions to allow for consistency with the U.S. EPA if any action to phasedown the use of HFCs occurs at the Federal level. We also recommend that CARB coordinate, to the extent possible, with any other States considering regulation or legislation to phasedown the use of HFCs to streamline US manufacturing.

CPI believes that the Proposed Regulations should be amended to facilitate compliance for manufacturers. Over the last decade, manufacturers in the polyurethane industry have made significant investments to transition out of HFC technology. The disclosure and recordkeeping requirements proposed in section 95375(d) would add additional burden in the form of administrative requirements that will not provide a meaningful benefit towards a phasedown of HFCs.

**A) Section 95375(d)(1) – Disclosure Statement**

CARB states that the disclosure statement will help to enforce the regulations, and confirm compliance for CARB and consumers.<sup>2</sup> Requiring manufacturers to proactively assert compliance by including a disclosure statement on an invoice in unnecessary and only implements administrative requirements that

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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, delivery of compelling benefits messages demonstrating how polyurethanes deliver sustainable outcomes, and creation of robust safety education and product stewardship programs.

<sup>2</sup> Initial Statement of Reasons, page 24.



burden manufacturers, and could create additional burden for CARB. Including multiple disclosures on a product's invoice could become problematic if additional authorities regulate the use of HFCs in the foam sector. Allowing for a more generic disclosure statement will allow manufacturers to only include a single disclosure statement on their invoices should other jurisdictions include a similar requirement.

Accordingly, CPI suggests that CARB remove the disclosure statement requirements from the Proposed Regulations.

If CARB maintains the disclosure statement, we suggest amending the statement as follows below. The second sentence of the proposed disclosure statement does not provide CARB ability to enforce the regulations. Any statements on an invoice should always be considered reviewed, approved, true, and accurate by CARB and the consumer. Further, penalties can be applied for either not complying or misrepresenting compliance with regulations even if the deleted sentence is not disclosed on the invoice.

The blowing agent in this foam system is **a compliant** ~~California-compliant blowing agent in accordance~~ with California Code of Regulations, title 17, section 95374. ~~This disclosure statement has been reviewed and approved by [THE COMPANY] and [THE COMPANY] attests, under penalty of perjury, that these statements are true and accurate.~~

#### **B) Section 95375(d)(1) - Recordkeeping**

The recordkeeping requirements in the Proposed Regulations are overly broad and do not align with records that are currently retained by the polyurethanes industry. CPI recommends that CARB amend the recordkeeping requirements to allow manufacturers to retain records in accordance with their existing protocols.

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  
Center for the Polyurethanes Industry