EXEC-2014-008537

February 11, 2015

The Honorable Lisa Murkowski
Chair
Energy and Natural Resources Committee
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter of November 20, 2014, to the U.S. Environmental Protection Agency Administrator Gina McCarthy and the U.S. Department of Energy Secretary Ernest Moniz regarding the EPA's Notice of Proposed Rulemaking, "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program" (SNAP program), published in the Federal Register on August 6, 2014. We have been asked to respond on their behalf.

In support of President Obama's Climate Action Plan, and based on information showing that other substitutes are currently or expected soon to be available for the same uses that pose lower risks overall to human health and the environment, the EPA is proposing to change the listing status of certain high global warming potential (GWP) chemicals that were previously listed as acceptable. In particular, the EPA proposes to modify the listings for certain hydrofluorocarbons (HFCs) from acceptable to unacceptable in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors. HFCs are one of the strongest greenhouse gases in the atmosphere and are up to 10,000 times more potent than carbon dioxide. Unless we take action, U.S. HFC emissions are expected to nearly double by 2020 and triple by 2030. The emissions reductions from this proposed rule are estimated to be 31 to 42 million metric tons of carbon dioxide equivalent (MMTCO2eq) in 2020.

Your letter expresses concern about the effect the proposal may have on the energy efficiency of products that use high-GWP foam blowing agents, particularly home and commercial appliance insulation that are also subject to the DOE's energy efficiency standards for products such as residential refrigerators, as well as building insulation. Energy efficiency is a priority for both the EPA and the DOE, and we have a long history of working together to achieve energy efficiency goals. For instance, since the mid-1990s the EPA and the DOE have worked collaboratively to implement the ENERGY STAR program, which focuses on promoting energy efficiency as a cost effective way to achieve greenhouse gas reductions. The EPA is considering information on implications for energy efficiency as we develop the final rule.

As part of the rulemaking process, the EPA has engaged extensively with a range of stakeholders. We received information from U.S. chemical producers and other stakeholders suggesting that the potential to switch from high-GWP HFCs to other alternatives may allow for equal or better energy efficiency of affected products. In the Notice of Proposed Rulemaking, the EPA notes that some foam blowing agents are currently commercially available and that others will become available soon. We also heard from stakeholders in the foam industry and understand their concerns, particularly as they relate to the need for additional time to ensure a smooth transition to alternatives that will continue to meet their performance needs. The EPA is continuing to evaluate this information and the other comments received on the proposal.

Prior to and during development of this proposed rulemaking, the EPA and the DOE met regularly to share technical information regarding sectors that may be affected by the actions of both agencies. Further, the DOE participated in the interagency review process that preceded publication of the proposed rule, and shared comments with the EPA. Since then, the EPA and the DOE have continued regular interactions. As we develop the final rule, and moving forward, this important interaction will continue. Through this interaction, for example, we were able to confirm that automatic commercial ice makers, which were the subject of a final rule recently issued by the DOE to revise energy efficiency standards, are not affected by the EPA's SNAP proposed rule.

Your letter also refers to the work that the EPA and DOE have been doing to establish an ENERGY STAR classification for ultra-low temperature freezers and other refrigerated lab products that use high-GWP refrigerants (while the DOE finalized the test procedure, the EPA manages the ENERGY STAR program). To be clear, this end-use, which the SNAP program classifies as "Very Low Temperature Refrigeration," would not be affected by the proposed EPA rule.

We appreciate your views on the proposed rule and believe we can move forward with a final rule that considers the range of information provided by commenters and attains the vital goal of improving energy efficiency while also reducing use and emissions of high-GWP substances. If your staff would like additional details on comments we have received from stakeholders, a full docket for the proposed rule is available at www.regulations.gov under docket number EPA-HQ-OAR-2014-0198.

Thank you for your letter. If you have further questions, please contact us or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-2806, or Ms. Martha Oliver in the DOE's Office of Congressional and Intergovernmental Affairs at (202) 586-5450.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Dr. David T. Danielson
Assistant Secretary
Office of Energy Efficiency and
Renewable Energy
U.S. Department of Energy

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February 11, 2015

The Honorable Jeanne Shaheen
United States Senate
Washington, DC 20510

Dear Senator Shaheen:

Thank you for your letter of November 20, 2014, to the U.S. Environmental Protection Agency Administrator Gina McCarthy and the U.S. Department of Energy Secretary Ernest Moniz regarding the EPA's Notice of Proposed Rulemaking, "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes under the Significant New Alternatives Policy Program" (SNAP program), published in the Federal Register on August 6, 2014. We have been asked to respond on their behalf.

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U.S. Environmental Protection Agency

Dr. David T. Danielson
Assistant Secretary
Office of Energy Efficiency and
Renewable Energy
U.S. Department of Energy

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February 11, 2015

The Honorable Rob Portman
United States Senate
Washington, DC 20510

Dear Senator Portman:

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