



Changing State of Refrigerants – Digest 2017-8

On 8-8-17 The U.S. Court of Appeals ruled that in 2015 the EPA misapplied section 612 of the Clean Air Act when it removed SNAP Approval from select HFC Refrigerants

In July 2015 the EPA issued SNAP (Rule 20)

Rule 20; established a timeline to ban retrofits and new equipment use of High GWP refrigerants. The time line varied by application (See Refrigerant Digest 2015-7)

The **U.S. Court of Appeals** ruled on (7) petitions filed in challenge of 2015 SNAP (Rule 20). In essence; (Petition 1) argued that EPA did not have authority to use the Ozone Depletion regulations of the Clean Air Act to regulate High Global Warming HFC refrigerants. (Petition 2-7) argued that the decision was arbitrary and failed to consider several important and related factors.

The Ruling: By a 2-1 vote, the justices found in favor of (Petition 1) stating that Ozone Depletion Regulations could not be used to regulate Non-Ozone Depleting HFC Refrigerants. The ruling gives the EPA latitude to change/update the approved list of refrigerants suitable for (HCFC) retrofit application.

The Justices found no merit in (Petitions 2 thru 7) stating that the EPA did consider all the relevant factors.

*** The ruling is subject to appeal and October is the earliest it could take effect.**

What this means: Given that the ruling is under appeal, the final impact is somewhat unknown. As it is currently stated, equipment manufactures will have the option to continue producing HFC equipment beyond the dates previously announced in 2015.

The current time table on retrofit bans will remain in effect.

**** There are State regulations still under consideration that may further impact this ruling. (See Refrigerant Digest 2015-12.1) Be sure to consider these when making refrigerant related decisions.**

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