



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

March 7, 2022

MEMORANDUM

SUBJECT: Designation of HFC Program Enforcement Work as a Nationally Managed Program

FROM: Lawrence E. Starfield, Acting Assistant Administrator

**LAWRENCE
STARFIELD** Digitally signed by
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Date: 2022.03.07
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TO: OECA Office Directors and Deputies
Regional ECAD Directors and Deputies
Regional Counsels and Deputies

This memorandum designates enforcement work associated with the American Innovation and Manufacturing Act of 2020 (AIM Act), 42 U.S.C. § 7675, and the regulations promulgated thereunder at 40 C.F.R. Part 84, and associated regulations, including the mandatory greenhouse gas reporting requirements set forth in 40 C.F.R. Part 98 (collectively, the “HFC Program”), as a nationally managed program. This designation will be re-evaluated by OECA, in consultation with the Regions, no later than January 1, 2024.¹

On October 5, 2021, EPA promulgated the first final rule implementing the AIM Act,² a law designed to phase down the production and consumption of climate-damaging hydrofluorocarbons (HFCs)³ in the United States. As part of an Interagency Task Force on Illegal HFC Trade created by the White House, OECA’s civil and criminal enforcement programs, working with the Department of Homeland Security’s Customs and Border Protection (CBP) and other agencies, will pursue enforcement to detect, deter, and disrupt any attempt to illegally import, produce, use, or sell HFCs in the United States.

This implementation of the HFC Program will require close coordination with CBP and EPA’s Office of Air and Radiation (OAR). This coordination builds on and is informed by long experience collaborating to prevent illegal imports, including imports of ozone-depleting substances. OECA will be working with CBP to develop systems to efficiently target illegal HFC imports. OECA will also be working with OAR to establish a national certification identification system to track the movement of HFCs in the United States in real time and on additional rulemakings needed to fully implement the HFC Program. Designating the HFC Program as a nationally managed program will facilitate early coordination with CBP and OAR, allow for the effective early implementation of this new program, and provide OECA with time to develop expertise and training materials that could be used to efficiently engage the Regions in HFC enforcement work in the future. Note that the HFC work we are undertaking does not

¹ The next phasedown of production and consumption allowances under the AIM Act goes into effect on January 1, 2024.

² 86 Fed. Reg. 55,116 (Oct. 5, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-10-05/pdf/2021-21030.pdf>.

³ HFCs are climate “super pollutants” that are commonly used in refrigeration and air conditioning equipment, as well as foams and many other applications.

impact Region 5's continuing work related to ozone-depleting substances enforcement as lead for the Center of Excellence.

For any questions about the HFC Program, please contact Kellie Ortega at ortega.kellie@epa.gov or 202-306-6602.