



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Extension of the EPA's January 17, 2025 NAA for Using Hydrofluorocarbons with a Global Warming Potential at or Below 2140 in the Manufacture, Import, or Installation of New Refrigerated Transport-Intermodal Containers Designed to Operate at Temperatures Between -50 °Celsius and -35 °Celsius

FROM: Craig Pritzlaff, Acting Assistant Administrator

TO: Aaron Szabo, Assistant Administrator
Office of Air and Radiation

The Office of Enforcement and Compliance Assurance (OECA) is extending the EPA's January 17, 2025 No Action Assurance (NAA) for restrictions on the manufacture, import, and installation of refrigerated transport-intermodal containers contained at 40 C.F.R. §§ 84.54(a)(6), (c)(7). Specifically, the EPA will continue to not enforce the prohibition on the manufacture, import, and installation of refrigerated transport-intermodal containers using hydrofluorocarbons (HFCs) with a global warming potential (GWP) above 700 in certain situations as detailed below. As the Office of Air and Radiation (OAR) communicated to OECA in its December 15, 2025 request, extending the NAA is necessary to assure the continued safe transport of dangerous goods, and will have minimal negative environmental impact.

The final rule titled "Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under the American Innovation and Manufacturing Act of 2020," (Technology Transitions Rule) published on October 24, 2023 (88 FR 73098) prohibits the manufacture, import, and installation of new refrigerated intermodal transport equipment using HFC refrigerants with a GWP at or above 700. The rule exempts refrigerated transport-intermodal containers operating below --50 °Celsius because there is no known technologically achievable substitute. In December 2024, OAR explained that it had received information after the issuance of the Technology Transitions Rule indicating there was currently no technologically achievable substitute for the HFC refrigerants being used in new refrigerated transport-intermodal containers designed to operate at temperatures below -35 °Celsius that could meet the 700 GWP limit. Due to this technological limitation, a manufacturer in this small niche subsector of intermodal transport equipment informed OAR it would be using R-452A as the refrigerant for this equipment. R-452A has a GWP of 2140 and is, in its estimation, the refrigerant with the lowest GWP that is technologically suitable for this use case.

On January 17, 2025, OECA issued an NAA (*hereinafter* “January 2025 NAA”) regarding the prohibition under 40 C.F.R. §§ 84.54(a)(6), (c)(7)¹ on the manufacture, import, or installation of new refrigerated transport-intermodal containers using refrigerants with a GWP at or below 2140 and designed to operate between -35 °Celsius and -50 °Celsius. OECA issued the January 2025 NAA to avoid disruption to the transport of critical goods, including critical life-science and medical cargo, such as blood plasma and specialty pharmaceuticals, which are delivered via refrigerated transport-intermodal containers designed to operate between -35 °Celsius and -50 °Celsius.

On March 12, 2025, the EPA announced that it was reconsidering provisions of the Technology Transitions Rule. On October 3, 2025, the EPA officially issued a Notice of Proposed Rulemaking titled: “Phasedown of Hydrofluorocarbons: Reconsideration of Certain Regulatory Requirements Promulgated Under the Technology Transitions Provisions of the American Innovation and Manufacturing Act of 2020,” 90 Fed. Reg. 47999 (Oct. 3, 2025) (TT Reconsideration Proposal). The TT Reconsideration Proposal would adjust the current Technology Transitions Rule exemption of containers that have temperature of the refrigerant entering the evaporator (for direct heat exchange systems) or the temperature of the fluid exiting (for chillers) below -50 °Celsius by changing the temperature threshold and location where the temperature will be measured for restrictions on transport refrigeration—intermodal containers. In particular, the EPA proposes to raise the exemption temperature threshold to -35 °Celsius and adjust the location of the temperature measurement to be the box temperature. OAR expects to finalize the TT Reconsideration Proposal by August 2026. Anticipating the TT Reconsideration Proposal to raise exemption for intermodal containers with temperatures below -50 °Celsius to -35 °Celsius, the January 2025 NAA stated that the EPA would not enforce the Technology Transitions Rule requirements for intermodal containers that have a temperature between -35 Celsius and -50 °Celsius.

The January 2025 NAA is scheduled to expire on January 1, 2026, or the date when a proposed rule addressing the prohibition on the manufacture, import, and installation of new refrigerated transport intermodal containers designed to operate at temperatures below -35 °Celsius is finalized, whichever occurs earlier. As OAR has explained in its request, the 2025 TT Proposed Rule will not be finalized before January 1, 2026. OAR is requesting that OECA extend the January 2025 NAA until the 2025 TT Proposed Rule is finalized in Summer 2026.

As raised by OAR in its communications to OECA, the subsector of intermodal transport equipment completed its equipment transition for refrigerated transport-intermodal containers used to carry critical life-science and medical cargo. However, the EPA has come to understand that this subsector needs additional time to transition transport refrigeration intermodal containers designed for loads, such as hazardous chemicals, that require temperature control to enable safe transport. A member of this subsector has communicated that failure to maintain particular temperatures could lead to significant risks to health and safety due to the reactive and corrosive nature of the chemicals transported, and that the transport equipment at issue requires extensive testing and approvals for any modifications, which are currently underway. Therefore, the EPA understands that the expiration of the January 2025 NAA would hinder the delivery of new refrigerated transport-intermodal

¹ The January 2025 NAA incorrectly cites the regulations at issue as 40 C.F.R. §§ 84.52(a)(6), (c)(7) and as 40 C.F.R. §§ 84.58(a)(6), (c)(7). The correct citations at issue in both this NAA and the January 2025 NAA are 40 C.F.R. §§ 84.54(a)(6), (c)(7).

containers used to transport dangerous goods at the particular temperature range needed to ensure their safe transport. Due to these considerations, the EPA believes that an extension of the NAA is warranted in this circumstance.

This NAA extension continues to apply only to the requirements of 40 C.F.R. §§ 84.54(a)(6), (c)(7), and only for the manufacture, import, or installation of new refrigerated transport-intermodal containers using refrigerants with a GWP at or below 2140 and designed to operate between -35 °Celsius and -50 °Celsius. The extension of this NAA does not cover the existing prohibition on other new refrigerated transport-intermodal containers designed to operate at or above -35 °Celsius or other requirements of the rule. The EPA's NAA continues to be conditioned on compliance with all other aspects of the Technology Transitions Rule, including – and in addition to – the following:

- Labeling: Refrigerated transport-intermodal containers must be labeled in accordance with 40 C.F.R. § 84.58, effective January 1, 2025.
- Reporting: Reports required under 40 C.F.R. § 84.60(a) must contain a statement that the refrigerated transport-intermodal containers are complying either with 40 C.F.R. § 84.60(a)(2)(iv) or are consistent with this No Action Assurance.
- Records: Records are required to be kept under 40 C.F.R. § 84.60(b), effective January 1, 2025.

This NAA extension will remain in effect until September 1, 2026, or the date the 2025 TT Proposed Rule is finalized, whichever occurs earlier. The EPA reserves the right to revoke or modify this NAA at any time.

If you have any further questions regarding this matter, please contact Sparsh S. Khandeshi, Acting Director, Air Enforcement Division at (202) 564–9913 or khandeshi.sparsh@epa.gov.

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