

December 4, 2025

Lee Zeldin
Administrator
Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Ave NW
Washington, DC 20004

Aaron Szabo
Assistant Administrator
Environmental Protection Agency
Office of Air and Radiation
Mail Code 6101A
1200 Pennsylvania Ave NW
Washington, DC 20004

Petition for Rulemaking: Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020 (Docket No. EPA-HQ-OAR-2022-0606)

Dear Administrator Zeldin and Assistant Administrator Szabo,

Pursuant to 42 U.S.C. § 7607(d)(7)(B)¹, 5 U.S.C. § 553(e), and the First Amendment,² the National Grocers Association (“NGA” or “Petitioner”) respectfully petitions the Administrator of the United States Environmental Protection Agency (“EPA” or the “Agency”) to reconsider or otherwise amend certain aspects of the final rule entitled *Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020*, 89 Fed. Reg. 82,682 (Oct. 11, 2024) (the “HFC Management Rule,” the “Final Rule,” or “Rule”).

NGA is the national trade association representing independent grocery retailers and wholesalers who serve them. An independent retailer is a privately owned or controlled company operating in a variety of formats. Having often been in business for generations, independent grocers are

¹ Under AIM Act subsection (k)(1)(C), the provisions of Clean Air Act section 307 apply to the AIM Act and “any rule, rulemaking, or regulation promulgated by the Administrator” under the AIM Act, as though the AIM Act was “expressly included in title VI of [the Clean Air] Act.” 42 U.S.C. 7675(k)(1)(C) (incorporating by reference, *inter alia*, 42 U.S.C. 7607).

² U.S. Const. amend I (protecting the right to petition the Government for redress of grievances).

dedicated to their customers, associates, and communities. Much of NGA's membership is comprised of family-owned and family-operated businesses. Nearly half of NGA's members are single-store operators, and another quarter operate less than five stores. Independent retail and wholesale grocers are an important part of America's economy. Independent community grocers account for a third of all grocery sales, exceeding \$250 billion in sales, and more than one million American jobs. We are inherently tied to the strength and vitality of the markets we serve – at the heart of local communities and the U.S. economy.

While we support reducing emissions of HFCs by decreasing its production and usage, transitioning to next-generation refrigeration technologies, and minimizing leaks, the directives set forth by the HFC Management Rule impose extensive and overly onerous requirements on the retail grocery industry not called for in the American Innovation and Manufacturing Act (AIM Act). These directives will needlessly increase operating expenses and will lead to higher costs for consumers.

In the HFC Management Rule, EPA sought to apply new leak detection and repair requirements to refrigerant-containing appliances with a full charge of 15 or more pounds of HFC refrigerants or substitutes with a global warming potential (GWP) greater than 53. This is significantly lower than the 50-pound threshold set in Part 82, Subpart F. This notably lower threshold drastically expands the number of covered appliances to a previously unheard-of level, dramatically increasing the time and money required by retailers to monitor and repair leaks. In order to eliminate unnecessary burden and ensure that meaningful, cost-effective HFC transitions remain viable, NGA requests that EPA revise the leak repair thresholds to align with those applicable to ODS in Part 82, Subpart F and the Technology Transition Rule codified in Part 84, subpart B.

Requested Changes:

Revise § 84.106(a) as follows:

(a) Applicability. This section applies to refrigerant-containing appliances with a full charge of **15** **50** or more pounds of refrigerant where the refrigerant contains:

(1) A regulated substance,

(2) A substitute for a regulated substance that has a global warming potential greater than ~~53, based on the global warming potentials listed in table 1 of § 84.64(b) the amount listed in § 84.54(c) for the applicable sector or subsector.~~

Additionally, the new leak rate threshold for repair set by EPA is unworkable. In the HFC Management Rule, EPA set the repair threshold at a 20% leak rate despite industry informing the agency that the typical food retail store refrigeration system leaks and estimated 25% of refrigerant annually. We request EPA either change the threshold to 30% or institute a phased schedule that starts with a higher leak rate and becomes more stringent over time. EPA could set the applicable leak rate at 30 percent for the calendar year 2026, then reduce the leak rate to 25 percent for 2027, and finally bring the leak rate down to 20 percent for 2028 and beyond.

The majority of compliance dates and timeframes set by the HFC Management Rule are either technically impractical or excessively restrictive and do not justify the increased compliance costs. We encourage EPA to extend the timeframe for identifying and repairing leaks, verification testing, developing and completing a retrofit or retirement plan, and compliance dates for installing automatic leak detection (ALD) systems. The tight timeframes will heavily tax the already limited resources of independent grocers. Their access to qualified technicians and spare parts is already limited and if the entire industry is forced into these unreasonable timeframes and compliance deadlines it will be nearly impossible for independent grocers to get timely access to the technicians and parts needed for compliance.

Requested Changes:

Revise § 84.106(d) as follows:

(d) Appliance repair. Owners or operators must identify and repair leaks in accordance with this paragraph within ~~30 120~~ days (or ~~120 240~~ days if an industrial process shutdown is required) of when refrigerant is added to a refrigerant-containing appliance exceeding the applicable leak rate in paragraph (c) of this section.

Revise § 84.106(f) as follows:

(f) Extensions to the appliance repair deadlines. Owners or operators are permitted more than ~~30 120~~ days (or ~~120 240~~ days if an industrial process shutdown is required) to

comply with paragraphs (d) and (e) of this section if they meet the requirements of paragraphs (f)(1) through (4) of this section or the refrigerant-containing appliance is mothballed. Extension requests must be signed by an authorized company official. The request will be considered approved unless EPA notifies the owners or operators within 30 days of receipt of the request that it is not approved.

(1) One or more of the following conditions must apply:

* * *

(ii) Requirements of other applicable Federal, State, local, or Tribal regulations make repairs within 30 120 days (or 120 240 days if an industrial process shutdown is required) impossible. Additional time is permitted to the extent needed to comply with the pertinent regulations.

(iii) Components that must be replaced are not available within 30 120 days (or 120 240 days if an industrial process shutdown is required). Additional time is permitted up to 30 60 days after receiving delivery of the necessary components, not to exceed 180 days (or 270 days if an industrial process shutdown is required) from the date the refrigerant-containing appliance exceeded the applicable leak rate.

Revise § 84.106(e)(1) as follows:

(e)(1) Initial verification test. Unless granted additional time, an initial verification test must be performed within 30 days (or 120 days if an industrial process shutdown is required) of a refrigerant-containing appliance exceeding the applicable leak rate in paragraph (e) of this section completing the repair. An initial verification test must demonstrate that for leaks where repair attempts were made, the adjustments or alterations to the refrigerant-containing appliance have held.

Revise § 84.106(h) as follows:

(h) Retrofit or retirement plans.

(1) The owner or operator must create a retrofit or retirement plan within 30 90 days of:

* * *

(2) (vii) A schedule, not to exceed ~~one year~~ **18 months**, for completion of the appliance retrofit or retirement.

* * *

(5)(i) Unless granted additional time, all work performed in accordance with the plan must be finished within one year of the plan's date (not to exceed ~~12~~ **18** months from when the plan was finalized as required in paragraph (h)(1) of this section).

Revise § 84.108(b) as follows:

(1) Owners and operators of refrigerant-containing appliances that are subject to the requirements under paragraph (a) of this section and that are installed on or after January 1, ~~2026~~ **2029**, must install and use an automatic leak detection system upon installation of the refrigerant- containing appliance or within 30 days of installation of the refrigerant-containing appliance.

(2) Owners and operators of refrigerant-containing appliances that are subject to the requirements under paragraph (a) of this section and that were installed on or after January 1, 2017, and before January 1, ~~2026~~ **2029**, must install and use an automatic leak detection system by January 1, ~~2027~~ **2030**.

Lastly, the HFC Management Rule inequitably and needlessly singled out the supermarket refrigeration systems subsector by prescribing the use of only reclaimed HFC refrigerants for servicing and repair starting January 1, 2029. Reclaimed HFC refrigerants are already expensive and in short supply and forcing their usage will serve to only increase operating costs for grocers. Grocery stores operate on a one to two percent profit margin and will be unable to absorb these costs. They will be forced to pass on the costs to consumers in the form of higher prices. It makes no sense to impose these excessive and unneeded costs on supermarkets when consumers are already dealing with higher prices. Elimination of the reclaimed HFC mandate is a prudent decision and ensures that a small number of subsectors do not bear the sole burden of advancing the use of reclaimed HFCs.

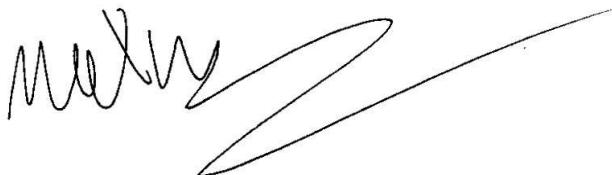
Requested Change:

Delete paragraph (e) from 40 C.F.R. § 84.112.

NGA's requests are consistent with two of the Administration's core policy objectives: alleviating unnecessary regulatory burdens that stifle American businesses and lowering cost-of-living expenses, including the cost of grocers, for American families.

The revisions sought by NGA will alleviate these needless burdens through easing unduly prohibitive and unworkable timelines and aligning thresholds with other HFC regulations promulgated by EPA, while still moving towards the goals of the AIM Act. We ask that EPA grant our petition, pausing enforcement of the HFC Management Rule while EPA swiftly initiates a new rulemaking to revise the HFC Management Rule.

Respectfully,



Max Wengroff
Senior Manager, Government Relations