



Executive Summary

Attention Manufacturers:

The U.S. is projected to emit 31% of all hydrofluorocarbons (HFC) gases by 2030, the highest of any other country. Help protect our environment by phasing out HFCs in polyurethane foam blowing applications! Below are the updates from federal, state and international regulations – plus the information on how manufacturers can help.

SNAP 20, SNAP 21 & SB 1013 Regulatory Update

This is a brief regulatory update on the status of the SNAP rules adopted by EPA in 2015 (SNAP 20) and 2016 (SNAP 21). Additionally, we are including an update on California regulation SB 1013, which was approved by the California legislature on August 30 to implement a version of SNAP 20 & 21 in California.

SNAP 20

The SNAP 20 rule was declared invalid in August 2017 by the D.C. Circuit Court of Appeals. In the fall of 2017 Honeywell, Chemours and NRDC asked the Court to reconsider the ruling and the Court denied the request. In June 2018 they then petitioned the Supreme Court to review the decision and we are currently awaiting the Supreme Court's response to that request.

Interestingly, just last week the EPA told the Supreme Court it thought the D.C. Court's ruling was correct and that there was no reason for the Supreme Court to review the matter. EPA also pointed out that it was already in the process considering how to change the SNAP 20 and 21 regulations. At this time, the EPA has stated that it will not be enforcing SNAP 20.

SNAP 21

Now that the SNAP 20 case has been finalized and EPA agrees with the decision, and it is anticipated that the EPA will request the Court to rule on SNAP 21 in the same manner as it did with SNAP 20. We anticipate the Court will agree and that SNAP 21 will be vacated along with SNAP 20. The short legal test set out by the D.C. Court is this: If EPA (through SNAP) required a sector and/or end-use to cease using ODS substances (e.g., HCFCs), EPA does not have the authority to order that sector to go further and require the use of lower GWP blowing agents (e.g., low-GWP HFCs, HFOs).

CALIFORNIA SB 1013

In the meantime, the California legislature has passed the “California Cooling Act” (SB 1013) which will adopt SNAP 20 and 21 for products made in or shipped into California. It is expected to be signed into law by the Governor by the end of September 2018 for implementation on January 1, 2019.

The California Cooling Act will apply all requirements of SNAP 20 & 21, including all approved blowing agent substitutes and transition dates. It will affect all foam produced, imported to, and used in CA after January 1, 2019. It will therefore require companies located outside of CA to comply for any foamed product shipped into CA.

Additionally, CA has stated that they are currently in discussions with other states interested in adopting their own version of SB 1013. The governors of New York and Maryland have already announced plans to do just that.

CONCLUSION

Even though SNAP 20 is no longer in effect and SNAP 21 seems not far behind, the compliance dates for the California Cooling Act are currently set for 2020 and 2021 (unless CARB extends those dates) and the EPA is in the process of a rule-making to address the Court’s decision on the Federal regulations. It is prudent for manufacturers to consider these factors when assessing plans to transition to low-GWP BAs.

Ecomate® is a low-cost low-GWP solution that is approved by SNAP and immediately available to industry.