

## Extracted from the Submission by the United States of America

May 1, 2023

Paragraph 1 of Decision XXXIV/4 invites Parties that have restricted the manufacture and/or import of certain refrigeration, air-conditioning, and heat pump products and equipment containing or relying on controlled substances, including with respect to energy efficiency, and that do not want to receive such products and equipment from other parties against payment or free of charge, to submit to the Secretariat by 1 May 2023 the information listed below:

1. The types of products and equipment concerned, including their codes in the Harmonized Commodity Description and Coding System, where applicable;
2. The specific domestic restrictions on the controlled substances (i.e., maximum global warming potential (GWP) of hydrofluorocarbons (HFCs) permitted to be used) for each category of product and equipment;
3. The minimum energy efficiency performance standard permitted under domestic legislation for each category of product and equipment; and
4. Any attempted illegal imports of such restricted products and equipment to their countries.

The United States has enacted the following laws and regulations concerning the manufacture and import of refrigeration, air-conditioning, and heat pump products<sup>1</sup> containing controlled substances.

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Section 610 of the Clean Air Act directs the U.S. EPA Administrator to identify nonessential products that release CFCs and other ozone-depleting substances into the environment (including any release occurring during manufacture, use, storage, or disposal) and prohibit any person from selling or distributing such products in interstate commerce. The prohibitions established under these provisions apply to products imported for sale or distribution within the United States. In 2002, the United States determined that any air-conditioning or refrigeration appliance that contains CFCs as a refrigerant is nonessential and thus may not be sold, distributed, or imported. A parallel prohibition was established in 2010 for any refrigeration or air conditioning appliance or component containing HCFC-22 or HCFC-142b. Regulations implementing these restrictions are at:

- <https://www.ecfr.gov/current/title-40/part-82/subpart-C>, and
- <https://www.ecfr.gov/current/title-40/part-82/subpart-I>

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<sup>1</sup> The harmonized tariff schedule codes for these products are 8415 (air conditioning equipment) and 8418 (refrigeration equipment).

Subsection (i) of the American Innovation and Manufacturing Act authorizes the U.S. EPA Administrator to restrict the use of HFCs in the sector or subsector in which it is used. The U.S. EPA has proposed to prohibit the manufacture, import, sale, distribution, and export of products using certain higher-GWP HFCs or HFC blends in some refrigeration, air conditioning, and heat pump subsectors, as well as in the aerosols and foams sectors. These restrictions are under development so no final list of products is available at this time. Further information on the proposal is at <https://www.epa.gov/climate-hfcs-reduction/technology-transitions> and the United States can provide an update once final action has been taken on the proposal.

The Energy Policy and Conservation Act, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including refrigeration, air-conditioning, and heat pump products. This law is available at:

- <https://www.govinfo.gov/content/pkg/USCODE-2021-title42/html/USCODE-2021-title42-chap77-subchapIII-partA.htm>

EPCA requires the U.S. Department of Energy to periodically determine whether more stringent standards would be technologically feasible and economically justified, and would result in significant energy savings. The most recent standards are available at:

- <https://www.ecfr.gov/current/title-10/chapter-II/subchapter-D/part-430>, and
- <https://www.ecfr.gov/current/title-10/chapter-II/subchapter-D/part-431>

Further information about individual energy efficiency standards for refrigeration, air-conditioning, and heat pump products are at: <https://www.energy.gov/eere/buildings/standards-and-test-procedures>.

The United States can provide the following information regarding illegal imports of restricted products containing controlled substances. In 2014, eAir LLC, a Florida corporation, was convicted and sentenced in federal court in Miami in connection with the illegal sale and distribution of refrigeration equipment that contained HCFC-22. eAir was sentenced to 60 months of probation and ordered to pay \$275,000 in fines and community service, and to reimburse the U.S. Customs and Border Protection for costs incurred in storing illegal merchandise.