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Via electronic submission

U.S. Environmental Protection Agency
EPA Docket Center
Air and Radiation Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Re: Phasedown of Hydrofluorocarbons: Reconsideration of Certain Regulatory Requirements
 Promulgated Under the Technology Transitions Provisions of the American Innovation
 and Manufacturing Act of 2020
 EPA-HQ-OAR-2025-0005

Dear Administrator Zeldin:

On October 3, 2025, the U.S. Environmental Protection Agency (EPA) published a Proposed Rule entitled “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. 47,999 (Oct. 3, 2025) (Proposed Rule). The Attorneys General of Massachusetts, California, Colorado, Connecticut, Delaware, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, Wisconsin, Washington, the District of Columbia, and the Chief Legal Officer of the City of New York (together, State and Local Governments) oppose this proposal, which weakens important federal regulations transitioning the United States away from the use of hydrofluorocarbons (HFCs).

The technology transition regulations, promulgated pursuant to the bipartisan American Innovation and Manufacturing Act of 2020 (AIM Act or Act), and signed by President Trump, provide a gradual transition from high-global warming potential (GWP) HFCs to lower-GWP alternatives, and set predictable nationwide standards for industry, while avoiding millions of metric tons of carbon dioxide-equivalent emissions per year. Technology Transition Restrictions on the Use of Certain HFCs under Subsection (i) of the AIM Act, 88 Fed. Reg. 73,098 (Oct. 24, 2023) (2023 Rule). They are supported by extensive economic and environmental analysis showing that the regulations are environmentally beneficial, technologically feasible, and save consumers and industry billions of dollars.

The Proposed Rule, if finalized, would modify the existing regulations to significantly slow the transition away from HFCs and increase the emission of high-GWP substances into the atmosphere. The rule thereby conflicts with the AIM Act’s core requirement that HFC production be phased down to spur the adoption of low-GWP refrigerants. The Proposed Rule is also arbitrary and capricious because the reasons given to support it are contradicted by the evidence before EPA and because EPA fails to meaningfully analyze the costs and benefits of the Proposed Rule, let alone explain why the extensive analysis supporting the existing rule is no longer operative. The Proposed Rule, moreover, upsets the reliance interests of parties that have complied with the current rule in good faith. EPA’s proposal that a final rule take effect 30 days after its publication is unlawful under the plain language of the AIM Act. Finally, EPA’s limited analysis of the Proposed Rule’s economic and climate effects frustrates meaningful understanding of the Rule and constitutes procedural error.

For these reasons, EPA should withdraw its Proposed Rule. Because the transition away from high-GWP HFCs is essential to the fight against anthropogenic climate change and harmful to our residents and businesses, the State and Local Governments voice their strong opposition to the Proposed Rule.

I. BACKGROUND

A. Climate Change and Related Harms to States and Cities

The warming of our planet has caused a litany of harms to human health and the environment, and the severity and number of these harms is increasing each year. The use of HFCs plays a significant role in global warming. As EPA acknowledged in its 2023 notice of Proposed Rulemaking for the 2023 Rule, HFCs are super pollutants that can have hundreds to *thousands* times the global warming potential of carbon dioxide.¹ For example, the most prevalent HFC in the atmosphere, HFC-134a, has a GWP that is 1,430 times greater than that of carbon dioxide.² Prior to international efforts to limit HFC emissions under the 2016 Kigali Amendment to the Montreal Protocol, HFCs alone were projected to contribute 0.28-0.44 °C to global surface warming by 2100.³

Climate change harms the State and Local Governments in myriad ways.⁴ Wildfires, heat waves, increases in the frequency and severity of extreme weather events, sea-level rise, changes

¹ See “Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection (i) of the American Innovation and Manufacturing Act of 2020,” 87 Fed. Reg. 76,744 (Dec. 15, 2022).

² EPA, *Acceptable Refrigerants and their Impacts* (last updated June 16, 2025), <https://www.epa.gov/mvac/acceptable-refrigerants-and-their-impacts#:~:text=HFC%2D134a:%20a%20Potent%20Greenhouse%20Gas,-Most%20common%20refrigerant&text=Potent%20greenhouse%20gas%20with%20a,times%20that%20of%20CO2>.

³ EPA, *Recent International Developments under the Montreal Protocol* (last updated March 20, 2025), <https://www.epa.gov/ozone-layer-protection/recent-international-developments-under-montreal-protocol>; NOAA, *2022 News & Events* (May 11, 2022), https://csl.noaa.gov/news/2022/350_0511.html.

⁴ See *Nat. Res. Def. Council v. Wheeler*, 955 F.3d 68, 77 (D.C. Cir. 2020) (finding the “release of HFCs contributes to climate change” that harms states in myriad ways).

in agriculture and food production, droughts, floods, and other climate-related harms threaten our residents, economies, natural resources, and infrastructure. Attached to these comments as Appendix 1 is a detailed discussion of the range and breadth of climate change impacts to our States and Local Governments. This subsection highlights just a few examples of these harms:

- In California, nine of the ten warmest years on record have occurred since 2014,⁵ and such increased warming brings increases in heat-related illnesses, drought, flooding, and wildfires, among other harms.⁶ Warmer temperatures are contributing to the severity of drought conditions in the state,⁷ which in turn degrades water security, increases ecological vulnerability, and increases the risk of wildfire. The Eaton Canyon and Palisades fires killed at least 30 people,⁸ destroyed at least 16,251 structures,⁹ and caused “between \$76 billion and \$131 billion” in capital losses and property damages.¹⁰ In dollar terms, the 2025 Eaton Canyon and Palisades fires in Los Angeles County inflicted more damage than the five previous fire seasons combined.¹¹ The conditions in Southern California making these fires possible bore the hallmarks of climate change.¹² First Street projects annual damage from wildfires in California will increase from \$14 billion in 2023 to nearly \$24 billion by 2053.¹³ A warmer California could see atmospheric rivers that produce between 25-45 percent more rainfall per hour, increasing the likelihood of flooding¹⁴ and mudslides, especially in areas burned by wildfires.¹⁵ Additionally, the sea level on California’s 3,427 miles of coast¹⁶ is expected to rise between 1.6 feet and 3.1

⁵ Cal. Env’t Prot. Agency, Off. of Env’t Health Hazard Assessment, *Air Temperatures* (Oct. 24, 2025), <https://oehha.ca.gov/climate-change/epic-2022/changes-climate/air-temperatures>.

⁶ Cal. Env’t Prot. Agency, Off. of Env’t Health Hazard Assessment, *Indicators of Climate Change in California* at i-6 to i-7, i-14 to i-15 (C. Milanese et al., 4th ed. Nov. 2022), <http://bit.ly/3VusCBI>.

⁷ Gabriel Petek, California Legislative Analyst’s Office, *What Can We Learn From How the State Responded to the Last Major Drought?* at 2 (May 2021), <https://lao.ca.gov/reports/2021/4429/learn-from-last-drought-051321.pdf>.

⁸ Dani Anguiano, *LA Wildfires Death Toll Climbs to 30 After Officials Find More Human Remains*, Guardian (Apr. 3, 2025), <https://www.theguardian.com/us-news/2025/apr/03/los-angeles-wildfires-death-toll>.

⁹ Cal. Fire, *Top 20 Most Destructive California Wildfires*, [CalFire Top 20 Destructive CA Wildfires](#) (last visited Nov. 19, 2025).

¹⁰ Zhiyun Li, *Economic Impact of the Los Angeles Wildfires*, UCLA Anderson Sch. of Mgmt. (Mar. 3, 2025), <https://www.anderson.ucla.edu/about/centers/ucla-anderson-forecast/economic-impact-los-angeles-wildfires>.

¹¹ *California Summary: Billion-Dollar Weather and Climate Disasters*, NOAA: Nat’l Ctrs. for Env’t Info., <https://perma.cc/K5EM-4AUV> (last visited Apr. 14, 2025).

¹² Gavin Madakumbura et al., *Climate Change a Factor in Unprecedented LA Fires*, UCLA Sustainability (Jan. 13, 2025), <https://sustainablela.ucla.edu/2025lawildfires>.

¹³ First Street, *12th National Risk Assessment: Property Prices in Peril* (Feb. 2025) at 12, <https://assets.riskfactor.com/media/The%2012th%20National%20Risk%20Assessment.pdf>.

¹⁴ Xingying Huang et al., UCLA Inst. of Env’t & Sustainability, *The Future of Extreme Precipitation in California* (2020), <https://www.ioes.ucla.edu/project/future-extreme-precipitation-california/>.

¹⁵ Swain, Daniel, *Climate Change Increases Risk of Devastating Debris Flows After Wildfires in Western U.S.*, UCLA Inst. of Env’t & Sustainability (2022), <https://www.ioes.ucla.edu/article/climate-change-increases-risk-of-devastating-debris-flows-after-wildfires-in-western-u-s/>.

¹⁶ NOAA, *Shoreline Mileage of the United States*, <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

feet by 2100, and possibly as high as 6.6 feet.¹⁷ Thirty-one to sixty-seven percent of Southern California's beaches are projected to be lost by the end of the century absent the implementation of adaption actions.¹⁸

- Massachusetts's statewide annual average temperatures have risen by almost 3.5°F since the beginning of the 20th century.¹⁹ As of 2022, 19 annual premature deaths could be attributed to extreme temperatures in Massachusetts.²⁰ If no actions are taken, an additional 400 annual premature deaths due to extreme heat could occur by the end of the century.²¹ Hotter summers will increase the number, length, and intensity of heat waves and lead to poorer air quality.²² Degraded air quality and its related health effects, including new childhood asthma diagnoses and premature death among adults aged 65 and over, are an urgent impact of climate change.²³ In September 2023, torrential rain totaling almost 10 inches in 6 hours caused flash flooding, road washouts, sinkholes, and extensive property damages in the City of Leominster.²⁴ This resulted in over \$30 million in damages and was declared a federal disaster in May 2024.²⁵ In 2022, Massachusetts also experienced significant or critical drought conditions across the entire state,²⁶ leading to fires and water restrictions and harming private wells and water-dependent habitats state-wide.²⁷ In 2024, there were 227 fires in October and 461 fires in November, months

¹⁷ California Climate Adaption Strategy (2024), *Summary of Projected Climate Change Impacts on California*, <https://climateresilience.ca.gov/overview/impacts.html>.

¹⁸ *Id.*

¹⁹ NOAA Nat'l Ctrs. for Env't Info., *Massachusetts State Climate Summary* (2022), <https://statesummaries.ncics.org/downloads/Massachusetts-StateClimateSummary2022.pdf>.

²⁰ Mass. Off. of Energy & Env't Affairs, *2022 Massachusetts Climate Change Assessment: Volume II – Statewide Report* at 33 (Dec. 2022), <https://www.mass.gov/doc/2022-massachusetts-climate-change-assessment-december-2022-volume-ii-statewide-report/download> [hereinafter 2022 Massachusetts Climate Change Assessment Vol. 1].

²¹ *Id.*

²² 2022 Massachusetts Climate Change Assessment Vol. 1, *supra*, at ES3, ES7.

²³ Mass. Off. of Energy & Env't Affairs, *2022 Massachusetts Climate Change Assessment: Volume II – Statewide Report* at 39–40 (Dec. 2022), <https://www.mass.gov/doc/2022-massachusetts-climate-change-assessment-december-2022-volume-ii-statewide-report/download> [hereinafter 2022 Massachusetts Climate Change Assessment Vol. 2].

²⁴ Heather Brinkmann & Scott Sistek, *Flash Flooding Emergency Leaves Widespread Water Damage in Massachusetts Town*, Fox Weather (Sept. 11, 2023), <https://www.foxweather.com/weather-news/flash-flood-leominster-mass-northeast>; *Storm Events Database*, NOAA Nat'l Ctrs. for Env't Info., <https://www.ncdc.noaa.gov/stormevents/> (last visited Nov. 7, 2025).

²⁵ Russ Reed, *Massachusetts Governor Files Federal Disaster Declaration Request 3 Months After Leominster Flood*, WCVB: Boston (Dec. 12, 2023), <https://www.wcvb.com/article/leominster-flood-disaster-request-massachusetts-governor/46107881>; Colin A. Young, *White House Overrides FEMA on Storm Aid for September Floods*, WBUR: Boston (May 16, 2024), <https://www.wbur.org/news/2024/05/16/biden-fema-dister-aid-leominster-floods>.

²⁶ Massachusetts Drought Status (Sept. 8, 2022), <http://bit.ly/3hKCnwR>.

²⁷ Press Release, Mass. Exec. Off. of Energy & Env't Aff., *Massachusetts Continues to Experience Drought Conditions* (July 21, 2022), <http://bit.ly/3Vi0RfS>.

which typically have 15 and 21 fires, respectively.²⁸ Additionally, by 2030, the sea level on the Massachusetts coast is projected to rise by 0.6 to 1.1 feet above 2000 levels, and by 2070, it could reach 2.3 to 4.2 feet over 2000 levels.²⁹

- In Colorado, extreme heat, droughts, wildfires, and flooding caused by climate change have dramatically impacted the state's public health and economy. For example, parts of Colorado have been experiencing a draught since 2000, which has "drastically shrunk the Colorado River, which provides water for drinking and irrigation" for over 40 million people in Colorado, six other states, 30 tribes, and Mexico.³⁰ Snowpack has decreased by 20% to 60% throughout Colorado since the 1950s.³¹ Much of the water in Colorado, including water used for everything from daily consumption to agriculture, comes from melting snowpack.³² Climate change has also exacerbated the frequency, size and destructiveness of Colorado wildfires.³³ The annual area burned by wildfires in Colorado, and adjacent areas of New Mexico and Wyoming, increased by over 300% from the 1984-2000 period to the 2001-2017 period.³⁴ The 20 most destructive fires in Colorado history have taken place since 2001, and 11 of those have occurred since 2016.³⁵

²⁸ Mass. Drought Mgmt. Task Force, November Meeting Minutes (Nov. 2024), <https://www.mass.gov/doc/november-18-2024-dmtf-meeting-notes/download>; Mass. Drought Mgmt. Task Force, December Meeting Minutes (Dec. 2024), <https://www.mass.gov/doc/december-5-2024-dmtf-meeting-notes/download>.

²⁹ Commonwealth of Massachusetts, *Sea level rise* (2025), <https://www.mass.gov/info-details/sea-level-rise#how-will-climate-change-make-things-worse>.

³⁰ Jennifer Weeks, *The Colorado River drought crisis: 5 essentials reads*, The Conversation (April 13, 2023 at 8:26 am) <https://theconversation.com/the-colorado-river-drought-crisis-5-essential-reads-203651>; CBS News, "Mega-drought" takes dramatic toll on Colorado River system that provides water to 40 million CBS News: Eye on Earth (June 9, 2021), <https://www.cbsnews.com/news/mega-drought-colorado-river-system-water-system/>.

³¹ EPA, *What Climate Change Means for Colorado* (Aug. 2016), <https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-co.pdf>; Jacy Marmaduke, 'This is the weather and climate we fear': Climate change and Colorado's ski slopes, The Coloradoan (Jan. 26, 2018 at 12:16 pm), <https://www.coloradoan.com/story/news/2018/01/26/weather-and-climate-we-fearhow-climate-change-alter-skiing-colorado/1038318001/>.

³² NOAA, *U.S. Department of Agriculture and National Drought Mitigation Center, Colorado, National Integrated Drought Information System*, (Latest Available Data: Nov. 11, 2025), <https://www.drought.gov/states/colorado#drought-overview>.

³³ Carly Phillips, *The Vicious Climate-Wildfire Cycle*, Union of Concerned Scientists: The Equation (Apr. 30, 2019 at 4:17pm), <https://blog.ucs.org/carly-phillips/the-vicious-climate-wildfire-cycle/>.

³⁴ Becky Bolinger, Russ Schumacher & Peter Goble, *Climate Change in Colorado* 67 (3d ed. 2024), <https://mountainscholar.org/items/99896af1-0564-4531-9628-be1e13dbc4cd>.

³⁵ Colorado Div. of Fire Prevention & Control, *Historical Wildfire Information* (Last visited Nov. 19, 2025), <https://dfpc.colorado.gov/sections/wildfire-information-center/historical-wildfire-information>.

- In Hawai‘i, the average air temperature has risen by 1.1°C (2°F) statewide since 1950, with a sharp increase in warming over the last decade.³⁶ Statewide, the number of hot days and very warm nights between 2015 and 2020 were more than double the respective long-term averages.³⁷ Warming temperatures bring mosquito-borne diseases to upland forests, driving several native bird species towards extinction.³⁸ Drought frequency, duration, and magnitude have increased statewide from 1920–2019, with rainfall declining in both wet and dry seasons.³⁹ These drought conditions increase the risk of wildfires and threaten the state’s water supplies. The 2023 Maui wildfires were the deadliest in modern U.S. history and the worst natural disaster in the history of the state.⁴⁰ The fire destroyed more than 2,200 structures and caused roughly \$5.5 billion in damage.⁴¹ The number of wildfires in Hawai‘i has increased four-fold in recent decades.⁴² Hawai‘i, with its 1052 miles of shoreline,⁴³ expects 8 inches of sea level rise by 2050 and 3.5 feet by 2100, rendering 25,800 acres of land unusable and affecting some 550 culture sites and at least \$19 billion in assets.⁴⁴
- Minnesota has warmed by 3.3°F between 1895 and 2024, while annual precipitation increased by an average of 3.5 inches.⁴⁵ From 1980 to 2024, the annual average for billion-dollar weather and climate disasters in Minnesota was 1.4 events per year, but the annual average from 2020 to 2024 was 4.6 events.⁴⁶ Heavy rains are now more common in Minnesota and more intense than at any time on record.⁴⁷ Minnesota winters are warming faster than nearly any other state in the contiguous United States.⁴⁸ Climate

³⁶ City & Cnty. of Honolulu Climate Change Comm’n, *Climate Change Brief 2023* at 8, <https://static1.squarespace.com/static/5e3885654a153a6ef84e6c9c/t/64374370c0631e3ac922692a/1681343347345/Climate+Change+Brief+2023.pdf>.

³⁷ *Id.*

³⁸ *Id.* at 33.

³⁹ *Id.*

⁴⁰ U.S. Fire Admin, *Preliminary After-Action Report: 2023 Maui Wildfire*, (Feb. 8, 2024), <https://www.usfa.fema.gov/blog/preliminary-after-action-report-2023-maui-wildfire/>.

⁴¹ *Id.*

⁴² Haw. Dep’t of Transp., *Hawai‘i Highways Climate Adaptation Action Plan: Exposure Assessments* at 61 (Apr. 2021), <https://hidot.hawaii.gov/wp-content/uploads/2021/07/HDOT-Climate-Resilience-Action-Plan-Exposure-Assessments-April-2021.pdf>.

⁴³ NOAA, *Shoreline Mileage of the United States*, <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

⁴⁴ State of Hawai‘i Climate Change Portal, <https://climate.hawaii.gov/hi-facts/sea-level-rise/#coming> (last visited Nov. 8, 2025).

⁴⁵ Minn. Dep’t of Nat. Res., *Climate Trends*, https://www.dnr.state.mn.us/climate/climate_change_info/climate-trends.html (last visited Nov. 7, 2025).

⁴⁶ NOAA Nat’l Ctrs. for Env’t Info., *Minnesota Summary, Billion-Dollar Weather and Climate Disasters*, <https://www.ncei.noaa.gov/access/billions/state-summary/MN> (last visited Nov. 7, 2025).

⁴⁷ Minn. Dep’t of Nat. Res., *Climate Trends*, https://www.dnr.state.mn.us/climate/climate_change_info/climate-trends.html (last visited Nov. 7, 2025).

⁴⁸ State of Minn., *Climate Action Framework Progress Report 4* (2024), <https://perma.cc/CV57-T5HM>.

change is also responsible for flooding.⁴⁹ Frequent and intense storms are now occurring more often than any time on record, and the trend is projected to continue.⁵⁰ Wildfires also are becoming larger and more frequent, in part due to climate change. In 2023, Minnesota issued a record 21 air quality alerts because of wildfire smoke drifting into the state from far beyond its borders.⁵¹

- In New York, 90 percent of all costs of climate-related disasters between 1980 and 2024 have been incurred since 2010.⁵² New York experienced its hottest year on record in 2024, and July was Albany's hottest month since records at Albany International Airport began in 1874.⁵³ New York has 2,625 miles of shoreline.⁵⁴ Sea level is expected to rise more than 1.5 feet by 2050.⁵⁵ New York also has seen dramatic increases in the frequency and severity of extreme rain events.⁵⁶ In 2021, barely a week after Tropical Storm Henri broke rainfall records,⁵⁷ the remnants of Hurricane Ida dumped nearly a half-foot of rain in the New York City area in a few hours. The resulting flash flooding killed more than 40 people in the region, including 16 in New York.⁵⁸
- Washington has 3,026 miles of shoreline.⁵⁹ Climate change will cause the sea level to rise and permanently inundate low-lying areas in the Puget Sound region,⁶⁰ which is currently

⁴⁹ Minn. Pollution Control Agency, *Climate Change Impacts*, <https://www.pca.state.mn.us/air-water-land-climate/climate-change-impacts> (last visited Nov. 7, 2025).

⁵⁰ *Id.*

⁵¹ State of Minn., *Climate Action Framework Progress Report 4* (2024), <https://perma.cc/CV57-T5HM>.

⁵² Nat'l Ctrs. for Env't Info., *New York Summary, Billion-Dollar Weather and Climate Disasters*, <https://www.ncei.noaa.gov/access/billions/> (last visited Nov. 7, 2025).

⁵³ N.Y. State, *Extreme Heat Action Planning Progress Update, July 2024 – June 2025 at 3* (May 2025), <https://dec.ny.gov/sites/default/files/2025-05/ehapreadinessupdate.pdf>.

⁵⁴ NOAA, *Shoreline Mileage of the United States*, <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

⁵⁵ NOAA, *Sea Level Rise Viewer*, https://coast.noaa.gov/slr/#/layer/sce/0/-8319827.074465485/5017920.2680523/9.000/satellite/125/0.8/2050/interHigh/noAccretion/NOS_Minor (last visited Nov. 7, 2025).

⁵⁶ See N.Y. State Off. of the Att'y Gen., *Current & Future Trends in Extreme Rainfall Across New York State, A Report from the Environmental Protection Bureau of New York State Attorney General Eric T. Schneiderman* (Sept. 2014), <http://bit.ly/3EQUo4t> (based on data from the 2014 National Climate Assessment and the National Oceanographic and Atmospheric Administration's Northeast Regional Climate Center).

⁵⁷ See Andy Newman and Ellen Barry, *Tropical Storm Henri Brings Power Outages and Record Rain to Northeast*, N.Y. Times (Aug. 22, 2021), <https://www.nytimes.com/2021/08/22/nyregion/tropical-storm-henri.html?searchResultPosition=1>.

⁵⁸ See Jesse McKinley et al., *Flooding from Ida Kills Dozens of People in Four States*, N.Y. Times (Sept. 2, 2021, updated Oct. 13, 2021), <http://bit.ly/3XKBK6Z>.

⁵⁹ NOAA, *Shoreline Mileage of the United States*, <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

⁶⁰ Climate Impacts Grp., Univ. of Wash., *State of Knowledge: Climate Change in Puget Sound 4-1* (Nov. 2015), https://data.cig.uw.edu/picea/mauger/ps-sok/PS-SoK_2015.pdf.

home to approximately 4.3 million Washingtonians.⁶¹ In 2021, the Pacific Northwest experienced a “once-in-a-millennium” heat wave that caused 100 heat-related deaths in Washington State in a single week.⁶² The heat was so intense that hundreds of millions of shellfish baked to death in the Puget Sound.⁶³

- In the District of Columbia, warming temperatures have led to more intense rain events, more frequent flooding,⁶⁴ and record-breaking heat waves.⁶⁵ Water levels along the Potomac and Anacostia Rivers have increased about 13–14 inches over the past century due to a combination of sea level rise and subsidence.⁶⁶ As a result, nuisance flooding has increased by more than 300 percent.⁶⁷ The District is expected to experience 1.1 to 1.7 feet of sea level rise by 2050 and 1.6 to 4.4 feet by 2080, an increase of up to 60 percent over previous projections.⁶⁸

As EPA itself acknowledges, these and other climate change-related impacts disproportionately affect Black and Latino populations, communities of low wealth or educational attainment, Indigenous Peoples and Tribal Nations, people with disabilities, and other historically disadvantaged groups, and this will continue.⁶⁹

⁶¹ Puget Sound Regional Council, regional population trends (2020) <https://www.psrc.org/media/4942#:~:text=Data%20from%20the%202020%20Census,from%203.7%20million%20in%202010>.

⁶² See Nicholas Turner, *Window shades, ventilation and other key lessons from the 2021 Pacific Northwest heat wave*, The Seattle Times (June 25, 2022), <https://www.seattletimes.com/seattle-news/environment/window-shades-ventilation-and-other-key-lessons-from-the-2021-pacific-northwest-heat-wave/>; Wash. State Dep’t of Health, *Heat Wave 2021*, , <https://doh.wa.gov/emergencies/be-prepared-be-safe/severe-weather-and-natural-disasters/hot-weather-safety/heat-wave-2021>.

⁶³ See John Ryan, *Extreme heat cooks shellfish alive on Puget Sound beaches*, KUOW Puget Sound Public Radio (June 23, 2022), <https://www.kuow.org/stories/extreme-heat-wave-cooked-many-shellfish-spared-others-study-finds>.

⁶⁴ World Health Org., *Heath and Climate Change Urban Profile: Washington, District of Columbia* (May 4, 2022), <http://bit.ly/3uf4ZBE>.

⁶⁵ See *id.*

⁶⁶ Nat’l Park Serv., *Sea Level Rise in the DC Area*, <https://www.nps.gov/articles/000/sea-level-rise-in-the-dc-area.htm> (last updated Sept. 26, 2025).

⁶⁷ Nat’l Oceanic & Atmospheric Admin., *Technical Rep. NOS CO-OPS 073, Sea Level Rise and Nuisance Flood Frequency Changes around the United States* (2014), https://tidesandcurrents.noaa.gov/publications/NOAA_Technical_Report_NOS_COOPS_073.pdf.

⁶⁸ D.C. Dep’t of Energy & Env’t, *Climate Projections & Scenario Development* 3–4 (2024), https://doee.dc.gov/sites/default/files/dc/sites/doee/publication/attachments/2024%20Climate%20Change%20Projections%20%26%20Scenario%20Update%20-%20District%20of%20Columbia_1.pdf.

⁶⁹ See EPA, *Climate Change and Social Vulnerability in the United States* at 6–7 (Sept. 2021), https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf; Intergovernmental Panel on Climate Change (IPCC), 2022: *Summary for Policymakers*, in *Climate Change 2022: Impacts, Adaptation and Vulnerability* at 9, 12 (2022), <http://bit.ly/3EEzBCy>; EPA, *Climate Change and the Health of People with Disabilities*, <https://www.epa.gov/climateimpacts/climate-change-and-health-people-disabilities>.

B. State and Local Governments' Efforts to Address HFCs and Combat Climate Change

The State and Local Governments have a substantial interest in protecting the health of our residents and our natural resources and infrastructure from the risks of harm caused by HFCs and climate change. To address these harms, the State and Local Governments have taken a variety of actions, at significant expense, including the following:

- California has committed to carbon neutrality by 2045.⁷⁰ To help achieve this, many efforts are underway to reduce GHG emissions. California's Senate Bill 1383 mandates a 40 percent reduction in HFC emissions from 2013 levels by 2030.⁷¹ To meet that target and as part of California's greenhouse gas emissions reduction plan,⁷² California adopted its Short-Lived Climate Pollutant Strategy⁷³ to combat HFC emissions. California also adopted the California Cooling Act⁷⁴ to counteract the partial vacatur of Significant New Alternatives Policy (SNAP) rules 20 and 21.⁷⁵ In 2020, the California Air Resources Board adopted its HFC Regulation, setting GWP limits for refrigeration and air conditioning equipment. That regulation also required air conditioning manufacturers to use a percentage of reclaimed refrigerant in their new equipment.⁷⁶ In 2022, California adopted Senate Bill 1206, which, among other things, restricts sale of bulk virgin HFC refrigerants into California.⁷⁷ Despite California's decarbonization efforts, high-GWP HFCs are expected to be among the last remaining persistent greenhouse gas emission sources in the state in 2045.⁷⁸
- Massachusetts has committed to achieving net zero economy-wide greenhouse gas emissions by 2050, with interim reductions of 50 percent from 1990 levels by 2030 and

⁷⁰ See Cal. Health & Safety Code § 38562.2; Cal. Exec. Order B-55-18. This commitment was adopted into law in 2022. See Assembly Bill 1279 (Muratsuchi, Stat. 2022, ch. 337) (the California Climate Crisis Act "declares the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, state anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels").

⁷¹ See Cal. Health & Safety Code § 39730.5.

⁷² California adopted Assembly Bill 32 (Nunez, Stat. 2006, ch. 488) in 2006 requiring reduction in greenhouse gas emissions to 1990 levels by 2020. See Cal. Health & Safety Code § 38500 *et seq.* In 2016, California adopted Senate Bill 32 (Pavely, Stat. 2016, ch. 249), requiring a 40-percent greenhouse gas emissions reduction below statewide emission limit by 2030. See Cal. Health & Saf. Code § 38566.

⁷³ CARB, *Short Lived Climate Pollutant Strategy* (Mar. 2017), https://ww2.arb.ca.gov/sites/default/files/2020-07/final_SLCP_strategy.pdf.

⁷⁴ Cal. Senate Bill 1013 (Lara, Stat. 2018, ch. 375); Cal. Health & Safety Code § 39734.

⁷⁵ See *Mexichem Fluor, Inc. v. EPA*, 866 F.3d 451 (D.C. Cir. 2017).

⁷⁶ See Cal. Health & Safety Code § 39734; Cal. Code Regs., tit. 17, § 95371 *et seq.*

⁷⁷ See Cal. Health & Safety Code §§ 39735, 39736.

⁷⁸ Energy and Env'tl. Econs. Inc., *Achieving Carbon Neutrality in California – Pathways Scenarios Developed for the California Air Resources Board* (Oct. 2020), https://ww2.arb.ca.gov/sites/default/files/2020-10/e3_cn_final_report_oct2020_0.pdf.

70 percent by 2040 and a carbon-free power sector by 2035.⁷⁹ As part of its aggressive strategy to reduce greenhouse gas emissions, the Commonwealth has also prohibited HFCs in certain end uses.⁸⁰

- Colorado adopted requirements in 2019 to reduce greenhouse gas pollution in the state 26% by 2025, 50% by 2030, and 100% by 2050 compared to 2005 levels.⁸¹ To help achieve these goals, Colorado adopted a hydrofluorocarbons (HFC) phase-out rule in 2020 to phase out HFC use in foam products, refrigeration, commercial air-conditioning, and aerosol propellants.⁸² The rule establishes a timeline for the phase-out of these HFCs in manufacturing, distribution, and use in the State of Colorado. The rule prohibits the sale, lease, rent, installation, use, and manufacturing in the State of Colorado of any product or equipment using or containing a prohibited substance for the identified end-uses. The rule also includes disclosure or labeling requirements for affected end-uses.⁸³
- Connecticut has established ambitious decarbonization goals for its power sector and for its broader economy. In 2018, Connecticut mandated a 45 percent reduction in greenhouse gas emissions from 2001 levels by 2030.⁸⁴ In July 2025, Connecticut’s Public Act 25-125, *An Act Concerning the Protection of the Environment and the Development of Renewable Energy Sources and Associated Job Sectors*, became law. Among other things, it targets net zero greenhouse gas emissions by 2050.
- Delaware has set GHG emission reduction targets of 50% by 2030 and net zero by 2050, both from a 2005 baseline.⁸⁵ It also established a goal to obtain 40 percent of its electricity through renewable sources by 2035.⁸⁶ Delaware has also prohibited certain HFCs in certain end uses through regulation.⁸⁷
- Hawai‘i law requires that the state achieve net zero emissions by 2045 and that statewide greenhouse gas emissions be at least 50 percent below their 2005 levels by 2030.⁸⁸ Hawai‘i also forbids building codes from prohibiting low-GWP alternatives to HFCs.⁸⁹

⁷⁹ Mass. St. 2021, c. 8, §§ 8–10.

⁸⁰ 310 Mass. Code Regs. § 7.76.

⁸¹ Colo. Rev. Stat. § 25-7-102(2)(g) (2024).

⁸² 5 CCR § 1001-26:B.I.

⁸³ More information available at <https://cdphe.colorado.gov/air-pollution/HFC-phase-out>

⁸⁴ See Conn. Gen. Stat. § 22a-200a(a)(2).

⁸⁵ 26 Del. C. §§ 351–364.

⁸⁶ *Id.*

⁸⁷ 7 Del. Admin. Code Ch. 100.

⁸⁸ HRS §107-32.

⁸⁹ HRS § 225P-5

- In 2021, Illinois enacted the Climate and Equitable Jobs Act, which includes provisions to phase out carbon emissions from the energy and transportation sectors. Pub. Act 102-0662.
- In 2019, the Maine Legislature enacted “An Act to Promote Clean Energy Jobs and to Establish the Maine Climate Council.” P.L. 2019, ch. 476, §§ 5-10 (emergency) (codified at 38 M.R.S. §§ 574-78). Among other things, the act set greenhouse gas reduction goals of 45 percent below 1990 levels by January 1, 2030, and 80 percent below 1990 levels by January 1, 2050. 38 M.R.S. §§ 576-A(1), (3). Specific to HFCs, in 2021, Maine enacted a law prohibiting the sale, lease, rental, installation, use, or entry into commerce of any product or equipment that uses or will use any of a group of listed high-GWP HFCs for specified air conditioning, refrigeration, foam, or aerosol propellant end uses. See P.L. 2021, ch. 192 (codified at 38 M.R.S. §§ 1613). In January 2022, the Maine Department of Environmental Protection adopted its rule *Chapter 147: Hydrofluorocarbon Prohibitions*, implementing Maine’s statutory prohibition.
- Maryland’s Climate Solutions Now Act of 2022 requires at least a 60 percent reduction in statewide greenhouse gas emissions from 2006 levels by 2031 and net zero emissions of greenhouse gas by 2045.⁹⁰ In addition, Maryland adopted regulations to phase out HFC use in foam products, refrigeration, commercial air-conditioning, and aerosol propellants.⁹¹
- Minnesota has set goals for GHG emissions reductions of 30% below 2005 levels by 2025; 50% by 2030; and net-zero by 2050.⁹² Minnesota relies on reporting requirements and leakage disclosure for HFC regulation, and voluntary incentive programs such as through Minnesota Pollution Control Agency’s (MPCA) Next Generation Refrigeration grant program HFC regulation.⁹³ For example, Minnesota Statute Section 216H.11 requires manufacturers of high-GWP gases to report annually (by October 1) the total amount of each such gas sold to purchasers in Minnesota.⁹⁴ Entities that “purchase 10,000 metric tons (CO₂-equivalent) or more” of a high-GWP gas for use or retail sale in the state must also report their purchases (previous year) and describe the purpose.⁹⁵ This reporting helps the MPCA track the usage and trends of HFCs in the state. Strong federal-level regulation (via the EPA and AIM Act) ensures consistent enforcement, prevents leakage of high-GWP products into states like Minnesota, accelerates technology transitions, and allows Minnesota’s state-level programs and grants to complement—

⁹⁰ Md. Code Ann., Envir. §§ 2-1204.2, 2-1205.

⁹¹ Md. Code Regs. § 26.11.33.01 to 26.11.33.06.

⁹² Minn. Stat. § 216H.02.

⁹³ MPCA, *New Generation Refrigeration Grants*, (last visited Nov. 19, 2025), <https://www.pca.state.mn.us/grants-and-loans/next-generation-refrigeration-grants>.

⁹⁴ Minn. Stat. § 216H.11.

⁹⁵ *Id.*; see also Minn. Stat. §216H.12 (mobile air conditioner leakage disclosure).

rather than substitute for—the primary regulatory push needed to significantly reduce HFC emissions.

- New Jersey has committed to reduce statewide greenhouse gas emissions by 80 percent from 2006 levels and transition to 100 percent clean energy sources by 2050.⁹⁶ New Jersey law prohibits HFC use in certain end uses.⁹⁷
- New York adopted the Climate Leadership and Community Protection Act in 2019, requiring the state to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels.⁹⁸ To help achieve these limits, New York has adopted regulations to phase out HFCs, including through prohibitions on new products and systems in the aerosol, air-conditioning, refrigeration and foam sectors, and with prohibitions on bulk regulated substances. New York’s amended regulation, effective January 9, 2025, also includes data collection requirements, a refrigerant management program, and a supermarket refrigerant program.⁹⁹
- Oregon law requires its major electric utilities to reduce their greenhouse gas emissions by 100 percent by 2040.¹⁰⁰ Oregon has also required statewide greenhouse gas emissions reductions in transportation, residential, commercial, and industrial settings.¹⁰¹ Caps on covered fuel suppliers require emissions reductions of nearly 90 percent between 2022 and 2050.¹⁰²
- Rhode Island’s Act on Climate requires a reduction of statewide greenhouse gas emissions to 45 percent below 1990 levels by 2030, 80 percent below by 2040, and to reach net zero emissions by 2050.¹⁰³
- Vermont has committed to reducing statewide greenhouse gas emissions by 80 percent from 1990 levels and to achieving net zero emissions across all sectors of its economy by 2050.¹⁰⁴ Vermont has also committed to interim statewide greenhouse gas emission reductions of 26 percent from 2005 levels by 2025 and 40 percent from 1990 levels by

⁹⁶ N.J. Stat. Ann. § 26:2C-40; N.J. Exec. Order 28.

⁹⁷ N.J. Stat. Ann. § 26:2C-60 through 67; NJSA Section 52:27D-123.18. This is P.L. 2019, c.507, s.9; amended 2023, c.178.

⁹⁸ State of New York, Climate Act, <https://climate.ny.gov/>; see N.Y. Env’tl. Conserv. Law § 75-0107(1); N.Y. Pub. Serv. Law § 66-p(2).

⁹⁹ N.Y. Comp. Codes R. & Regs. tit. 6, pt. 494.

¹⁰⁰ Or. Rev. Stat. § 469A.410(1)(c).

¹⁰¹ Or. Admin. R. § 340, div. 271.

¹⁰² Or. Admin. R. § 340-271-9000, table 2.

¹⁰³ R.I. Gen. Laws § 42-6.2-9.

¹⁰⁴ See 10 Vt. Stat. Ann. §§ 578(a)(3), 592(b)(4).

2030.¹⁰⁵ As part of its strategy to reduce greenhouse gas emissions, Vermont has enacted a phase-out of certain HFCs in certain end uses.¹⁰⁶

- Washington State has committed to achieving net zero greenhouse gas emissions by 2050.¹⁰⁷ This includes reducing statewide greenhouse gas emissions to 45 percent below 1990 levels by 2030; 70 percent below 1990 levels by 2040; and 95 percent below 1990 levels by 2050.¹⁰⁸ Washington has also enacted several laws to achieve emission reductions, including HFC emissions.¹⁰⁹ Washington has phased out certain end uses of HFCs, banned the sale of certain products using high-GWP refrigerants, and established a refrigerant management program.¹¹⁰ In addition, the Climate Commitment Act of 2021 created an economy-wide “cap-and-invest” program that places a cap on emissions from regulated entities and provides for the investment of allowance auction revenues into climate mitigation and adaptation programs.¹¹¹ In May 2025, Washington enacted House Bill 1462, which, among other things, increases the use of recovered and reclaimed HFCs to offset new refrigerants and directs the state to establish lower limits for virgin bulk HFCs, with initial phases starting in 2030 and a 50 percent reduction by 2033. It also creates a stakeholder task force to help guide future rules.
- The District of Columbia passed the Climate Commitment Act of 2022 with the goal of becoming carbon neutral and climate resilient by 2045.¹¹² It established a commission on climate change and resiliency in 2016 and has implemented several District-wide programs to help achieve its carbon-use goals, including its Clean Energy DC plan (to reduce generation of greenhouse gases by 60 percent by 2030) and Carbon Free DC strategy.

While the State and Local Governments have acted to protect the health of our residents, natural resources, and infrastructure from climate change harms, and will continue to do so, the State and Local Governments recognize that strong federal regulation of potent super-polluting HFCs is necessary to curb HFC emissions nationwide and to address climate change. Accordingly, many of the State Attorneys General that are signatories to this letter submitted written testimony to the United States Senate Environment and Public Works Committee supporting S. 2754, the American Innovation and Manufacturing Leadership Act, and its

¹⁰⁵ See 10 Vt. Stat. Ann. § 578(a)(1)–(2).

¹⁰⁶ See 10 Vt. Stat. Ann. § 586; V.A.C. 12 031 003, ch. 38.

¹⁰⁷ Rev. Code. Wash. § 70A.45.020(1)(c).

¹⁰⁸ Rev. Code. Wash. § 70A.45.020(1)(a).

¹⁰⁹ See Wash. Laws of 2019, Ch. 284; Wash. Laws of 2021, Ch. 315.

¹¹⁰ See Rev. Code. Wash. Chapter 70A.60; Wash. Admin. Code Chapter 173-443.

¹¹¹ See Rev. Code. Wash. Chapter 70A.65; Wash. Admin. Code Chapter 173-446.

¹¹² Department of Energy & Environment, *Climate Change*, <https://doee.dc.gov/service/climate-change>.

companion H. R. 5544, which President Trump signed into law as the AIM Act.¹¹³ The Attorneys General supported passage of the AIM Act because it reflected a strong, clear commitment by the federal government to effectively address HFC use nationwide.

C. The AIM Act and 2023 Rule

The Act, which passed with strong, bipartisan support, was signed into law by President Trump in December of 2020. The AIM Act addresses HFC pollution in three main ways. First, the Act requires EPA to phase down HFC production and consumption by 85 percent by 2036 through an allowance allocation and trading program. 42 U.S.C. § 7675(e). Second, the Act directs EPA to maximize reclamation and minimize the release of HFCs by regulating “any practice, process, or activity regarding the servicing, repair, disposal, or installation” of equipment containing HFCs or their substitutes. 42 U.S.C. § 7675(j). Third, the Act authorizes EPA to facilitate sector-based transitions to next-generation refrigerant technologies by “restrict[ing], fully, partially, or on a graduated schedule, the use of a regulated [HFC] in the sector or subsector in which [that chemical] is used.” 42 U.S.C. § 7675(i).

EPA faithfully implemented this third, technology-transition portion of the statute by promulgating the 2023 Rule in October 2023. 88 Fed. Reg. 73,098. The 2023 Rule, which was supported by a robust dataset and carefully considered all the factors set forth in the AIM Act, balanced significantly reducing GHG emissions with providing certainty and flexibility to industry. EPA promulgated the 2023 Rule’s timelines because the data showed them to be achievable. *See, e.g.*, American Innovation and Manufacturing Act of 2020 – Subsection (i)(4) Factors for Determination: Technological Achievability and Commercial Demands. Since promulgation, widespread implementation of the 2023 Rule has further demonstrated that these limits remain reasonable and achievable.¹¹⁴

D. The Proposed Rule

By way of the Proposed Rule, EPA now plans to relax certain of the standards it had determined to be justified and appropriate in 2023. And unlike the extensive analysis supporting the existing rules, EPA is proposing these changes in response to short, unpersuasive petitions submitted by industry outliers. Of particular concern to the State and Local Governments are the proposed changes to regulations concerning the retail food refrigeration industry and for cold storage warehouses.

¹¹³ The testimony was submitted by the Attorneys General of New York, California, Delaware, Illinois, Massachusetts, Minnesota, New Jersey, Oregon, Vermont, Washington, and the District of Columbia, and a copy is available here: https://oag.ca.gov/system/files/attachments/press-docs/AGs%20Testimony%20on%20S.2754_AIM%20ACT_4.8.20_FINAL.pdf.

¹¹⁴ Air Conditioning, Heating, and Refrigeration Institute; the Heating, Air-conditioning & Refrigeration Distributors International; the Plumbing-Heating-Cooling Contractors; Alliance for Responsible Atmospheric Policy. Response to Market Concerns Regarding the Technology Transitions Rule; Docket No. EPA-HQ-OAR-2025-0312. August 1, 2025. https://downloads.regulations.gov/EPA-HQ-OAR-2025-0005-0009/attachment_2.pdf.

For retail food refrigeration systems, the 2023 Rule sets a GWP limit of 150 or 300 (depending on certain characteristics of the system) beginning January 1, 2026, for remote condensing units, and January 1, 2027, for new supermarket systems. The Proposed Rule would significantly raise the GWP limit for these systems to 1,400 starting on January 1, 2026, for remote condensing units and January 1, 2027, for supermarket systems, delaying the 150 or 300 limits for both until January 1, 2032. 90 Fed. Reg. 48,006.

The Proposed Rule also relaxes the standards for cold storage warehouses. The 2023 Rule set a GWP limit for those of 150 or 300 (depending on certain characteristics of the system) beginning January 1, 2026. 90 Fed. Reg. 48,009. The Proposed Rule would raise those limits to 700 on January 1, 2026, and does not lower them to 150 or 300 until January 1, 2032. 90 Fed. Reg. 48,009.

EPA proposes these changes despite the fact that industry stakeholders have been preparing for the current transition deadlines—some now less than two months away—since October 2023. *See generally* 88 Fed. Reg. 73,098. And although the planned changes to the regulations governing the retail food industry and cold storage warehouses will ostensibly only set back HFC reductions for five or six years, these are five or six years in which users may install much higher-emitting systems—each of which will lock in additional emissions of higher GWP HFCs over its 10+ years of useful life¹¹⁵ before ultimately being replaced. Indeed, even EPA’s own underexplained analysis indicates that its Proposed Rule will increase HFC consumption in the United States by 2.9 percent compared to the 2023 Rule. 90 Fed. Reg. 48,016.

E. Legal Standard

The AIM Act states that the judicial review provisions of the Clean Air Act apply to any rule, rulemaking, or regulation promulgated by EPA as though they were expressly included in Title VI of the Clean Air Act. 42 U.S.C § 7675(k)(1)(C). These judicial review provisions instruct that the court may reverse any EPA action found to be, *inter alia*, “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right,” or “without observance of procedure required by law.” 42 U.S.C. § 7607(d)(9); see *Utility Air Regulatory Group v. EPA*, 744 F.3d 741, 747 (D.C. Cir. 2014).

It is clear that “regulations, in order to be valid must be consistent with the statute under which they are promulgated.” *United States v. Larinoff*, 431 U.S. 864, 873 (1977). Agency action, in other words, is “not in accordance with law” if it is contrary to statutory or regulatory mandates. *See, e.g., Nat’l Env’t Dev. Assn’s Clean Air Project v. EPA*, 752 F.3d 999, 1003 (D.C. Cir. 2014). And the “agency’s interpretation of the statute cannot supersede the language chosen by Congress.” *Pacific Gas and Elec. Co. v. U.S.*, 664 F.2d 1133, 1137 (9th Cir. 1981) (internal quotation marks omitted).

¹¹⁵ *See, e.g., Ty Construction Company, Inc., Cost, Efficiency, Age: Repair or Replace Commercial Refrigeration* (Jan. 6, 2025), <https://tycorporate.com/commercial-refrigeration/cost-efficiency-age-repair-or-replace-commercial-refrigeration/>.

Under the arbitrary-or-capricious standard, an agency may not “rel[y] on factors which Congress has not intended it to consider, entirely fail[] to consider an important aspect of the problem, offer[] an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (*State Farm*). An agency action is arbitrary or capricious where it is not “reasonable and reasonably explained.” *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016); *Amerijet Int’l, Inc. v. Pistole*, 753 F.3d 1343, 1350 (D.C. Cir. 2014). An agency must provide “a satisfactory explanation for its action, including a rational connection between the facts found and the choice made,” such that the agency’s “path may reasonably be discerned.” *State Farm*, 463 U.S. at 43 (citing *Bowman Transp., Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 286 (1974)).

Agencies also must provide a reasoned explanation for changes in existing policies. See *Encino Motorcars*, 579 U.S. at 221. An agency seeking to change existing policy “must at least display awareness that it is changing position and show that there are good reasons for the new policy.” *Id.* (quotation marks and citation omitted). “An agency may not . . . depart from a prior policy *sub silentio* or simply disregard rules that are still on the books.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). Further, where a new policy rests on factual or legal determinations that contradict those underlying the agency’s prior policy, the agency must provide a more detailed explanation. *Id.* at 515–16. “Unexplained inconsistency” in agency policy is “a reason for holding an interpretation to be an arbitrary and capricious change from agency practice.” *Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 981 (2005); see also *Encino Motorcars*, 579 U.S. at 222.

Moreover, “[w]hen an agency changes course, . . . it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.” *Dep’t of Homeland Sec. v. Regents of Univ. of Cal.*, 591 U.S. 1, 30 (2020) (internal quotation marks omitted). In these circumstances, too, agencies must “provide a more detailed justification.” *Fox Television Stations*, 556 U.S. at 515; *accord Smiley v. Citibank (S.D.)*, 517 U.S. 735, 742 (1996). In particular, the agency is “required to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns.” *Regents*, 591 U.S. at 33.

II. COMMENTS IN OPPOSITION TO THE PROPOSED RULE

The States and Local Governments oppose the Proposed Rule for several reasons. First, its proposals to increase the GWP limits and extend the compliance deadlines for remote condensing units, supermarket systems, and cold storage warehouses are contrary to the AIM Act and arbitrary and capricious. Second, the entire Proposed Rule is arbitrary and capricious because it ignores the reliance interests of the States, Local Governments, and industry on the 2023 Rule. Third, the Proposed Rule unreasonably declines to close a loophole that allows for the infinite replacement of condensing units used in unitary split AC/HP systems. Fourth, the Proposed Rule unlawfully attempts to fast-track its provisions via an atextual interpretation of the AIM Act’s one-year effective date requirement. And finally, EPA’s limited analysis of the

Proposed Rule’s economic and climate effects frustrates meaningful understanding of the Rule and constitutes procedural error. For all these reasons, EPA should withdraw the Proposed Rule, maintaining the 2023 Rule’s common-sense restrictions that prevent climate harms and provide regulatory certainty to State and Local Governments and industry alike.

A. The Proposed Rules for Remote Condensing Units, Supermarket Systems, and Cold Storage Warehouses Should Be Withdrawn

EPA proposes to relax the standards set to limit the use of HFCs in several products. EPA’s proposed deregulation of HFCs in three of these products is particularly objectionable. Specifically, the proposals to substantially enlarge the current GWP thresholds and greatly extend the compliance deadlines for HFCs used in (1) remote condensing units, (2) supermarket systems, and (3) cold storage warehouses are contrary to the AIM Act as well as arbitrary and capricious. The current standards for these three types of refrigeration equipment—supported by the States and industry and already driving economic and climate benefits via the adoption of cleaner, more efficient systems—should be kept in place.

1. EPA’s Proposal to Significantly Delay Meaningful Limits on HFCs for Remote Condensing Units and Supermarket Systems Should Be Withdrawn

Remote condensing units and supermarket systems are used by the retail food industry to refrigerate food and beverages in display cases and storage rooms. 90 Fed. Reg. 48,005. This equipment leaks an alarming amount of HFCs.¹¹⁶ According to EPA, “a typical supermarket’s refrigeration system holds a refrigerant charge of about 4,000 pounds and has an average annual leak rate of about 25%.”¹¹⁷

To lessen the climate harms of all this leakage, the 2023 Rule establishes GWP limits for refrigerants used in this equipment. 88 Fed. Reg. 73,157–61. For both remote condensing units and supermarket systems, the 2023 Rule sets the GWP limit at 150 for products with refrigerant charge capacities greater than or equal to 200 pounds, and 300 for products with capacities less than 200 pounds or for the high temperature side of cascade systems. *Id.* These GWP limits on remote condensing units and supermarket systems apply to newly installed equipment on or after January 1, 2026, and January 1, 2027, respectively. *Id.*

EPA’s Proposed Rule substantially departs from the 2023 Rule’s GWP limits and timelines for remote condensing units and supermarket systems. 90 Fed. Reg. 48,005–08. Adopting a suggestion by unspecified food retailers, EPA plans to push back the January 1, 2026, and January 1, 2027, compliance deadlines to January 1, 2032, while creating an extremely high interim GWP limit of 1,400 on January 1, 2026, for remote condensing units and January 1, 2027, for supermarket systems. *Id.*

¹¹⁶ EPA, *Prioritizing Leak Tightness During Commercial Refrigeration Retrofits*, https://epa.gov/sites/default/files/documents/GChill_Retrofit.pdf.

¹¹⁷ *Id.*

This proposal will not only lead to more than 56 MMT CO₂-equivalent of emissions, Analysis of Economic and Environmental Impacts at 13, it will also cost retailers money, 88 Fed. Reg. 73,202 (“For most retail food refrigeration equipment, EPA estimates that the transition to lower-GWP alternatives will result in a net cost savings (after accounting for energy efficiency gains and savings on the cost of refrigerant).”).

a. EPA’s Proposed Rule for Remote Condensing Units and Supermarket Systems Conflicts with the AIM Act

The AIM Act works to stop HFC pollution by simultaneously decreasing both the supply and demand of HFCs in a step-wise, orderly fashion. 88 Fed. Reg. 73,099. On the supply side, the Act requires EPA to phase down HFC production. 42 U.S.C. § 7675(e). It requires a 10 percent reduction from baseline production levels by 2023, a 40 percent reduction by 2028, a 70 percent reduction by 2033, and an 85 percent reduction by 2036. *Id.* § 7675(e)(2)(c). On the demand side, so that these reductions are not accompanied by avoidable price shocks, the AIM Act authorizes EPA to gradually restrict the use of HFCs in various sectors to encourage the adoption of non-HFC refrigerants. *Id.* § 7675(i).

This balance between supply and demand of HFCs was properly struck in the 2023 Rule, where EPA “ensur[ed] that the use restrictions support th[e phasedown] schedule by reducing total U.S. demand for HFCs by transitioning uses in sectors and subsectors where the Agency has determined that substitutes are available.” 88 Fed. Reg. 73,140.

The current proposal, however, is unbalanced: it would push back any meaningful restriction on the use of HFCs in new remote condensing units and supermarket systems to 2032, conflicting with the AIM Act’s requirement that HFC production be significantly curtailed before then. In doing so, the proposal risks maintaining a level of market demand for HFCs much greater than the AIM Act’s required production reductions will support. The Proposed Rule, in other words, engineers a situation in which HFC demand will outstrip supply, sending prices on certain HFCs in the retail food industry soaring—all while postponing the considerable economic and environmental benefits of the transition to lower-GWP alternatives.

Because the Proposed Rule for remote condensing units and supermarket systems conflicts with the AIM Act’s requirement to phase down HFC production and thwarts the Act’s economic and climate goals, it should be withdrawn.

b. EPA’s Proposed Rule for Remote Condensing Units and Supermarket Systems Is Arbitrary and Capricious.

EPA provides three primary reasons for its proposed rollback of the 2023 Rule—each of which is implausible and contradicts the record evidence.

First, EPA asserts that there are too few low-GWP refrigerants available to retailers to meet the current compliance schedule. 90 Fed. Reg. 48,006–07. This assertion is plainly contradicted by EPA’s admission that there are at least eight such substitutes available: HFO-1234yf, HFO-1234ze(E), R-457A, R-516A, R-454C, R-455A, R-454A, and R-744. *Id.* at 48,007;

see also 88 Fed. Reg. 73,157. Any one of these alone would be enough to support the existing rule. *See, e.g., Nat'l Wildlife Fed'n v. EPA*, 286 F.3d 554, 558–61 (D.C. Cir. 2002) (upholding standard based on single technology). EPA also acknowledges that “[m]any supermarkets across the United States are already using compliant, lower-GWP substitute refrigerants such as R-744.” 90 Fed. Reg. 48,007; *see also* 88 Fed. Reg. 73,158 (noting that even as of October 2023, before the rule was finalized, lower-GWP substitutes had “seen increased use” in US supermarkets).

Indeed, EPA notes that “[o]ne manufacturer of supermarket refrigeration systems shared . . . that its shipments of R-744-containing systems have risen over the last several years to the extent that in 2024, its shipments of such equipment surpassed that of HFC-containing systems annually for the first time.” 90 Fed. Reg. 48,007. And beyond the boom in equipment using R-744, chemical suppliers are now advertising other, lower-GWP substitutes for use by food retailers. *Id.* EPA’s own evidence thus refutes its assertion that there are not enough low-GWP substitutes. Moreover, EPA is continuing to expand the number of low-GWP substitutes available through the SNAP program. 90 Fed. Reg. 50,766 (Nov. 10, 2025).

Second, EPA claims that building codes across the country have not been sufficiently updated to allow for the use of A2L refrigerants, which tend to have lower GWPs but are also mildly flammable. 90 Fed. Reg. 48,006–08. EPA concedes that the number of states that have made this update has risen from 41 at the time the 2023 Rule was finalized in 2023 to 49 today. *Id.* at 48,006. But moving the compliance deadline back several years is still necessary, EPA claims, because “30 states allow local jurisdictions to supersede the state requirements for relevant building codes,” and therefore “local jurisdictions *may* still prevent their introduction.” *Id.* at 48,007 (emphasis added). EPA identifies no local jurisdiction that has, in fact, made its building code stricter than its state’s code by banning A2L refrigerants. Even if one existed, it would be little reason for the nationwide rollback proposed by EPA—to say nothing of the mere *possibility* that a local jurisdiction could do so, which is no reason at all. *See* 88 Fed. Reg. 73,160 (“EPA can consider a substitute to be available before every building code in every jurisdiction across the United States permits its use.”)

Third, EPA justifies its Proposed Rule by pointing to information it received that “installing R-744 [transcritical CO₂] systems in stores in warmer climates may be less preferred because the energy efficiency benefits can be lower.” 90 Fed. Reg. 48,007. EPA then acknowledges, however, that “[m]any supermarkets across the United States are already using compliant, lower-GWP substitute refrigerants such as R-744.” *Id.* Moreover, EPA already considered, and rejected, this concern when it finalized the 2023 Rule. 88 Fed. Reg. 73,160 (“[S]upermarkets across the country, in varied climates, have already successfully transitioned to refrigerants meeting the limits finalized in this rule.”); *id.* at 73,159 (“Many supermarkets in various regions of the United States already use refrigerants with GWPs below the GWP limits, including R-744 even in warmer climates.”).

Kroger, for instance, announced that it would use transcritical CO2 starting this year in all its stores,¹¹⁸ many of which are located in the southeastern United States.¹¹⁹ The vague preference of some unspecified retailer not to use R-744, especially when there are other low-GWP substitutes available, is not sufficient justification for the proposed rollback of the 2023 Rule.

The reasons EPA provides for delaying the 2023 Rule’s compliance deadline for remote condensing units by six years and that for supermarket systems by five run counter to the information available to—and cited by—EPA. *See State Farm*, 463 U.S. at 43. And they certainly do not constitute the “more detailed justification” required for rules resting on factual findings that contradict the findings underlying the prior policy. *Fox Television Stations, Inc.*, 556 U.S. at 515. For example, EPA makes no attempt to meaningfully analyze the economic impacts of the Proposed Rule. *See Analysis of Economic and Environmental Impacts* at 2–3 (“The proposed Technology Transitions Reconsideration Rule may result in economic impacts that differ from a status quo baseline in which the proposed changes are not adopted, however, we are unable to quantify those impacts without additional data.”). A Proposed Rule that “relies upon a threadbare explanation,” as EPA does here, is arbitrary and capricious. *Spirit Airlines, Inc. v. U.S. Dep’t of Transportation & Federal Aviation Admin.*, 997 F.3d 1247, 1255 (D.C. Cir. 2021).

EPA’s meager justification for its proposal pales in comparison to the extensive analysis supporting the 2023 Rule. *See* 88 Fed. Reg. 73,130 (noting that in drafting the 2023 Rule, EPA relied upon “decades” worth of evaluation of HFC substitutes conducted by “EPA, State and foreign governments, industry standards organizations, and international advisory panels”). In particular, EPA supported the 2023 Rule with an extensive cost-benefit analysis and an analysis of the climate benefits of the rule using the social costs of HFCs. *See* Regulatory Impact Analysis Addendum: Impact of the Technology Transitions Rule; 88 Fed. Reg. 73,196–98; Regulatory Impact Analysis Addendum: Impact of the Technology Transitions Rule.

EPA’s proposal for the retail food industry is arbitrary and capricious for the additional reason that EPA fails to consider reasonable alternatives. *See Am. Radio Relay League, Inc. v. F.C.C.*, 524 F.3d 227, 242 (D.C. Cir. 2008) (“An agency is required ‘to consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives.’”). In particular, EPA proposes to change the existing rule based on considerations, like the possibility of restrictions based on local building codes, that apply to very few—if any—regulated entities. Even assuming, for the sake of argument, that these considerations justify some change to the existing rule, EPA does not even consider more narrowly tailored solutions to address the relevant issue. Instead, EPA simply weakens the relevant standard for that entire industry subsector *tout court*. EPA’s failure to consider reasonable alternatives is arbitrary and capricious.

¹¹⁸ ATMOsphere, *Natural Refrigerants: State of the Industry* (2024 Ed.) at 25, <https://atmosphere.cool/atmo-market-report-2024/>.

¹¹⁹ *See Kroger Grocery Store Locations*, <https://www.kroger.com/stores/grocery?msocid=2b5f5ef812e36a6333ba4b6513cd6be2>.

In sum, EPA’s proposal for the retail food industry fails to articulate a rational connection between the facts before it and the rule it proposes. The justifications EPA does offer are threadbare, contradict the evidence before the agency, and fail to include a consideration of reasonable alternatives. The Proposed Rule is therefore arbitrary and capricious and should be withdrawn.

2. EPA’s Proposal to Significantly Delay Meaningful Limits on HFCs for Cold Storage Warehouses Should Be Withdrawn

Cold storage warehouses are refrigerated facilities, often large ones, typically located outside population centers. 88 Fed. Reg. 73,162. The 2023 Rule established GWP limits for new cold storage warehouses installed on or after January 1, 2026. *Id.* Those limits are 150 for systems with a charge capacity greater than or equal to 200 pounds, and 300 for systems with a charge capacity less than 200 pounds or for the high temperature side of cascade systems. *Id.* Prompted by an interest group that requested EPA relax these limits, EPA proposes to move the regulations’ start date back six years, from January 1, 2026, to January 1, 2032. EPA also proposes an interim GWP limit of 700 for new systems installed starting January 1, 2026. 90 Fed. Reg. 48,009.

a. *EPA’s Proposed Rule for Cold Storage Warehouses Conflicts with the AIM Act*

Like EPA’s proposal to push back the compliance schedule in the retail refrigeration industry, its proposal to do the same for cold storage warehouses undermines the phasedown of HFC production required by the AIM Act. EPA tries to justify its interim limit of 700 GWP by saying it would allow for the continued use of HFC-containing refrigerants R-513A and R450A until 2032. 90 Fed. Reg. 48,010. But maintaining demand for these products past the point at which the AIM Act requires strong limits on HFC production—a 40 percent reduction by 2028—undermines the AIM Act’s strategy to simultaneously decrease the supply and demand of HFCs to prevent a sharp increase in refrigerant prices. *See* 42 U.S.C. § 7675(e)(2)(c). EPA should withdraw its proposal for cold storage warehouses to avoid this conflict with the AIM Act.

b. *EPA’s Proposed Rule for Cold Storage Warehouses Is Arbitrary and Capricious*

EPA offers two reasons for its proposed substantial rollback of the 2023 Rule’s regulation of cold storage warehouses. Like those provided for its proposal for the retail food refrigeration industry, neither reason is either consistent with the evidence before EPA or sufficiently explained.

First, EPA claims there are safety concerns with using ammonia as an HFC substitute in cold storage warehouses located in densely populated areas. 90 Fed. Reg. 48,009. But most cold storage warehouses—“because [they] are often large in order to achieve economies of scale and require large amount of land use”—are not located near populated areas. 88 Fed. Reg. 73,162. And for those that are, alternatives that are low toxicity and nonflammable—such as HCFO-1233zd(E), R-471A, and R-744—are authorized for use. 90 Fed. Reg. 48,009. EPA cites to the Coalition for the Use of Safe and Efficient Refrigerants’ claim that R-744 “operates at higher

pressures and has lower energy efficiency,” 90 Fed. Reg. 48,009, but the fact that R-744 may not be an ideal substitute for all users is not a sufficient basis to find that it is not an available substitute. *See* 88 Fed. Reg. 73,131 (noting that “it is reasonable for the Agency to consider a substitute to be available based on the expectation that, by the compliance date established in a restriction, many of the (i)(4)(B) subfactors could feasibly be met”). The implication that a small share of the cold storage warehouses located near population centers will not be able to transition to one of these low-GWP alternatives has no basis in fact, and is therefore no reason to postpone the current compliance schedule.

Second, EPA claims there are insufficient lower-GWP alternatives available to allow this sector to move away from HFCs by 2026. 90 Fed. Reg. 48,009. But this, too, is belied by the evidence. EPA concedes that one of these alternatives (ammonia) is “already the most widely used refrigerant in this subsector for large systems.” *Id.* It also admits that there are several other commercially available alternatives, including R-744, HFO-1234yf, HFO-1234ze(E), R-454C, and R-454A. *Id.* at 48,010. With a number of available alternatives, it’s no wonder that, as EPA acknowledges, there is already “widespread use of compliant refrigerants in this subsector,” which has shown an “adeptness to transition” to lower-GWP substitutes. 90 Fed. Reg. 48,009; *see also* 88 Fed. Reg. 73,162 (noting, even before implementation of the 2023 Rule, that “[a] significant portion of cold storage warehouses have transitioned from, or completely avoided, using higher-GWP HFCs”).

Finally, like EPA’s proposal for the retail food industry, EPA’s proposal for the cold storage warehouse sector fails to consider reasonable alternatives, such as a more narrowly tailored rule for those cold storage warehouses that are located close to population centers and for some reason cannot transition from one of the A1 alternatives to R-717. *See Am. Radio Relay League, Inc.*, 524 F.3d at 242. EPA’s barely reasoned decision to modify the rule for the entire regulated subsector without considering reasonable alternatives is arbitrary and capricious.

In short, here, again, the agency’s own findings contradict the safety and availability concerns EPA uses to justify its proposal to postpone and weaken the current rules regulating cold storage warehouses. The unexplained incongruence between EPA’s findings and its proposal cannot provide rational support for the Proposed Rule, especially when EPA has failed to consider reasonable alternatives. EPA’s proposal for cold storage warehouses is arbitrary and capricious and should be withdrawn.

B. The Entire Proposed Rule Should Be Withdrawn Because It Fails to Consider the Reliance Interests of Industry and State and Local Governments

In service of a supposedly deregulatory agenda, EPA is unlawfully ignoring the interests of those relying on the 2023 Rule, which include the States, Local Governments, and industry.

As discussed above, the States and Local Governments have a significant interest in limiting HFC emissions. *See Supra* Section I. Many of the States and Local Governments rely on the AIM Act as a federal floor without which they would be required to individually regulate HFC emissions. Further, many of the State and Local Governments have ambitious GHG

reduction targets that rely on the existence of strong federal regulations; these interests would be harmed by the Proposed Rule’s weakening of federal standards.

In addition, although EPA claims that it is deregulating on behalf of industry, the Proposed Rule upsets the regulated community’s reliance interests. Most industry commenters on the 2023 Rule’s proposal supported it, 88 Fed. Reg. 73,150, and since the Rule’s adoption, businesses have reoriented their business plans toward meeting its deadlines. In other words, much of industry has relied on existing regulations and will be harmed by an 11th hour change that unfairly advantages the few industry parties that have not taken adequate steps to comply.

Many of the provisions at issue are set to go into effect on January 1, 2026—just three months after the Proposed Rule’s publication in the Federal Register. The small portion of industry hoping for a compliance break should not be rewarded when so many other companies have made capital investments in their systems to comply with the 2023 Rule. Further, much of American manufacturing has already transitioned to lower-GWP HFCs and most high-GWP refrigerants are manufactured abroad. If new and existing technology continues to rely on high-GWP refrigerants for years to come, these refrigerants will need to be imported, harming American manufacturers.¹²⁰

Despite these important interests, EPA has altogether failed to adequately assess reliance interests, much less weigh any such interests against competing policy concerns. *See Regents*, 591 U.S. at 33. Far from providing the “more detailed justification” that an agency must provide when reliance interests are at stake, *Fox Television Stations, Inc.*, 556 U.S. at 515, EPA mentions reliance interests in the Proposed Rule only when it is acknowledging that it has not considered such interests or when it is soliciting information about such interests. *See, e.g.*, 90 Fed. Reg. 48,003. EPA’s failure to consider reliance interests is arbitrary and capricious.

C. EPA Should Close the AC and Heat Pump Condensing Unit Loophole

In response to the opportunity presented by EPA to comment on the treatment of condensing units used in the residential and light commercial AC/HP subsector, State and Local Governments voice their opposition to EPA’s proposal to retain the current requirements in this sector. *See* 90 Fed. Reg. 48,011. As described in the petitions from Chemours and from the Air Conditioning, Heating, and Refrigeration Institute (AHRI), EPA’s treatment of condensing units in the residential and light commercial AC/HP subsector creates a loophole that allows for the infinite replacement of condensing units used in unitary split AC/HP systems. *See* Chemours Petition at 9-10, AHRI Petition at 2-3. Without opining on the exact mechanism EPA should use to close this loophole, the State and Local Governments urge EPA to consider the arguments presented in the Chemours and AHRI petition and prevent the infinite replacement of condensing units. Unless EPA reconsiders these regulations, condensing units using outdated, high-GWP refrigerants like R-410A, which has a 100-year GWP of 2090, will continue to flow through this loophole. This would imperil the smooth transition intended by the Technology Transitions

¹²⁰ The Air-Conditioning, Heating, and Refrigeration Institute, *Initial AHRI Response to EPA Proposed Rule on Reconsideration of the Technology Transition Rule* (Sept. 30, 2025), <https://www.ahrinet.org/news-events/news/initial-ahri-response-epa-proposed-rule-reconsideration-technology-transitions-rule>.

provision of the AIM Act; expose homeowners to price spikes as the HFC phasedown continues and high-GWP refrigerants become scarce; and disadvantage American manufacturers as they transition away from producing high-GWP refrigerants and condensing units.

D. EPA's Attempt to Bypass the AIM Act's One-Year Effective Date Requirement for Technology Transition Rules Is Unlawful

Subsection (i)(1) of the AIM Act states that EPA “may by rule restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used.” 42 U.S.C. 7675(i)(1). And subsection (i)(6) requires a waiting period when EPA exercises this authority, providing that “[n]o rule under [subsection (i)] may take effect before the date that is 1 year after the date on which [EPA] promulgates the applicable rule.” *Id.* § 7675(i)(6).

The unambiguous plain meaning of subsection (i)(6) is that any rule promulgated under subsection (i) cannot take effect until one year after promulgation, regardless of whether it strengthens or weakens limits on HFC use. EPA has consistently applied the one-year waiting period in subsection (i)(6) to its rules promulgated under subsection (i) in this way. For example, since promulgation of the 2023 Rule, EPA has issued two rules adjusting existing restrictions based on new information, and in both instances EPA interpreted subsection (i)(6) as applying to all changes to the requirements under subsection (i), including extending deadlines imposed by the 2023 Rule. *See* 89 Fed. Reg. 10,0381 (Dec. 12, 2024); 88 Fed. Reg. 88,825-88,826 (Dec. 26, 2023). Furthermore, when it drafted the December 2023 interim final rule to extend the installation deadline for lower-GWP residential and heat pump systems, EPA went so far as to dispense with the notice-and-comment period on a Proposed Rule and proceed straight to an interim final rule to ensure the one-year lead time required by subsection (i)(6) could be met. 88 Red. Reg. at 88,826.

Despite its prior consistent recognition that subsection (i)(6) applies to any rule promulgated under subsection (i), EPA now plans to make the Proposed Rule effective 30 days after its publication in the Federal Register, rather than wait the required one year. 90 Fed. Reg. 48,014-15. EPA admits that this approach reverses its prior understanding of subsection (i)(6), but claims the reversal is necessary because “the best reading of [subsection (i)(6)] is that the one-year requirement applies only to the creation of new restrictions and not to the relaxation or removal of existing restrictions.” *Id.*

EPA defends this reading with a policy argument: “Providing a full year delay between promulgation and application of a compliance deadline is important when a new sector or subsector is being regulated,” EPA writes. 90 Fed. Reg. 48,015. “However, when the EPA is revising an existing restriction to provide additional time for compliance or other relief, the need for adequate notice to parties subject to the restriction is less compelling.” *Id.*

EPA's distinction between an initial and revised regulation is found nowhere in the statute. Rather, the statute plainly states that “[n]o rule” may take effect without the waiting period. 42 U.S.C. § 7675(i)(6). And EPA is not free to superimpose its deregulatory “policy preferences” onto the AIM Act, but instead must implement the “best reading,” which typically

means an interpretation according to its “plain meaning.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 393, 400, 403 (2024); *Sandifer v. U.S. Steel Corp.*, 571 U.S. 220, 227 (2014) (“It is a fundamental canon of statutory construction that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.” (quotation marks omitted)).

The best (and only) meaning of subsection (i)(6) of the AIM Act is that any rule restricting HFCs pursuant to subsection (i)(1) is subject to a one-year waiting period. Therefore, because EPA’s Proposed Rule contains restrictions on the use of HFCs—even if those restrictions revise other restrictions—they are subject to the one-year effective date requirement. Any final rule EPA publishes should set the effective date of a restriction on HFC use at least one year after the promulgation of that rule.

E. EPA’s Limited Analysis of the Proposed Rule’s Effect on Economic Conditions and Emissions Frustrates Meaningful Understanding of the Rule and Constitutes Procedural Error

EPA’s analysis of the economic and emissions impacts of the Proposed Rule is so underexplained and incomplete that it prevents interested parties from meaningfully understanding and commenting on the Rule in the comment period provided. *See Idaho Farm Bureau Fed. v. Babbitt*, 58 F.3d 1392, 1404 (“The purpose of the notice and comment requirement is to provide for meaningful public participation in the rule-making process.”); *Wash. Trollers Ass’n v. Kreps*, 645 F.2d 684, 686 (9th Cir. 1981) (“To suppress meaningful comment by failure to disclose the basic data relied upon is akin to rejecting comment altogether.”). EPA provides potential commenters with no information about the economic impacts of the Proposed Rule and a confusing, underexplained analysis of the emissions impact of the Proposed Rule that does not assess the social cost of carbon.

EPA must provide the public with a comprehensible analysis of the Proposed Rule’s impacts, including the projected increase in emissions of HFCs and the resulting climate harms in terms of the social cost of carbon, and must provide the public with an opportunity to comment on this additional information and analysis. *Conn. Light & Power v. Nuclear Regul. Comm’n*, 673 F.2d 525, 530-31 (D.C. Cir. 1982) (“An agency commits serious procedural error when it fails to reveal portions of the technical basis for a proposed rule in time to allow for meaningful commentary.”); *Kern County Farm Bureau v. Allen*, 450 F. Supp. 2d 1072, 1076 (9th Cir. 2006) (“Integral to an agency’s notice requirement is its duty to ‘identify and make available technical studies and data that it has employed in reaching the decisions to propose particular rules.’”). EPA must provide additional information and an additional comment period in order to fulfill its procedural obligations under the Administrative Procedure Act.

* * *

The State and Local Governments appreciate the opportunity to comment on this important rulemaking. They urge EPA to act in accordance with the AIM Act's and Clean Air Act's administrative procedure requirements, and to protect important reliance interests, by observing the one-year waiting period between promulgation and the effective date of regulations under the Act; by withdrawing the proposed changes to regulations in the retail food refrigeration and cold storage warehouse sectors; and by closing the loophole allowing infinite replacement of condensing units in the air conditioning/heat pump sector. These steps will ensure that the market for HFCs and HFC substitutes will continue functioning smoothly during the global HFC phasedown without disturbing the settled reliance interests of the regulated community or State and Local Governments' interest in limiting HFC emissions.

Respectfully submitted,

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