Submitted Electronically

January 27, 2020

Colorado Department of Public Health & Environment
Air Pollution Control Division
4300 Cherry Creek Drive South
Denver, CO 80246

Email: cdphe.commentsapcd@state.co.us

Re: Comments on Colorado HFC Phase Out
Foam End-Uses: Polyisocyanurate Insulation

The Polyisocyanurate Insulation Manufacturers Association (“PIMA”) appreciates the opportunity to provide initial comments to the Department of Public Health and Environment (“Department”) regarding the State’s HFC Phase Out regulatory plans. PIMA represents North American manufacturers of laminated polyisocyanurate insulation board products (“polyiso insulation”). Our members include Atlas Roofing Corporation, Carlisle Construction Materials, Firestone Building Products, GAF, Johns Manville, IKO Industries, Rmax, and Soprema.¹ These manufacturers account for the majority of polyiso insulation produced and sold in North America, including Colorado.

PIMA supports Colorado’s efforts to reduce harmful emissions of greenhouse gases. Specific to the Department’s plans for an HFC Phase Out rule, PIMA supports a prohibition on the use of hydrofluorocarbon (HFC) substances identified in U.S. EPA SNAP Rules 20 and 21 for the “Rigid Polyurethane and Polyisocyanurate Laminated Boardstock” end-use category. This position is based on the fact that the North American polyiso industry does not use the HFC substances as blowing agents in its product formulations. In fact, polyiso manufacturers never used the HFC substances.

However, as other states have developed proposed regulations for the prohibition of HFCs in foam end-use categories, PIMA has expressed opposition to any labeling, recordkeeping, or reporting requirements that would apply to polyiso manufacturers. Our justification for this position is described below along with proposed regulatory text that could be made part of the Department’s draft rule.

¹ More information available at: https://www.polyiso.org/.
I. History of Polyiso Insulation

The polyiso industry is a recognized leader in the manufacture of energy efficient building products and environmental stewardship. The industry has been recognized by the U.S. Environmental Protection Agency (“U.S. EPA”) with the Stratospheric Ozone Protection Award for leadership in the phase-out of chlorofluorocarbons and exceptional contributions to global environmental protection. Additionally, the industry was recognized with the U.S. EPA’s Climate Protection Award for leadership in promoting energy efficiency and climate protection.

Over the past three decades, the polyiso insulation industry has undertaken research and development of new technology to eliminate the use of ozone depleting pollutants and reduce the global warming impact of its products. Today, polyiso insulation is manufactured using pentane (or pentane blends) as the blowing agent in the foaming process. Pentane is a non-ozone depleting, low global warming potential substance. The industry completed this transition nearly twenty years ago.

Pentane offers an economical solution for polyiso insulation manufacturers and delivers exceptional thermal resistance that contributes to the product’s high R-value – the primary physical property for thermal insulation products. Polyiso insulation manufacturers have made significant capital investments in modifying existing facilities and constructing new plants that allow for the safe use of pentane technology in the manufacturing process. It is important to note that polyiso insulation formulations – and the process used to manufacture the product – are optimized for the use of pentane, which may not be a suitable blowing agent substitute for other foam end-uses.

Additionally, as referenced above, polyiso insulation manufacturers have made significant investments in the research and development of product formulations that utilize pentane technology to deliver industry-leading thermal and fire performance in the foam insulation market. From a manufacturing perspective, the restricted HFC substances are not suitable (or attractive) replacements for polyiso insulation when compared to the performance and economic advantages of pentane-based formulations. Therefore, PIMA supports a prohibition on the use of high-GWP HFCs for the polyiso insulation end-use category.

II. PIMA believes that labeling, recordkeeping, or reporting requirements are unnecessary as applied to the polyiso insulation end-use category and, therefore, requests that polyiso insulation manufacturers be exempted from compliance.

We understand that the Department’s future action on HFCs is intended to implement Regulation 22, which focuses on the reduction of greenhouse gas emissions. Therefore, we anticipate that any HFC Phase Out rule would be targeted at end-uses that currently use the high-
GWP substances. Similarly, we encourage the Department to scope any draft rule to exclude polyiso insulation from its requirements for labeling, recordkeeping, or reporting.

a. Labeling Requirement

By example, the California Air Resources Board agreed with PIMA’s argument to exclude polyiso manufacturers when it eliminated a proposed labeling requirement for end-uses that categorically do not use HFC substances. **CARB concluded that labeling was unnecessary for end-uses that “have already transitioned out of using HFCs . . . [where] the risk that these end-uses revert to prohibited HFCs is low.”**

Washington State’s draft rule has evolved to include a clear statement that the labeling requirements do not apply to all end-uses. The draft rule uses the effective date of the enabling legislation to create a cutoff date for those end-uses subject to the labeling requirements. See below (*draft rule for Washington State January 28, 2020 public meeting*):

<table>
<thead>
<tr>
<th>WAC 173-443-020 Applicability.</th>
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<td>(1) This chapter applies to any person who offers for sale, leases, rents, installs, or otherwise causes to enter into Washington commerce, any product or equipment for the end-uses listed in WAC 173-443-040 if that product or equipment contains, uses, or will use a substitute restricted for that end-use in WAC 173-443-040.</td>
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<td>(2) The labeling requirements in WAC 173-443-070 apply only to manufacturers that were producing products or equipment containing or using HFCs as of July 28, 2019, or that have initiated or resumed producing such products at any time after that date. The labeling requirements also apply to importers or domestic distributors of any such product that is produced on or after that date.</td>
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We provide these examples to support the Department’s efforts to closely align its draft rule with other states. PIMA is actively engaged with other states to help achieve a similar outcome.

b. Recordkeeping Requirement

We encourage the Department to exclude any recordkeeping requirement from its draft rule for all end-uses. As other states have worked to develop draft HFC rules, the trend has been to move away from recordkeeping requirements. Recordkeeping creates burdensome requirements for both regulatory agencies, manufacturers, and others involved in the distribution and sale of products. The supply chains for the various end-uses can be complicated, which

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creates confusion between industry stakeholders on who is responsible for the keeping of the required records. The Department’s legitimate interests in determining which products use HFCs can be achieved through well-scoped labeling or reporting requirements for current end-use categories that use or contain the restricted substances.

c. Reporting Requirement

Washington State formalized its reporting requirement in an emergency rulemaking, which required certain manufacturers to file initial reports with the state no later than December 31, 2019.3 Importantly, the state’s emergency rulemaking only applied to manufacturers that use restricted HFCs. This reduced the number of filings handled by the regulatory agency and avoided placing an unnecessary requirement on manufacturers that do not use the restricted substances. Furthermore, Washington State will carry forward this approach to its final rulemaking as shown below (draft rule for Washington State January 28, 2020 public meeting):

**WAC 173-443-080 Manufacturer Notification.**

(1) The manufacturer of products that contain or use HFCs or other prohibited substitutes under WAC 173-443-040 or a trade organization on behalf of its member manufacturers, must report to ecology consistent with WAC 173-443-090 and WAC 173-443-100.

PIMA encourages the Department to take a similar and limited approach to any reporting requirement. We are actively engaged in other states to help achieve a similar outcome.

III. Conclusion

We appreciate the opportunity to provide initial comments to the Department for the future development of an HFC Phase Out rule. Please contact me at jkoscher@pima.org or (703) 224-2289 should additional information be helpful to your deliberative regulatory process.

Respectfully submitted,

Justin Koscher
President