

Reclaim Comments

- The Proposed Rule, as written, could create severe market disruption and uncertainties due to shortages of recovered refrigerants necessary for producing reclaimed material.
 - Some refrigerants haven't been in use long enough to generate sufficient availability of used material, regardless of recovery rates. Lack of available reclaim or certainty of future availability would discourage transition to newer refrigerants.
 - For other refrigerants, although material may be available for recovery, the current recovery rates are insufficient to support the mandates.
 - There is little incentive from the market to drive recovery, especially for sectors like residential A/C which are highly dependent on contractor behavior.
- To address these issues and avoid skyrocketing prices for reclaim or shutdowns due to insufficient supply of recovered refrigerants, it is essential to base mandate requirements on data and experience, not just for the available bank, but also for available recovered material and reclaim capacity.
 - Record-keeping and reporting must be sufficient to provide the data in advance of any mandate dates. Preventing fraud remains as another objective for record-keeping and reporting.
 - For at least the beginning of a program, the focus should be on the service component and the need for greater recovery. OEMs would retain the option to use reclaim in first fill and that use should be reported, but first-fill mandates should be avoided.
 - Any mandate requirements should be quite modest to start to ensure successful compliance, with periodic revisions based on data collected from earlier years, to create a smoother path toward the ultimate goals rather than a disruptive event.
- A meaningful and effective enforcement program is essential to increasing recovery and reclaim of refrigerants. EPA must develop a system that ensures effective enforcement even when mandated reclaim percentages are below 100%. Only enforcement will drive the market behaviors necessary to achieve very high reclaim levels.
- Suggested initial target percentages that would exceed current market conditions and create stretch goals should be considered as follows for implementation not sooner than 2029; however, even these should be reviewed in advance of their effective dates based on data reported earlier.

- For refrigerants with >2200 GWP only:

Supermarket	25%
Refrigerated Transport	25%
ACIM	25%
Standalone	25%

- For refrigerants with >1400 GWP only:

Stationary AC	15%
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- Alternatively, targets should be set at no more than 5% above a rolling average of reported data, by refrigerant, from 2 years before their effective dates, e.g., 2029 limits could be set based on an average of 2026 and 2027 data plus 5%.
- As the transition occurs, GWP limits could be reduced based on data showing adequate supply.
- Targets should be reviewed on a rolling average basis every two (or more) years to provide adequate planning guidance for the industry.
- All fluorinated refrigerants should be recovered, and regulated substances reclaimed and/or appropriately managed at end of life.
- There are several barriers to reclaim supply that should also be addressed to allow the most rapid progress.
 - Contractor performance is critical. Training, especially related to blends and flammable refrigerants, could increase recovery of refrigerants and help prevent mixing of recovered refrigerants. A strong certification and licensing program should be phased in, and contractor performance audited. Failure to comply should result in penalties and potential loss of license.
 - Incentives could be created, perhaps like GreenChill, to increase industry and end user involvement and support for recovery and use of reclaim, including recognition of significant achievements.
 - Both record-keeping and reporting should be in place at all levels of the value chain, including the critical distributor and contractor segments, for which simplified annual reports should be used.
 - Intellectual property challenges exist but can and should be handled in the normal course of business, without regulatory intervention.
 - Reclaim should be limited to material recovered in the US.
 - Reclaimers should be exempt from the accumulation limits for A2L refrigerants.

As of 3/1/2024