

May 28, 2020
Lisa A. Vest, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

RE: Natural Resources Defense Council comments on proposed regulation 1151 Prohibitions on Use of Certain Hydrofluorocarbons in Specific End-Uses

Dear Ms. Vest,

The Natural Resources Defense Council (NRDC) would like to commend the Department of Natural Resources and Environmental Control (DNREC) for their prompt action to reduce greenhouse gas emissions from hydrofluorocarbons (HFCs). We appreciate the opportunity to participate as a key stakeholder in the rulemaking process and would like to express strong support for the proposed regulation.

NRDC is a non-profit environmental organization with a network of 3 million members and online activists and more than 650 lawyers, scientists and policy advocates working to protect our environment and ensure that everyone has access to clean air, water and the wild. Within our Climate & Clean Energy Program, we have worked for several decades to end the use of refrigerants that deplete stratospheric ozone and cause climate change.

On behalf of NRDC's more than 7,800 members and online activists in Delaware, NRDC would like to express strong support for the proposed regulation and encourage its prompt adoption. The regulation is a critical measure to reduce HFC emissions. HFCs have a heat trapping capacity thousands of times that of carbon dioxide. As a result, even in small concentrations they significantly harm the climate – and their emissions are growing rapidly in Delaware, across the U.S., and worldwide.

Ever since EPA's Significant New Alternatives Policy (SNAP) rules 20 & 21 were partially vacated, states have been filling in the gap left by the federal government. Currently, states' prohibitions are leading the industry's transition to climate friendlier alternatives, providing significant greenhouse gas emissions reductions. We commend Delaware for being at the forefront of action on HFCs and encourage swift adoption of the proposed regulation. These prohibitions are critical for reducing HFC emissions across the U.S. and incentivize a transition toward climate-friendlier alternatives in sectors where substitutes already exist.

The proposed regulation provides a transition schedule that progressively prohibits the use of certain climate-warming HFCs in new or retrofitted products and equipment. **NRDC strongly encourages the Department to adopt the transition schedule as proposed.** The proposed schedule is aligned with that of other U.S. Climate Alliance states and thus will avoid a regulatory patchwork. This will facilitate enforcement and ease the compliance burden on manufacturers and distributors.

To aid compliance with the prohibitions, NRDC encourages the Department to engage with state and individual jurisdictions on building code updates. Some alternative refrigerants with a low global warming potential are classified as moderately flammable.¹ Currently, building codes do not allow for the use of moderately flammable refrigerants in some categories of use. Building code updates would allow for the safe use of certain climate friendlier refrigerants with moderate flammability. This is an important action that will enable the transition for building chillers. In the “positive displacement chiller” end-use, it is strongly preferable, or even necessary, to use modestly flammable refrigerants not yet accommodated by the building codes. The transition date for building chillers is 2024, allowing for ample time to update the building codes prior to the prohibitions being effective. States do not need to update their building codes to provide for compliance with the prohibitions of this regulation for any other end-use category.

NRDC is in strong support of the proposed regulation and we thank the Department for pursuing an extensive and thorough stakeholder engagement process.

Sincerely,

Christina Theodoridi
Technical Analyst, Climate & Clean Energy
Natural Resources Defense Council
1152 15th str NW
Washington D.C. 20005

¹ A2L ASHRAE category