

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0643; FRL-9128-01-OAR]

Notice of Determination To Grant or Partially Grant Certain Petitions Submitted Under Subsection (i) of the American Innovation and Manufacturing Act of 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to alert the public of the Administrator’s decision to grant in full ten petitions and partially grant one petition submitted under subsection (i) of the American Innovation and Manufacturing Act of 2020. These petitions request that the Environmental Protection Agency restrict the use of certain regulated substances, as defined in the American Innovation and Manufacturing Act of 2020, in certain applications, pursuant to its authority under subsection (i) to promulgate rules that 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. Information considered by the Agency in its evaluation of these petitions is available

in the docket associated with this notice.

DATES: Petitions referenced in this notice were granted by the Administrator via letters signed on October 7, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua Shodeinde, Stratospheric Protection Division, Office of Atmospheric Programs (6205T), Environmental Protection Agency, telephone number: 202-564-7037; email address: *shodeinde.joshua@epa.gov*. You may also visit EPA’s website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

SUPPLEMENTARY INFORMATION:

I. Background

Subsection (i) of the American Innovation and Manufacturing Act of 2020 (AIM Act or Act),¹ entitled “Technology Transitions,” provides that the Administrator 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. Under subsection (i)(3) a person may petition the Administrator to promulgate a rule for the restriction on use of a regulated substance² in a sector or subsector which shall include a request that the Administrator negotiate with stakeholders in accordance with subsection (i)(2)(A). Once the

Environmental Protection Agency (EPA) receives a petition, the AIM Act directs the Agency to make petitions publicly available within 30 days of receipt and to grant or deny the petition within 180 days of receipt, taking the factors listed in subsection (i)(4) into account to the extent practicable.

The Agency has received a number of petitions under subsection (i) of the AIM Act requesting that EPA promulgate rules to restrict the use of hydrofluorocarbons in certain refrigeration, air conditioning, foam and aerosol applications.³ After reviewing information provided by petitioners, relevant information collected and summarized in technical memos available in the docket, the Administrator has made determinations concerning 11 petitions—specifically, to grant ten petitions and partially grant one petition. EPA’s letters to petitioners are contained in the docket for this action, along with a number of technical memos and a summary and determination document that highlights the statutory factors considered for each petition and the rationale for EPA’s decision. At this time, the Agency is not taking action on any other petitions or on certain elements of one petition (*i.e.*, California Resources Air Board et al.).

II. Which petitions is EPA granting?

Table 1 lists the petitions that EPA is granting or partially granting.

TABLE 1—LIST OF GRANTED OR PARTIALLY GRANTED PETITIONS

| Petitioner | Topic | EPA determination |
|--|--|-------------------|
| Natural Resources Defense Council (NRDC), Colorado Department of Public Health & Environment (CDPHE), and Institute for Governance & Sustainable Development (IGSD). | “Replicate HFC Prohibitions from SNAP Rules 20 & 21” | Grant. |
| DuPont | “Replicate SNAP Rule 20 with Regard to the Phase-out of HFC-134a in Extruded Polystyrene Boardstock and Billet (XPS) End-use”. | Grant. |
| DuPont | “Replicate SNAP Rule 21 with Regard to Rigid Polyurethane Low-pressure Two-component Spray Foam (2K-LP SPF) End-use”. | Grant. |
| American Chemistry Council’s Center for the Polyurethanes Industry (CPI). | “Replicate SNAP Rules 20 and 21 HFC prohibitions for the Polyurethane Industry”. | Grant. |
| Household & Commercial Products Association (HCPA) and National Aerosol Association (NAA). | “Replicate SNAP Rules 20 and 21 HFC prohibitions for Aerosol Propellants”. | Grant. |
| Environmental Investigation Agency (EIA) et al | “Restrict the Use of HFCs in Certain Stationary Refrigeration and Air Conditioning End-uses”. | Grant. |
| Air Conditioning, Heating, and Refrigeration Institute (AHRI) et al. | “Restrict the Use of HFCs in Residential and Light Commercial Air Conditioners”. | Grant. |
| Air Conditioning, Heating, and Refrigeration Institute (AHRI) et al. | “Restrict the Use of HFCs in Certain Commercial Refrigeration Equipment”. | Grant. |

¹ The AIM Act was enacted as section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260).

² The Act provides that “regulated substance” refers to those substances included in the list of regulated substances in subsection (c)(1) of the Act and those substances that the Administrator has designated as a regulated substance under

subsection (c)(3). Subsection (c)(1) lists 18 saturated hydrofluorocarbons (HFCs), and by reference their isomers not so listed, as regulated substances. This is the current list of regulated substances, as no additional substances have been designated as regulated substances under subsection (c)(3).

³ A full list of petitions received to date under subsection (i) of the AIM Act with links to copies of the petitions can be found in the table at <https://www.epa.gov/climate-hfcs-reduction/petitions-under-aim-act>.

The EPA has also opened a docket (Docket ID EPA-HQ-OAR-2021-0289-0044), where all subsection (i) petitions are posted, and where the public may submit information related to those petitions. We have also opened a separate docket, (Docket ID EPA-HQ-OAR-2021-0643) for the 11 petitions that have been granted or partially granted.

TABLE 1—LIST OF GRANTED OR PARTIALLY GRANTED PETITIONS—Continued

| Petitioner | Topic | EPA determination |
|---|--|-------------------|
| Association of Home Appliance Manufacturers (AHAM) | “Restrict the Use of HFCs in Certain Air Conditioners and Dehumidifiers”. | Grant. |
| International Institute of Ammonia Refrigeration (IIR) et al. | “Restrict the Use of HFCs in Certain Refrigeration End-Uses”. | Grant. |
| California Air Resources Board et al | “Replicate HFC Prohibitions from SNAP Rules 20 & 21 and Issue Additional Federal Standards”. | Partial Grant. |

Subsection (i)(4) of the AIM Act identifies factors for the Agency to consider to the extent practicable when making a determination to grant or deny a petition. As stated above, EPA considered available information related to these factors in its determination to grant and partially grant the petitions listed in Table 1, and this information can be found in the docket with this notice.

III. What happens after EPA grants a petition?

Where the Agency grants a petition submitted under subsection (i) of the AIM Act, the statute requires that EPA promulgate a final rule not later than two years from the date the Agency grants the petition. Per subsection (i)(1) of the AIM Act, EPA may issue rules that 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. The Act establishes that no rule developed under subsection (i) may take effect earlier than one year after the rule promulgation date. In addition, prior to issuing a proposed rule under subsection (i), EPA must consider negotiating with stakeholders in the sector or subsector in accordance with negotiated rulemaking procedures.⁴ If the Agency decides not to undergo a negotiated rulemaking, the AIM Act requires the Agency to publish an explanation of its decision not to use that procedure.⁵

Cynthia A. Newberg,
 Director, Stratospheric Protection Division.
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⁴ The negotiated rulemaking procedure is provided under subchapter III of chapter 5 of title 5, United States Code (commonly known as the “Negotiated Rulemaking Act of 1990”).

⁵ EPA intends to issue a separate notice in the **Federal Register** regarding its consideration of using negotiated rulemaking procedures for a rulemaking that responds to granted and partially granted petitions.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0636; FRL–9138–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Primary Lead Smelting (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Primary Lead Smelting (EPA ICR Number 1856.12, OMB Control Number 2060–0414), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. Public comments were previously requested, via the **Federal Register**, on February 8, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 15, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0636, online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information

(CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov> or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit: <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Lead Smelting apply to existing and new facilities engaged in producing lead metal from ore concentrates. The category includes, but is not limited to, the following smelting processes: Sintering, reduction, preliminary treatment, refining and casting operations, process fugitive sources, and fugitive dust sources. Owners and operators of primary lead smelting facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 63, subpart A, as well as the applicable specific standards in 40 CFR part 63 subpart TTT. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports