

Business Council for Sustainable Energy Comments in Response to the Environmental Protection Agency's Proposed Reconsideration of Certain Regulatory Requirements Promulgated under the Technology Transitions Provisions of the AIM Act of 2020 Docket No. EPA-HQ-OAR-2025-0005

November 17, 2025

Business Council for Sustainable Energy Comments in Response to the Environmental Protection Agency's Proposed Rule: Phasedown of Hydrofluorocarbons: Reconsideration of Certain Regulatory Requirements Promulgated under the Technology Transitions Provisions of the AIM Act of 2020 (Docket No. EPA-HQ-OAR-2025-0005).

Introduction

The Business Council for Sustainable Energy (BCSE) appreciates the opportunity to provide comments in response to the Environmental Protection Agency's (EPA) Proposed Rule: Phasedown of Hydrofluorocarbons: Reconsideration of Certain Regulatory Requirements Promulgated under the Technology Transitions Provisions of the American Innovation and Manufacturing Act of 2020 (AIM Act) (Docket No. EPA-HQ-OAR-2025-0005).

Since its founding in 1992, BCSE has participated in EPA rulemakings and related federal initiatives addressing air quality, climate change, and energy system modernization. The Council represents a broad portfolio of commercially available clean energy, energy efficiency, and natural gas technologies that deliver reliable, affordable, and low-emission energy to consumers and businesses.

BCSE supports EPA's continued efforts to implement the AIM Act and to align U.S. policy with the Kigali Amendment to the Montreal Protocol. We share EPA's goal of ensuring that the phasedown of hydrofluorocarbons (HFCs) is achieved in a cost-effective and environmentally sound manner.

We also appreciate EPA's responsiveness to petitions and stakeholder input reflected in this proposed reconsideration. BCSE recognizes the agency's willingness to consider targeted adjustments to improve workability for certain sectors and subsectors affected by the technology transitions rule. These refinements—if clearly scoped and transparent—can help ensure effective implementation and compliance.

At the same time, BCSE is concerned that reopening settled regulatory provisions at this stage could introduce regulatory uncertainty, disrupt long-term business planning and investment, and increase costs for consumers. The following comments outline these concerns and urge EPA to preserve continuity and predictability as it finalizes this rule.

U.S. Industry Investment and Regulatory Certainty

The AIM Act established a clear and predictable framework for transitioning to low-GWP alternatives. Over nearly a decade, manufacturers, suppliers, and end users in the HVACR, refrigeration, and building systems sectors have made multi-billion-dollar investments in new product lines, re-tooled manufacturing operations, workforce training, and supply-chain adaptation to comply with EPA's regulatory requirements.

These investments were made in reliance on stable and durable policy signals. If the regulatory framework is revised or reversed mid-course, companies face the risk of stranded capital, manufacturing delays, and re-engineering costs. Such disruptions can delay the adoption of next-generation technologies and impede progress toward emission reductions.

EPA has previously recognized the importance of accounting for legitimate reliance interests when revisiting prior rules. BCSE strongly encourages the agency to do so here. Maintaining regulatory certainty is essential for continued investment in innovation, production capacity, and workforce development—all critical to maintaining U.S. competitiveness.

Business Planning Disruption and Consumer Cost Impacts

The industries affected by this rulemaking have carefully planned product development and compliance schedules in alignment with existing HFC transition requirements. Modifying compliance timelines, sector definitions, or allowable refrigerant thresholds now would impose new costs across the supply chain.

Manufacturers and component suppliers would be required to re-design products, re-certify equipment, and adjust procurement strategies, while distributors and contractors would need to retrain staff and manage new inventory transitions. These disruptions could lead to product shortages, project delays, and higher prices for consumers.

Because companies have already incurred substantial costs to comply with the current framework, additional or retroactive adjustments may force them to pass increased costs on to end users through the prices of goods and services. These outcomes would erode affordability for residential, commercial, and industrial customers.

BCSE urges EPA to consider the downstream economic effects of regulatory changes and to adopt any modifications only after full assessment of their impacts on consumers and the marketplace.

Alignment with Global and Domestic Climate Goals

EPA's implementation of the AIM Act has positioned the United States as a global leader in developing and exporting climate-friendly cooling and refrigeration technologies. Maintaining alignment with the Kigali Amendment and with other major trading partners is vital to sustaining this leadership.

Frequent regulatory shifts or lack of clarity in the U.S. rulemaking process could undermine confidence in American manufacturing and innovation. BCSE encourages EPA to ensure that the final rule reinforces U.S. leadership, avoids creating competitive disadvantages, and continues to drive emissions reductions in concert with international efforts.

Appreciation for Targeted Flexibility and Workability

BCSE supports EPA's intent to improve the workability of the regulation for affected sectors. We appreciate that the agency has engaged stakeholders and considered petitions seeking practical adjustments—such as those addressing practical limitations to temperature control (e.g., for intermodal refrigerated transport of ultra-low temperature loads, like peroxides and life sciences) and product certification, particularly for small sectors.¹

We encourage EPA to continue refining the rule through targeted flexibility rather than broad reconsideration. Limited adjustments that address genuine implementation challenges can strengthen compliance and market stability, whereas sweeping changes may generate unintended uncertainty and cost.

¹ Unlike larger sectors (e.g., air conditioning and commercial refrigeration) where standards have been complete, updated and adopted into building codes for several years. The safety standard development process for niche uses in laboratories and pharmaceutical processing has just begun, further delaying EPA approvals to use new refrigerants.

The Importance of Regulatory Certainty for Energy Sector Planning

BCSE's members operate across sectors that rely on long-term infrastructure and capital investment cycles, often spanning multiple decades. Consistent with our prior comments to EPA, we emphasize that regulatory certainty is a prerequisite for effective planning, investment, and deployment.

As the Council noted in previous submissions, durable and predictable federal policy enables companies to make rational investment decisions that reduce emissions, strengthen reliability, and support economic growth. When rules shift unexpectedly, capital flows are disrupted, financing becomes more difficult, and consumer costs increase.

EPA can strengthen confidence in the AIM Act implementation by reaffirming the direction of its regulatory framework and minimizing future reconsiderations.

Conclusion

BCSE supports EPA's ongoing efforts to phase down high-GWP hydrofluorocarbons and to advance efficient, low-emission technologies across the U.S. economy. We respectfully urge the agency to:

1. Preserve regulatory continuity to protect existing investments and prevent stranded costs;
2. Avoid disruptions to business planning and unnecessary increases in consumer costs;
3. Discuss potential modifications with all impacted stakeholders;
4. Maintain alignment with global agreements and U.S. competitiveness; and
5. Implement targeted flexibilities that improve workability without undermining certainty.

BCSE and its members stand ready to collaborate with EPA to ensure that implementation of the AIM Act remains both environmentally ambitious and economically sustainable.

Thank you for the opportunity to share the Council's views on this proposal. Should you wish to discuss these comments further, please contact Lisa Jacobson, President of the Business Council for Sustainable Energy, at ljacobson@bcse.org.