



The Alliance

for Responsible Atmospheric Policy

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INDUSTRY CAUTIONS AGAINST ILLEGAL IMPORT OF HCFCs

WASHINGTON, D.C. - The Alliance for Responsible Atmospheric Policy today cautioned industry and the public to be certain that their hydrochlorofluorocarbon (HCFC) refrigerant purchases are legal, and to refuse to buy illegally imported refrigerants. The warning came as reports are beginning to surface that illegal HCFC imports may be on the rise, in light of apparent demand for the product to service air conditioning equipment.

"Industry commends the US government for getting focused early on the illegal importation of HCFCs. They are ready to prosecute anyone bypassing the law or devising schemes to illegally import HCFCs," stated Dave Stirpe, Executive Director of the Alliance.

Purchasers of new HCFCs should verify that an importer is authorized to import HCFCs. Such importers would have been listed as having a baseline consumption allowance in the EPA HCFC Allocation Rule (January 21, 2003; 68 FR 2819), or involved in a subsequent legal trade of consumption allowances. An updated list of allowance holders can be found at: <http://epa.gov/ozone/title6/allowance.html>. The recipient of a trade can show a letter from EPA acknowledging the approval of the trade. Purchasers who question the legitimacy of an HCFC importer should request a copy of the EPA approval letter from the seller. Persons involved in the illegal trade of HCFCs are subject to both civil and criminal penalties. Fines of \$32,500 per kilogram can be imposed.

"Purchasers of the illegal refrigerant are at risk. The government may confiscate any illegally imported refrigerant, even if it has been passed down through the marketplace, and prosecute purchasers who knowingly buy illegal material," Stirpe said.

HCFCs are used in foam manufacture, new residential and commercial air conditioning and refrigeration, and to service existing equipment. An HCFC production phase-down has begun in the United States, and a complete phase-out of new production and imports will be complete by 2030 in developed countries, and by 2040 in developing countries. HCFCs are up to 98% less ozone-depleting than CFCs, but production and import of virgin and used compounds are strictly controlled by U.S. Environmental Protection Agency (EPA) regulation.

While attention has been given to ozone-depleting CFC and HCFC refrigerant, businesses using HCFCs to manufacture foam insulation should be aware of potential schemes and new regulations that limit production and import of HCFCs to those with EPA granted rights.

Importers of used HCFCs must obtain prior written approval from EPA and the government representing the country of origin. The provisions for the "petition" approval are also listed in the EPA Rule.

Between 1995 and 2005, the US government found over 120 defendants guilty of illegally importing chlorofluorocarbon (CFC), refrigerants in violation of federal law. Prosecutions ranged from time in jail, stiff fines, and confiscation.

In order to report any violations regarding illegal imports, please call EPA: 800-296-1996; or Customs: 800-BE-ALERT.

The Alliance is an industry coalition that was organized in 1980 to address the issue of stratospheric ozone depletion. It is presently composed of manufacturers and businesses that rely on CFCs, HCFCs, and HFCs. Today, the Alliance is a leading industry voice that coordinates industry participation in the development of reasonable international and U.S. government policies regarding ozone protection and climate change.

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