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This Week in Review

(1) EPA Administrator Signs HFC Drawdown Final Rule (September 23, 2021)

– EPA Administrator Michael Regan has signed a final rule establishing a phase down in the production and consumption of hydrofluorocarbons (HFCs) in the U.S. HFCs are greenhouse gases (GHGs) commonly used in refrigeration and air conditioning equipment, as well as foams and many other applications. A global phasedown of HFCs is expected to avoid up to 0.5 °C of global warming by 2100. This final rule, “Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the AIM Act” will phase down the U.S. production and consumption of HFCs by 85% over 15 years, as mandated by the American Innovation and Manufacturing (AIM) Act enacted by Congress on December 27, 2020. The AIM Act directs EPA to implement an allowance allocation and trading program that results in a phase down of the production and consumption of HFCs by 85% below baseline levels by 2036. In the rule, EPA establishes U.S. production and consumption baselines based on an average of the highest three years use between 2011 and 2019. The final rule determines an allowance allocation methodology and by October 1 2021 EPA will issue production and consumption allowances for 2022 and 2023 on a company by company basis for companies that produced and/or imported HFCs in 2020. A subsequent action will set allocations for 2024 and beyond. There are “application-specific allowances” that will be directly issued to the entities that operate within the six exempted applications in the AIM Act, allowing these entities to acquire HFCs from producers or importers. The final rule also establishes a set-aside pool of allowances for new market entrants. Along with outlining the allowance allocation methodology, the rule also specifies the methodology for trading allowances between companies, and creates a 5% offset requirement. It also establishes an electronic HFC tracking system, requires the use of refillable cylinders and sets container labeling requirements; sets noncompliance penalties in addition to any civil and criminal enforcement action, requires recordkeeping

and reporting audits, and creates public data transparency requirements for HFC production and consumption. In addition, EPA is coordinating with other federal agencies, (in particular, U.S. Customs and Border Protection) on leakage and preventing illegal imports. In support of the rule, EPA announced it would support the transition to HFC alternatives through research and purchasing; and encourage the reclamation and recycling of HFCs from retired equipment, thus reducing further HFC production. NACAA's July 2, 2021 comments on EPA's May 19, 2021 proposed rule were supportive of the proposal, and suggested improvements on technical issues related to tracking and administrative management issues that are reflected in the final rule. NACAA's comments also raised concerns regarding leakage and illegal imports, and called for research and procurement strategies to develop substitutes for exempted uses. EPA estimates that the emission reductions of this final rule from 2022 to 2050 will be equivalent of 4.6 billion metric tons of CO₂, and that the net present value of the economic benefits of this action will be \$272.7 billion from 2022 through 2050. The rule will become final upon publication on the Federal Register. For further information: <https://www.epa.gov/system/files/documents/2021-09/san-8458-preamble-092221-prepub-with-header.pdf> and <https://www.epa.gov/climate-hfcs-reduction/final-rule-phasedown-hydrofluorocarbons-establishing-allowance-allocation> and https://www.4cleanair.org/wp-content/uploads/resources-member-only/Final-NACAA_7_2_21_Comments_HFC_AIM_ACT.pdf

(2) Dr. Chris Frey Nominated to Be EPA's Assistant Administrator for Research and Development (September 22, 2021) – President Joseph Biden Jr. announced that he will nominate Dr. H. Christopher Frey to be EPA's Assistant Administrator (AA) for Research and Development. In early February 2021, Dr. Frey was appointed by the Biden Administration to the role of Deputy Assistant Administrator for Science Policy within the Office of Research and Development (ORD). Before joining EPA, Dr. Frey was, for 26 years, a faculty member at North Carolina State University teaching courses on air pollution control, environmental exposure and risk assessment and sustainable infrastructure; at the time of his departure, he was the Glenn E. and Phyllis J. Futrell Distinguished University Professor. Dr. Frey's research areas include measurement and modeling of human exposure to air pollution, measurement and modeling of vehicle emissions, probabilistic and sensitivity analysis methods and probabilistic assessment of power generation environmental technologies. He has led over 70 research studies and published over 140 peer-reviewed journal papers. In addition, Dr. Frey has previous experience with EPA as an AAAS/EPA Environmental Science and Engineering Fellow at ORD's National Center for Environmental Assessment in 1992 and on a one-year assignment as exposure modeling advisor in the National Exposure Research Laboratory from 2006 to 2007 under the Intergovernmental Personnel Act Mobility Program. Further, he has served as a member of the EPA FIFRA Scientific Advisory Panel (2004 to 2006), a member of the EPA Clean Air Scientific Advisory Committee (CASAC) (2008 to 2012), Chair of CASAC (2012 to 2015) and a member of the EPA Science Advisory Board (2012 to 2018). As part of his work on CASAC, Dr. Frey chaired the reviews of lead, nitrogen dioxide and ozone and served on the review panels for all criteria

pollutants regulated under the National Ambient Air Quality Standards. He was a member of the CASAC Particulate Matter Review Panel that was dismissed in 2018 and reconvened that group as the Independent Particulate Matter Review Panel. Among many other science advising and expert roles, Dr. Frey has served on National Research Council (NRC) committees; on the NRC Board of Environmental Studies and Toxicology; on a World Health Organization working group on uncertainty in exposure assessment; as a contributor to a U.S. Department of Transportation report to Congress on transportation's role in reducing U.S. greenhouse gas emissions; as a contributor to NARSTO (formerly the North American Research Strategy for Tropospheric Ozone) reports on emission inventories and air quality management; as an expert and lead author on uncertainty for the Intergovernmental Panel on Climate Change Guidelines on National Greenhouse Gas Emissions; as a member of the Transportation and Air Quality Committee (ADC20) of the Transportation Research Board; and as a member of the Publications and Critical Review Committees of the Air & Waste Management Association. He holds a B.S. in mechanical engineering from the University of Virginia, a M.Eng. in mechanical engineering from Carnegie Mellon University and Ph.D. in engineering and public policy from Carnegie Mellon. NACAA is excited to welcome Dr. Frey as a featured speaker during its October 20-21, 2021 Virtual Fall Membership Meeting. For further information: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/22/president-biden-announces-key-nominations-2/>

(3) Public Meetings Scheduled for CASAC PM Panel to Receive EPA Briefings on and Peer Review Updated ISA and PA for Reconsideration of 2020 PM NAAQS (September 22, 2021) – EPA's Science Advisory Board Staff Office published a notice in the *Federal Register* (86 Fed. Reg. 52,673) announcing a series of public meetings of the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Panel as part of EPA's reconsideration of the 2020 PM National Ambient Air Quality Standards (NAAQS). On October 14, 2021, the PM Panel will be briefed by EPA staff on their updates to the Integrated Science Assessment (ISA) and Policy Assessment (PA). On November 17-19 and December 1-2, 2021, the PM Panel will peer review these two documents. EPA will make the updated ISA and updated PA available on the CASAC website prior to the meetings. Public comments are invited. Those wishing to provide oral comments at the public meeting must contact Aaron Yeow, the CASAC Designated Federal Officer, in writing by November 10, 2021, to be placed on the public speaker list. Written comments will be accepted throughout the advisory process but to ensure timely consideration by CASAC should be submitted to Mr. Yeow by November 10, 2021. For further information: <https://www.govinfo.gov/content/pkg/FR-2021-09-22/pdf/2021-20439.pdf> and <https://casac.epa.gov>

(4) House Adopts Continuing Resolution to Provide Federal Funding through December 3, 2021 (September 21, 2021) – By a vote of 220-211, the U.S. House of Representatives adopted H.R. 5305, which provides continued funding for federal programs until December 3, 2021. The measure, commonly called a

“continuing resolution” (CR), is necessary to avoid a federal government shutdown beginning on October 1, 2021, since Congress will not be able to enact FY 2022 appropriations legislation by the end of the current fiscal year (September 30, 2021). In order for the funding extension to be enacted, the Senate must also adopt the legislation. However, the bill contains other provisions, including emergency aid for natural disasters, supplemental funding for programs to support Afghan evacuees and an increase to the federal debt ceiling until December 16, 2022, some of which are likely to face strong opposition in the Senate. The Senate is expected to consider the legislation shortly. For further information: <https://appropriations.house.gov/news/press-releases/house-passes-extending-government-funding-and-delivering-emergency-assistance>

(5) Administration Announces Workplace Extreme Heat Strategy (September 20, 2021) – The White House has announced a strategy led by the Department of Labor aimed at preventing illness and death from heat exposure. As part of the strategy, the Labor Department’s Occupational Safety and Health Administration (OSHA) will propose a rule on heat illness prevention in the workplace. The strategy announcement references data from the U.S. Centers for Disease Control & Prevention that the U.S. experiences an annual average of 702 heat-related deaths and 9,235 hospitalizations because of extreme heat conditions. Under the strategy, OSHA will form a "Heat Illness Prevention Work Group" aimed at better understanding thresholds for heat stress, heat exposure monitoring, and planning for acclimating to heat, as well as challenges and best practices for protecting workers from heat hazards. OSHA will also prioritize enforcement of existing labor standards when the heat index rises above 80 degrees F, with a focus on agriculture, construction, delivery workers, and warehouses. The announcement of the strategy also anticipates federal actions to “provide cooling assistance to households; use schools as cooling centers; launch a heat resilience innovation challenge; address social vulnerabilities and disproportionate impacts; reduce urban heat through tree cover; and improve local preparedness through data-sharing.” For further information: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/20/fact-sheet-biden-administration-mobilizes-to-protect-workers-and-communities-from-extreme-heat/>

(6) South Coast AQMD Publishes Air Sensors Guidebook (September 21, 2021) – The South Coast Air Quality Management District (SCAQMD) published a guidebook to help community members use air quality sensors to better understand their local air quality and take action to reduce emissions and exposure to pollution. The guidebook, entitled *Community in Action: A Comprehensive Toolkit on Air Quality Sensors*, covers a wide range of topics, including basic information about air quality and monitoring, project planning, operating air sensors and understanding the data. It is accompanied by four training videos that provide background information on air quality monitoring and sensor installation. The guidebook was produced as part of a project funded by an EPA Science to Achieve Results (STAR) grant awarded to SCAQMD in 2016. The purpose of the project is to provide California communities with the knowledge necessary to appropriately select, use and maintain low-cost air quality sensors

and correctly interpret sensor data. SCAQMD has been collaborating on this project with Sonoma Technology, the UCLA Fielding School of Public Health, and 14 California community groups, which collectively have deployed nearly 400 sensors under the grant. For further information: <http://www.aqmd.gov/aq-spec/special-projects/star-grant>

(7) WHO Tightens Global Air Quality Guidelines (September 22, 2021) – Citing “a much stronger body of evidence to show how air pollution affects different aspects of health at even lower concentrations than previously understood,” the World Health Organization (WHO) updated the Global Air Quality Guidelines (AQGs) for the first time since 2005. The AQG levels are WHO’s quantitative, health-based recommendations for air quality management, expressed as long- or short-term concentrations for six air pollutants: particulate matter (PM_{2.5} and PM₁₀), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide. WHO adjusted almost all of the AQG levels downwards, emphasizing that the health risks associated with PM_{2.5} and PM₁₀ are of particular public health relevance. It also set several interim targets for each pollutant that move progressively downward; these are intended to help authorities in highly polluted areas develop pollution reduction policies that are achievable within realistic time frames. “These guidelines are not legally binding standards; however, they do provide WHO Member States with an evidence-informed tool that they can use to inform legislation and policy,” WHO states. “Ultimately, the goal of these guidelines is to provide guidance to help reduce levels of air pollutants in order to decrease the enormous health burden resulting from exposure to air pollution worldwide.” In addition to the AQG levels, WHO’s updated guidelines provide qualitative statements on good practices for the management of types of particulate matter for which available information was deemed insufficient to derive AQG levels, including black/elemental carbon, ultrafine particles and particles originating from sand and dust storms. For further information: <https://apps.who.int/iris/bitstream/handle/10665/345329/9789240034228-eng.pdf>

The Week Ahead

[Berlin Climate and Security Conference 2021](#) – September 27-October 8, 2021

[House Small Business Committee Hearing, "Sustainable Forestry's Role in Climate Solutions"](#) – September 29, 2021

[Senate Homeland Security and Governmental Affairs Committee Hearing, "Addressing the Threat of Worsening Natural Disasters"](#) – September 29, 2021

[House Agriculture Subcommittee on Conservation and Forestry Hearing, "The 2021 Wildland Fire Year: Responding to and Mitigating Threats to Communities"](#) – September 29, 2021

[NASEO Virtual Workshop, "The Future of Carbon Capture, Utilization, and Storage \(CCUS\) – Technology and Policy Considerations"](#) – September 29-30, 2021

[Rice University's Baker Institute and Baker Botts LLP 2021 Annual Energy Summit, "Electrification and Decarbonization: Pathways to a New Energy Future"](#)
– September 29-30, 2021

[EPA Teleconference Meeting of the Board of Scientific Counselors Executive Committee to Review Draft Reports of the Homeland Security and Safe and Sustainable Water Resources Subcommittees and Discuss Per- and Polyfluoroalkyl Substances](#) – September 29-30, 2021

[The Woodrow Wilson Center's Environmental Change and Security Program Virtual Discussion, "All Systems Go: Integrating Climate Security Across the U.S. Government"](#) – October 1, 2021

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