



U.S. EPA HFC Enforcement

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- U.S. Regulation of HFCs
- HFC Enforcement Challenges
- HFC Enforcement Highlights





HFC Compliance & Enforcement

Whole-of-Government Approach:

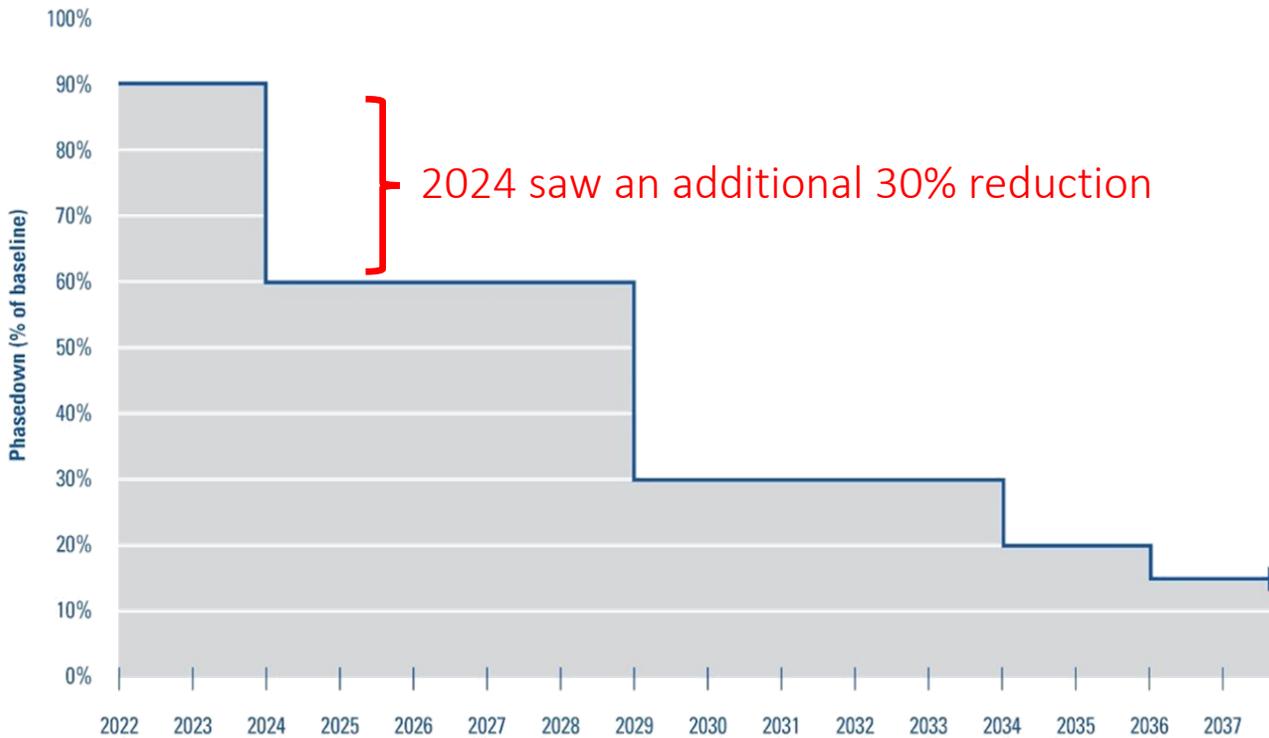
- EPA Office of Enforcement & Compliance Assurance
 - Air Enforcement Division (Civil)
 - Office of Criminal Enforcement, Forensics & Training (Criminal)
 - National Enforcement Investigations Center (Civil and Criminal)
- EPA Office of Air & Radiation – Stratospheric Protection Division
- EPA Regional Offices
- U.S. Department of Justice (Civil and Criminal)
- Homeland Security Investigations (Criminal)
- Customs and Border Protection (Civil and Criminal)

American Innovation & Manufacturing Act of 2020 (AIM Act)



- Enacted on December 27, 2020
- Phasedown of production and consumption of HFCs to 85% below baseline levels by 2036
- Codified at 42 U.S.C. § 7675

HFC Allowance Allocation & Trading Program Rule



Date	Caps: Consumption & Production
2022–2023	90 percent
2024–2028	60 percent
2029–2033	30 percent
2034–2035	20 percent
2036 & after	15 percent



AIM Act Rulemakings – 40 CFR Part 84

Rule #1

Phasedown Rule

Derived from AIM Act Section (e)

Production and Consumption Controls
(Framework Allocation Rule)

Starting January 1, 2022, phasedown of production and consumption of HFCs to 85% below historic baseline levels by 2036

Rule #2

Technology Transitions Rule

Derived from AIM Act Section (i)

Restrictions on the use of HFCs

Facilitate transitions to next-generation technologies by establishing restrictions on the use of HFCs in specific technology sectors and subsectors starting January 1, 2025

Rule #3

Management Rule

Derived from AIM Act Section (h)

Goal to maximize reclamation and minimize releases of HFCs

Issue regulations for the purpose of maximizing reclamation and minimizing releases of HFCs and their substitutes from equipment

*Proposed Rule issued October 2023
Final Rule Expected Summer 2024*



Novel Enforcement and Compliance Tools

- Enforcement and program teams worked together in developing domestic regulations to ensure the benefits of the new program are fully realized
- Examples include:
 - Administrative consequences
 - Mandatory annual third-party auditing
 - Near real-time checks on allowances at time of filing for entry
 - Framing of regulatory prohibitions and what constitutes a violation
 - Labeling requirements
 - Allowances required to import any HFCs, including heels & used material



Addressing HFC Noncompliance

Administrative
Consequences

Civil
Enforcement

Criminal
Enforcement



HFC U.S. Enforcement Challenges

- Border crossings
- Storage of merchandise pending enforcement
- Disposition of merchandise
- Defendants' location
- Resources and training



HFC Enforcement Highlights

- Since the beginning of FY24, EPA has prevented at least 26 illegal HFC shipments at the border equivalent to more than 284,000 MTCO_{2e}
- Administrative consequences imposed
- 5 Civil enforcement actions concluded
- First criminal indictment filed in the U.S. on March 2, 2024, in the Southern District of California

He's Accused of Smuggling, but Not Drugs or Guns: It's Greenhouse Gases

In a first, a California man was charged with sneaking banned gases, used in outdated fridges and air-conditioners, into the United States.



By Hiroko Tabuchi

March 5, 2024

The unusual contraband is sold on Craigslist and Facebook for hundreds of dollars: canisters of a banned refrigerant, for use in outdated refrigerators and air-conditioners, that is also a potent planet-warming gas.

Man charged with smuggling greenhouse gases from Mexico into US in first-of-a-kind prosecution

By Laura Paddison, CNN

🕒 3 minute read • Published 9:02 AM EST, Tue March 5, 2024



A California man was charged with smuggling greenhouse gases from Mexico into the US, according to the Department of Justice. J. David Ake/Getty Images

(CNN) — A California man was arrested and charged Monday with allegedly smuggling potent, planet-heating greenhouse gases from Mexico, marking the first such prosecution in the US, according to a statement from the US Attorney's Office for the Southern District of California.



Questions?

More Information on AIM Act Enforcement -
<https://www.epa.gov/enforcement/enforcement-american-innovation-and-manufacturing-act-2020>

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