

April 8, 2020

The Honorable John Barrasso
Chairman
Committee on Environment & Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas Carper
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

Thank you for the opportunity to submit written testimony on S.2754, American Innovation and Manufacturing Act of 2019. The Extruded Polystyrene Foam Association (XPSA) and its members, who collectively manufacture more than 95 percent of all extruded polystyrene (XPS) board stock building insulation destined for use in the North American market, have long supported federal efforts to address the use of hydrofluorocarbons (HFCs).

Enclosed is the XPSA letter, dated March 3, 2020, which supports and promotes legislation like S.2754 that phases down the overall use of HFCs over time. It was brought to our attention that our previous letter was interpreted as seeking blanket preemption or an exemption from the Federal bill, positions which other stakeholders may have; however this was not our intent. It was our intention to outline the XPS industry's unique challenges and issues. We reiterate our support of the federal legislation, which is greatly needed to provide consistency at the state level.

XPSA commits to meet or exceed aggressive federal negotiated timelines for phase-down, as well as the timelines for those states with existing HFC regulatory programs.

It must be noted that wholesalers and retailers of XPS with multi-state operations would have a challenging time dealing with the supply chain issues of multiple products using different technologies. This supply chain complexity will ultimately increase the consumer cost of the product across the patchwork of states which could lead to use of less robust and energy efficient building insulations.

As HFC legislation is needed to preserve your intended federal phase-down of HFCs, we ask that you modify S.2754 to eliminate the potential for much inconsistency at the state level for HFC regulations impacting the XPS industry.

Thank you in advance for your consideration and support.

Sincerely yours,

Michael Taylor
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Extruded Polystyrene Foam Association (XPSA)
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The Honorable Tom Carper
Ranking Member, Committee on Environment and Public Works
United States Senate
Washington, DC 20510

March 3, 2020

Dear Senator Carper,

The Extruded Polystyrene Foam Association (XPSA) and its members, who collectively manufacture more than 95 percent of all extruded polystyrene (XPS) board stock building insulation destined for use in the North American market, have long supported federal efforts to address the use of hydrofluorocarbons (HFCs). XPSA supports and promotes legislation like S.2754 that phases down the overall use of HFCs over time. However, the success of this legislation will be compromised if certain states continue to adopt and implement laws that completely ban the use of HFCs for XPS as early as January 1, 2021. We would like to work with your offices to address this issue, in the hopes of finding a path forward that reconciles the two regulatory approaches and preserves the market for XPS products. Given the overarching goal of S.2754 to address climate change, federal legislation solving our unique challenges will enable our industry to continue to provide high performing energy-efficiency building insulation products that help states and cities meet their energy reduction and climate goals.

Although the XPS board stock foam industry uses relatively minor amounts of HFCs in comparison with other industries, its unique properties offer substantial benefits. XPS foam is a rigid, cellular foam building insulation product with high thermal insulating efficiency (R-value), excellent moisture resistance, and high compressive strength. It is mold, mildew, and corrosion resistant, has superior long-term performance characteristics, and resists many forms of wear, which make it an ideal choice for sustainable construction. Our industry's usage of HFCs also improves the performance of our products, providing major energy savings over the life of a building. These energy savings have a direct impact on total energy use, which reduces consumption of natural resources and lowers consumer energy bills.

The regulatory dilemma facing the XPS industry is dire and requires immediate action. In less than one year, as early as January 1, 2021, several states' laws will ban the sale or use of HFCs for XPS, unless congressional relief is provided. Many states have adopted, and others are considering, programs that reference the EPA's Significant New Alternatives Policy (SNAP) rules as of 2017, although those rules are remanded and are currently being revised at EPA. Our building industry customers, including wholesalers and retailers with multi-state operations, will face an extremely challenging array of supply chain issues of multiple products using different, less energy efficient technologies.

We ask that you modify S.2754 to address this issue that critically affects our XPS industry, as HFC legislation is needed to preserve the intended federal phase down of HFCs. We look forward to working with you on crafting a solution to ensure that our members can continue to provide energy-efficient building insulation products to all markets and communities nationwide.

Thank you in advance for your consideration and support.

Sincerely yours,

Shawn Swearingen
Executive Director
Extruded Polystyrene Foam Association (XPSA)