

WRITTEN TESTIMONY  
OF THE  
**ATTORNEYS GENERALS OF THE STATES OF  
NEW YORK, CALIFORNIA, DELAWARE, ILLINOIS, MASSACHUSETTS, MINNESOTA,  
NEW JERSEY, OREGON, VERMONT, WASHINGTON, AND THE DISTRICT OF  
COLUMBIA**

SUBMITTED TO THE  
**UNITED STATES SENATE  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**  
ON

***S. 2754, AMERICAN INNOVATION AND MANUFACTURING ACT OF 2019***

**APRIL 8, 2020**

CONTACT ON BEHALF OF THE SUBMITTING ATTORNEYS GENERAL:

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April 8, 2020

The Honorable John Barrasso  
Chair, Environment and Public Works Committee  
United States Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510

Senator Thomas R. Carper  
Ranking Member, Environment and Public Works Committee  
United States Senate  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: S. 2754: American Innovation and Manufacturing Leadership Act

Dear Chairman Barrasso and Ranking Member Carper:

We, the below-signed Attorneys General, are writing to express our support for S. 2754, and its U.S. House of Representatives companion H.R. 5544, the American Innovation and Manufacturing Leadership Act (“AIM Act”). The AIM Act was introduced with substantial bipartisan support and has since garnered widespread support within both houses of Congress.

The AIM Act would facilitate the phasing out of hydrofluorocarbons (HFCs), a chemical used predominantly in refrigeration and air conditioning. The Environmental Protection Agency (EPA) found in 2009 that HFCs are endangering public health and welfare. HFCs were introduced as a substitute chemical for chlorofluorocarbons (CFCs) in refrigerants and other uses in the late 1980s as part of the effort to move away from ozone-depleting chemicals after enactment of the Montreal Protocol in 1987. After EPA determined that HFCs are endangering public health and welfare, however, it issued regulations in 2015 that would have required a phase out of HFCs and replacement with safer chemicals. The phase out was struck down in 2017 on the grounds that EPA lacked the authority under the Clean Air Act to require it, Mexichem Fluor, Inc. v. EPA, 866 F.3d 451 (D.C. Cir. 2017), a ruling that has led to significant uncertainty in the industry and additional litigation.

The AIM Act would address these problems by comprehensively addressing HFCs. First, it would establish an allowance allocation and trading program that would

phase down the production and consumption of HFCs over fifteen years. Second, the Act would authorize EPA to establish standards for managing HFCs used as refrigerants, such as in equipment servicing and repair, and for the recovery of used HFCs for purification and resale. Third, it would authorize EPA to establish sector-based use restrictions to facilitate the transition to next-generation non-HFC refrigerant technologies. Fourth, it would retain states' authority to take necessary action on HFCs in order to promote jobs and protect the environment.

Because U.S. businesses have already invested in technologies to manufacture safer alternatives to HFCs, the AIM Act would be a win for our climate and our economy. Passage of the Act will ensure the U.S. joins the worldwide phase down of HFCs, a transition that offers enormous climate benefits by helping the effort to avoid an increase of up to one-half degree Celsius of warming by the end of the century.<sup>1</sup> Moreover, industry forecasts that the HFC phase down in the AIM Act will directly create 33,000 American manufacturing jobs (and add 117,000 indirect jobs) over the next decade, and expand the U.S. share of the world market for heating, air-conditioning, and refrigeration equipment by 25%.

Not surprisingly then, not only does the AIM Act enjoy widespread bipartisan support in Congress, it is also supported by a diverse group of stakeholders, including the Air Conditioning, Heating, and Refrigeration Institute, National Association of Manufacturers, Natural Resources Defense Council, and U.S. Chamber of Commerce, to mention a few.

We urge you to move forward expeditiously to approve the AIM Act. Thank you for consideration of this matter.

Sincerely,



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Attorney General of New York



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Attorney General of California



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Attorney General of Delaware



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<sup>1</sup> Xu, Y., et. al., The Role of HFCs in Mitigating 21st Century Climate Change, Atmos. Chem. Phys., 13, 6083–6089, 2013.



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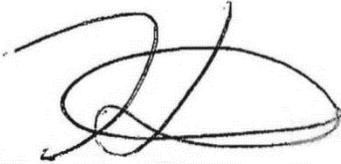
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cc: Mitch McConnell, Majority Leader, U.S. Senate  
Charles E. Schumer, Minority Leader, U.S. Senate  
Nancy Pelosi, Speaker, U.S. House of Representatives  
Kevin McCarthy, Minority Leader, U.S. House of Representatives  
Frank Pallone, Chair, House Committee on Energy & Commerce  
Greg Walden, Ranking Member, House Committee on Energy & Commerce  
Paul Tonko, Chair, House Subcommittee on Environment & Climate Change  
John Shimkus, Ranking Member, House Subcommittee on Environment &  
Climate Change