

Resolution No. 10

Date: 6/9/2023

City: Washington, DC

NAHB Resolution

Title: A2L Refrigerant Mandate by EPA
Sponsor: Building Codes & Standards Subcommittee of the Construction, Codes & Standards Committee
Submitted by: Jon Sukonik

WHEREAS, Congress passed the bipartisan *American Innovation & Manufacturing (AIM) Act of 2020*, which, among other things, directed the U.S. Environmental Protection Agency (EPA) to issue a rule that mandates an 85-percent economy-wide phasedown in hydrofluorocarbons (HFCs) refrigerants over the next 15 years due to HFCs designation as greenhouse gases;

WHEREAS, EPA issued the final phasedown rule in October 2021, and in May 2022, issued a subsequent rule that lists six A2L refrigerants as acceptable substitutes for residential air conditioning and heat pumps;

WHEREAS, the most recent editions of the Globally Harmonized System (GHS) which governs Safety Data Sheets (SDS) designate A2Ls as “flammable,” but earlier editions of SDS did not allow differentiation in levels of flammability and designated A2Ls as “extremely flammable;”

WHEREAS, the GHS is on its ninth revised edition, but OSHA’s guidance, published in the revised Hazard Communication Standard from 2012, is in line with the third edition of the GHS;

WHEREAS, the SDS include health hazards and safety precautions for each chemical specific to handling, storing and transportation;

WHEREAS, ASHRAE Standard 34, *Designation and Safety Classification of Refrigerants*, designates A2Ls as mildly flammable;

WHEREAS, provisions including the labeling and testing of A2L refrigerant systems were added to the 2024 edition of the International Residential Code;

WHEREAS, A2L gases are heavier than air and will stay close to the ground; and,

WHEREAS, home builders of new homes and remodelers should be aware of the potential risks associated with using A2L refrigerants;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders (NAHB) continue to work with other stakeholders and federal agencies to ensure adequate provisions are included in any relevant codes and standards applicable to installation of equipment with A2L refrigerants.

BE IT FURTHER RESOLVED that NAHB partner with the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) to urge OSHA and other appropriate government agencies to expedite the approval of a more recent version of the Globally Harmonized System (GHS) that properly identifies A2L refrigerants on the Safety Data Sheets (SDS).

BE IT FURTHER RESOLVED that NAHB educate their membership and the general public on the potential risks and liabilities associated with A2L refrigerants and encourage other stakeholders to do the same.

BE IT FURTHER RESOLVED that NAHB work with AHRI to provide documentation to limit the liability of home builders, remodelers, air conditioning system installers, and code officials for its use.

BE IT FURTHER RESOLVED that NAHB support legislative or regulatory initiatives that would exempt builders from all liability regarding A2L refrigerants if the constructions complies, or complied at the time of construction, with federally mandated or state-adopted, or recognized requirements.

Leadership Council Action:	Approved
Resolutions Committee Action:	Recommends Approval
Construction, Codes & Standards Committee Action:	Recommends Approval
Federal Government Affairs Committee Action:	Recommends Tabling
Building Codes & Standards Subcommittee of the Construction, Codes & Standards Committee Action:	Recommends Approval

If approved, this resolution will supersede current policy 2023.2 No. 2 A2L Refrigerant Mandate by EPA.

This resolution was submitted after the 30-deadline and will require a two-thirds majority for approval by the Leadership Council.