



25 May 2023

(23-3575)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	<b>Notifying Member:</b> <u>UNITED STATES OF AMERICA</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
2.	<b>Agency responsible:</b> Environmental Protection Agency (EPA) [2034] <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
3.	<b>Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b>
4.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Substitute refrigerants; commercial and industrial refrigeration; commercial refrigerating appliances and commercial ice machines; Environmental protection (ICS code(s): 13.020); Refrigerating technology (ICS code(s): 27.200); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100); Commercial refrigerating appliances (ICS code(s): 97.130.20); Sports facilities (ICS code(s): 97.220.10)
5.	<b>Title, number of pages and language(s) of the notified document:</b> Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Commercial and Industrial Refrigeration; (76 page(s), in English)
6.	<b>Description of content:</b> Notice of proposed rulemaking - Pursuant to the U.S. Environmental Protection Agency's <a href="#">Significant New Alternatives Policy program</a> , this action proposes to list certain substances in the refrigeration and air conditioning sector. Specifically, EPA proposes to list several substitutes as acceptable, subject to use conditions, for retail food refrigeration, commercial ice machines, industrial process refrigeration, cold storage warehouses, and ice skating rinks. Through this action, EPA is proposing to incorporate by reference standards which establish requirements for commercial refrigerating appliances and commercial ice machines, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. This action also proposes to exempt propane, in the refrigerated food processing and dispensing end-use, from the prohibition under the <a href="#">Clean Air Act (CAA)</a> on knowingly venting, releasing, or disposing of substitute refrigerants, on the basis of current evidence that the venting, release, or disposal of this substance in this end-use does not pose a threat to the environment.
7.	<b>Objective and rationale, including the nature of urgent problems where applicable:</b> Protection of human health or safety; Protection of the environment

**8. Relevant documents:**

88 Federal Register (FR) 33722, 24 May 2023; Title 40 Code of Federal Regulations (CFR) Part 82:

<https://www.govinfo.gov/content/pkg/FR-2023-05-24/html/2023-09600.htm>

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This notice of proposed rulemaking is identified by Docket Number EPA-HQ-OAR-2023-0043. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OAR-2023-0043/document> and provides access to primary documents as well as comments received. Documents are also accessible from [Regulations.gov](https://www.regulations.gov) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](#) by or before [4pm Eastern Time](#) on 10 July 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](#) on Regulations.gov if received within the comment period.

**9. Proposed date of adoption:** To be determined

**Proposed date of entry into force:** To be determined

**10. Final date for comments:** 10 July 2023**11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

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