July 10, 2026

Via Regulations.gov

The Honorable Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Joint Retail Associations Comment Letter on EPA Proposed TRU Exemption, Docket ID No. EPA-HQ-OAR-2026-2905

Dear Administrator Zeldin:

FMI, The Food Industry Association ("FMI"), Retail Industry Leaders Association ("RILA"), National Grocers Association ("NGA"), National Association of Convenience Stores ("NACS") and National Retail Federation ("NRF") (together, "Joint Retail Associations") appreciate the opportunity to submit comments on the proposed rule, "Phasedown of Hydrofluorocarbons: Excluding Road and Intermodal Container Transport Refrigeration Units From the Hydrofluorocarbon Leak Repair Requirements," 91 Fed. Reg. 30,532 (May 26, 2026), Docket ID No. EPA-HQ-OAR-2026-2905. We strongly support the proposed exemption and urge EPA to finalize it expeditiously.

FMI represents a broad cross-section of the food retail supply chain, from large national supermarket chains to independent grocers, convenience stores, warehouse clubs, and food wholesalers and distributors. Our members depend upon extensive networks of refrigerated transport to move temperature-sensitive food products from farms, processors, and distribution centers to store shelves across the United States. They receive thousands of temperature-sensitive food deliveries via Transport Refrigeration Unit (TRU)-equipped trucks every day. The reliability, availability, and cost of TRU-equipped trucks and trailers directly affect our members' ability to keep American consumers supplied with fresh, frozen, and refrigerated food at affordable prices.

RILA is a trade association of the world's largest, most innovative, and recognizable retail companies and brands. RILA convenes decision-makers, advocates for the retail industry, and promotes operational excellence and innovation. RILA's aim is to elevate a dynamic retail industry by transforming the environment in which retailers operate. RILA members include more than 200 retailers, product manufacturers, and service suppliers, who together employ over 42 million Americans and account for $2.7 trillion in annual sales and hundreds of thousands of stores, manufacturing facilities, and distribution centers domestically and abroad. RILA and its members recognize that responding to the economic and moral imperatives of addressing climate change requires thoughtful and meaningful action. RILA members' efforts include building and retrofitting facilities and stores to increase energy efficiency and use of renewable energy, reducing waste and excess packaging, and streamlining and creating more efficient supply chain, transportation, and distribution systems to decrease GHG emissions.

NGA is the national trade association representing independent grocery retailers and wholesalers who serve them. An independent retailer is a privately owned or controlled company operating in a variety of formats. Having often been in business for generations, independent grocers are dedicated to their customers, associates, and communities. Much of NGA's membership is comprised of family-owned and family-operated businesses. Nearly half of NGA's members are single-store operators, and another quarter operate less than five stores. Independent retail and wholesale grocers are an important part of America's economy. Independent community grocers account for a third of all grocery sales, exceeding $350 billion in sales, and more than one million American jobs. Independent grocers are inherently tied to the strength and vitality of the markets we serve – at the heart of local communities and the U.S. economy

NACS is an international trade association representing the convenience store industry with more than 1,300 retail and 1,600 supplier companies as members, the majority of whom are based in the United States. The convenience store industry has become a fixture in America society and a critical component of the nation's economy, with over 152,000 convenience stores across the country. In 2024, the industry employed approximately 2.74 million employees and generated $837.4 billion in total sales, representing approximately 3.2% of U.S. Gross Domestic Product. However, it is truly an industry of small business. More than 60% of convenience stores are single-store operators. Less than 0.2% of convenience stores that sell gas are owned by a major oil company and about 4% are owned by a refining company. More than 95% of the industry, then, are independent businesses. Members of the industry process more than 160 million transactions every single day, the equivalent to about half of the U.S. population visiting a convenience store on a daily basis. These businesses are particularly important in urban and rural areas of the country that might not have as many large businesses, where the convenience store not only serves as the place to get fuel but is often the grocery store and center of a community.

NRF, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail succeed. NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing $5.3 trillion to annual GDP and supporting one in four U.S. jobs — 55 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

The Joint Retail Associations have engaged constructively with EPA on the Emissions Reduction and Reclamation (ER&R) program since its inception. On January 30, 2023, members of the Joint Retail Associations filed detailed joint comments on the proposed ER&R rule, "Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under Subsection (i) the American Innovation and Manufacturing Act of 2020," 87 FR 76775 (December 15, 2022). In those comments, we argued that the proposed leak repair requirements were unnecessarily broad, that the 15-pound applicability threshold represented a significant and unjustified expansion beyond the parallel Subpart F framework, that businesses are already well-incentivized to conduct leak repairs promptly, and that the resulting compliance costs would inevitably be passed on to consumers. We urged EPA to set the threshold at 50 pounds, consistent with existing regulations. Had that recommendation been adopted in the 2024 ER&R rule, the inadvertent capture of road and intermodal TRUs would not have occurred. Our support for this proposed exemption is a natural continuation of that advocacy.

We commend Administrator Zeldin and this EPA for acting swiftly to correct the prior error. We also encourage EPA to move forward promptly on its announced intention to reconsider the remainder of the 2024 ER&R Rule,[1] which continues to impose significant and unnecessary burdens on our members' in-store refrigeration, HVAC, and fire suppression systems.

I. The Proposed Exemption Is Correct and Should Be Finalized as Soon as Possible

The Joint Retail Associations applaud EPA for clarifying that it did not intend to subject road and intermodal container TRUs to the leak repair requirements. As EPA's proposed rule makes clear, the evidence of that intent is overwhelming and consistent

[1] https://www.epa.gov/newsreleases/epa-cuts-biden-era-refrigerant-rules-saving-americans-over-24-billion-and-lowering.

across multiple layers of the 2024 rulemaking record. EPA should revise the regulatory text to align with what appears to have been the agency's intentions all along.

The 2024 preamble identified which subsectors the lower threshold would newly cover, and road and intermodal TRUs were not expressly among them. When EPA lowered the leak repair charge-size threshold from 50 to 15 pounds, it acknowledged that this would expand the universe of covered appliances beyond those subject to the ODS leak repair provisions at 40 C.F.R. § 82.157. EPA gave five specific examples of subsectors that would be newly captured, including "Refrigerated transport—*rail*."[2] EPA's decision to caveat the expanded universe as "rail" only is telling. Had EPA understood it was also sweeping in hundreds of thousands of road and intermodal TRUs, the agency surely would not have singled out rail to the exclusion of any others.

In addition, the 2024 RIA Addendum[3] could not be clearer. That centrally important document categorically excludes road and intermodal TRUs from the leak repair analysis, stating: "these appliance types . . . are not affected by the leak repair or ALD provisions."[4] Even more, the footnote specifies that this is true, "even under the 'High' distributed charge size group."[5] Road transport is the only equipment category in EPA's Appendix A where the "High" distributed charge size lands exactly at 15 pounds (the threshold itself),[6] further indicating that EPA did not contemplate that TRUs might in many cases have higher charge sizes. For every other equipment type EPA analyzed for leak repair, the "High" exceeds 15 pounds. In other words, EPA took the view in this centrally important regulatory document that even at the absolute top of the modeled distribution, road TRUs do not cross the threshold into regulated status. The proposed exemption merely corrects EPA's factual assumption about where the actual charge sizes fall.

The 2024 rule's preamble highlights tensions between EPA's stated regulatory intentions and what it appears to have unartfully codified into regulatory text. For example, although the regulatory text assigns a 10% leak rate threshold to "refrigerated transport appliances,"[7] EPA's explanation of the provision was focused more narrowly on

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[2] 89 Fed. Reg. at 82,712 (emphasis added).

[3] *Regulatory Impact Analysis Addendum: Analysis of the Economic Impact and Benefits of the Final Rule: Management of Certain Hydrofluorocarbons and Substitutes Under Subsection (h) of the American Innovation and Manufacturing Act of 2020*, Docket ID No. EPA-HQ-OAR-2022-0606-0175 (Sept. 2024).

[4] *Id.* at 37 (footnote *b* Table 3-10).

[5] *Id.*

[6] *Id.* at 84.

[7] 40 C.F.R. § 84.106(c)(2)(iii).

"refrigerated transport—rail."[8] This further underscores that EPA understood the referenced "refrigerated transport appliances" to mean rail TRUs specifically.

The 2024 rule is missing the estimated costs of exempting TRUs, which are substantial and merit reconsideration on their own terms. But the 2024 rule is also missing any estimates on the other side of the ledger, *i.e.*, references to the emission benefits of regulating road TRUs under these programs. The emissions reduction tables in the 2024 RIA Addendum show quantified benefits for Modern Rail Transport and Vintage Rail Transport but contain no line items for road transport or intermodal containers.[9] This is particularly surprising given the previous Administration's focus on the perceived environmental benefits of the 2024 rule, and what that administration called, "the massive climate benefits" of the American Innovation and Manufacturing Act of 2020 ("AIM Act") overall.[10] That silence speaks volumes about the prior administration's intent to keep these units outside EPA's regulatory universe.

Of course, the cost exposure confirms that sweeping in TRUs was not a deliberate policy choice. EPA's own preliminary estimate projects cost savings from the exemption of approximately $90 million per year. EPA acknowledges this figure omits recordkeeping, reporting, and repair costs. Other industry estimates are annual costs of $333 million.[11]

A regulatory burden of this magnitude, imposed on 360,000 units without any cost-benefit analysis, any preamble discussion, or any claimed environmental benefit, cannot plausibly have been an intentional policy decision. In order to provide the regulatory certainty needed for supply chain planning, EPA should finalize its proposed fix to the regulatory text without delay.

II. The Food Retail Supply Chain Perspective

The Joint Retail Associations write to add a perspective that only the food retail industry can provide: that of the customer at the end of the refrigerated transport chain,

[8] 89 Fed. Reg. at 82,728 ("For example, for refrigerated transport—rail, EPA is finalizing that this application is considered under the comfort cooling and other appliances category and has an applicable leak rate of 10 percent.")

[9] *See* 2024 RIA Addendum, tbl. A-9 (p. 96).

[10] *See, e.g.*, Press Release here: https://www.epa.gov/newsreleases/epa-finalizes-rule-accelerate-american-leadership-cutting-climate-damaging

[11] *See*, April 8, 2026, *Petition to Revise the Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020 Rule, 89 Fed. Reg. 82,682 (Oct. 11, 2024), codified at 40 C.F.R. Part 84, Subpart C* filed by Carrier ("Carrier Petition") at 3-4.

whose stores and consumers ultimately bear the consequences of any disruption or cost increase in TRU operations.

Our members operate fleets with TRUs and depend on TRU-equipped deliveries for daily store replenishment. Fresh produce, dairy, meat, and frozen foods move to retail stores via TRU-equipped trucks and trailers. Although the number of deliveries made via TRU-equipped trucks varies based on many factors, a single wholesaler member of the Joint Retail Associations indicated that their fleet alone makes an average of 4,570 refrigerated deliveries per day. For most food retailers, refrigerated deliveries arrive on a daily or near-daily basis. Any reduction in the available fleet of TRU-equipped trailers, whether caused by compliance-related downtime, increased operating costs, or regulatory uncertainty, directly threatens our members' ability to maintain fully stocked shelves for their customers.

Compliance costs imposed on TRU operators, including the Joint Retail Associations' member companies, put additional pressure on retail prices. Food retail is a high-volume, low-margin business. Any increase in the cost of refrigerated transport, whether from leak inspections, refrigerant monitoring, recordkeeping, or equipment downtime, flows downstream through carrier rates and logistics contracts to the retailers who receive the deliveries, and ultimately to consumers at the checkout counter. In the 2024 ER&R Rule, EPA acknowledged, "the importance of the food cold chain and food retailers servicing various communities, including avoiding food deserts."[12] But the cost estimates in the record for this proposal confirm the magnitude of the burden of regulating TRUs this way: EPA conservatively estimates $90 million per year in compliance costs that would be avoided by this exemption, while other estimates are $333 million per year in avoided costs.[13] Costs of this magnitude do not stay with the TRU operators themselves. They are embedded in the rates that our members pay for refrigerated transport, and they are ultimately reflected in food prices.

TRU downtime for compliance would reduce fleet capacity and could disrupt timely food delivery. Carrier estimates that 288,000 TRUs (80% of the 360,000 units above 15 pounds) would need inspections annually, with approximately two days of downtime per unit for inspection and any resulting repair. For food retailers, a reduction in available trailer capacity of this scale could create cascading disruptions: delayed deliveries; risk of spoiled food; and disproportionate effects on stores in remote or underserved areas that are already vulnerable to supply chain disruption. These are precisely the kinds of downstream consequences that EPA did not analyze when it inadvertently swept TRUs into the leak repair framework.

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[12] 89 Fed. Reg. at 82,848.

[13] Carrier Petition at 1

Finally, private market incentives from the demand side already adequately support refrigerant integrity. TRU operators are self-policing because the value of temperature-sensitive cargo creates a powerful commercial incentive to maintain refrigerant levels.[14] FMI can confirm the complementary demand-side incentive from our members' experiences.

III. Why TRUs Are Unsuited to the Leak Repair Provisions Framework

FMI endorses the technical and operational analysis in the Carrier Petition demonstrating that the leak repair provisions are ill-suited to mobile refrigerated transport equipment. We do not repeat that analysis at length here, but highlight the points most relevant to the food retail supply chain:

- The leak repair framework was designed for stationary equipment and does not translate to mobile units. The provisions at 40 C.F.R. § 84.106 contemplate appliances at fixed locations. Road and intermodal TRUs do not fit this model. The recordkeeping requirements, for example, call for documenting the "address where the appliance is located."[15] That requirement is straightforward for a supermarket rack system or a cold storage warehouse, but it is meaningless for a trailer that may be picking up peaches in Georgia on a Monday and delivering them to a produce section in Ohio on a Thursday. Similarly, the 30-day repair timeline and subsequent verification testing assume that the owner can schedule service at a known location with a qualified technician. For a TRU traversing the interstate highway system, that assumption fails. The unit may be hundreds of miles from the nearest qualified service provider when a leak is detected and pulling it from service for inspection and repair means pulling it from a delivery route that a food retailer is counting on.

- Consolidated recordkeeping across multiple service providers is impractical for mobile fleets. As Carrier has explained, TRUs may be serviced by manufacturer dealerships, independent providers, in-house fleet shops, or contract maintenance companies, depending on where the unit happens to be at the time of service. Combining records from these disparate sources into the single, coherent repository that the regulation contemplates is an extraordinarily burdensome undertaking. Our members' experience with their own complex, stationary refrigeration systems demonstrates how demanding these recordkeeping obligations are. Extending them to mobile would multiply the difficulty without producing meaningful environmental benefit.

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[14] *Id.* at 6

[15] 40 C.F.R. § 84.106(*l*)(1)(ii).

The existing regulatory parallel confirms the exemption is appropriate. When EPA finalized the 2024 ER&R rule, it exempted the residential and light commercial air conditioning and heat pump subsector from the leak repair provisions under 40 C.F.R. § 84.106(a)(3)(ii), even though a portion of appliances in that subsector have charge sizes above 15 pounds. EPA's stated rationale was that inclusion would "greatly expand the number of refrigerant-containing appliances subject to the leak repair requirements and may make the enforcement of the leak repair provisions inefficient,"[16] and would cause "additional strain on contractors and technicians."[17] EPA further concluded that the residential AC / heat pump exemption was "administratively more efficient"[18] and would "ease implementation for this first rule under [AIM Act] subsection (h)."[19]

So too for road and intermodal TRUs. Those rationales apply with equal or greater force to road and intermodal TRUs. These units are more numerous (360,000 units above the 15-pound cutoff, compared to a residential subsector where most units are below it). They are mobile rather than stationary, compounding enforcement difficulty. And they require servicing in locations where qualified technicians may be unavailable, intensifying the strain on the service workforce. If enforcement inefficiency, administrative burden, and technician scarcity justified a subsector-wide exemption for residential and light commercial air conditioning, the same considerations more than justify the parallel exemption EPA has proposed here.

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The Joint Retail Associations strongly support EPA's proposed exemption for road and intermodal container TRUs from the leak repair requirements. We urge EPA to finalize this action as expeditiously as possible. Our members and their customers depend on affordable, reliable refrigerated transport every day. Prompt finalization will eliminate unnecessary legal uncertainty for TRU owners and operators, prevent compliance costs from flowing downstream to food retailers and consumers, and maintain the fleet capacity that keeps American grocery stores stocked with fresh food. We welcome the opportunity to continue engaging with the Agency on these and other matters of importance to the food retail supply chain, including the announced reconsideration of the broader ER&R Rule.

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[16] 89 Fed. Reg. at 82,719.
[17] *Id.* at 82,717.
[18] *Id.* at 82,717.
[19] *Id.* at 82,719.