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**FOR IMMEDIATE RELEASE**

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**HARDI files lawsuit against EPA for overreach in final allocation rule**

WASHINGTON, December 2, 2021 – Heating, Air-conditioning & Refrigeration Distributors International (HARDI) has filed a petition for judicial review in the United States Court of Appeals for the District of Columbia against the Environmental Protection Agency (EPA). The petition asks the court to overturn the ban on single-use cylinders and cylinder tracking requirements contained in the recently finalized rule, *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the AIM Act*. HARDI is joined in the petition by Air Conditioning Contractors of America (ACCA), and Plumbing-Heating Cooling Contractors—National Association (PHCC).

HARDI believes EPA exceeded their authority granted by the American Innovation and Manufacturing Act (AIM Act) which empowers EPA to create a program to phase-down the use of HFC refrigerants through limits on production and consumption. By exceeding their authority, EPA has finalized a rule that will increase costs on the HVACR wholesale distribution and contracting industries and could potentially cause major disruptions that will affect consumers. HARDI and the rest of the HVACR industry supported passage of the AIM Act and a majority of the finalized rule including the allocation of allowances for companies to continue to produce and import HFC refrigerants in compliance with the phase-down.

“HARDI was disappointed by EPA’s overreach in banning single use cylinders and establishing an overly-complicated cylinder tracking system. HARDI and the rest of the industry want to work with EPA to successfully phase-down the use of HFCs, however we cannot stand by as the agency exceeds its authority,” said HARDI CEO, Talbot Gee. “We believe filing this lawsuit will help to set a boundary that will stop the agency from going too far in the future. HARDI’s Board of Directors set up the legal defense fund with this situation in mind and we are happy to be joined by ACCA and PHCC in the lawsuit to show the broad opposition to these parts of the final rule,” Gee continued.

In anticipation of this and other potential legal issues, the HARDI Board of Directors established a legal defense fund designed to fight against regulations that will have a negative impact on HVACR wholesale-distribution. This litigation is the first use of funds from the legal defense fund.

The U.S. Department of Justice must now work with the EPA to determine if it will defend the provisions of the final rule in the D.C. Circuit Court of Appeals or allow the court to enjoin disputed the provisions.

**ABOUT HARDI**

HARDI (Heating, Air-conditioning and Refrigeration Distributors International) is the single voice of wholesale distribution within the HVACR industry.

HARDI members market, distribute, and support heating, air-conditioning, and refrigeration equipment, parts and supplies. HARDI Distributor members serve installation and service/replacement contractors in residential and commercial markets, as well as commercial/industrial and institutional maintenance staffs. HARDI proudly represents more than 460 distributor members representing more than 5,000 branch locations, and close to 500 supplier, manufacturer representative and service vendor members.

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