

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER H4-25-008

**Denial of Request for Variance from Prohibitions on Use of Certain
Hydrofluorocarbons in Stationary Refrigeration, Stationary Air-Conditioning,
Cold Storage, and Other End-Uses**

**ALTA Refrigeration, Inc.
Cold Storage Warehouse - New Refrigeration Equipment**

WHEREAS, pursuant to California Health and Safety Code sections 39601, 39730, 39730.5, and 39734, the California Air Resources Board (CARB) has established prohibitions on the use of certain hydrofluorocarbons (HFCs) in refrigeration, air-conditioning, cold storage and other end uses, as described in California Code of Regulations, title 17, section 95371 et. seq. (HFC Regulation);

WHEREAS, under California Code of Regulations, title 17, sections 95374 subsection (c) and 95375 subsection (c) no person shall sell, install, use or otherwise enter into commerce in California any new refrigeration equipment in cold storage warehouses containing more than 50 pounds of refrigerants with a global warming potential (GWP) of 150 or greater as of January 1, 2022;

WHEREAS, California Code of Regulations, title 17, section 95378 allows an Applicant to submit a request for a variance from the requirements of sections 95374 and 95375;

WHEREAS, the Executive Officer may grant a variance if the Executive Officer determines that the Applicant has proven by clear and convincing evidence that the criteria for a variance specified in section 95378, subsection (b) has been met and that the Applicant has complied with all application requirements specified in section 95378, subsection (c);

WHEREAS, under section 95378, subsection (b)(1), the Executive Officer may grant a variance for impossibility if the Applicant cannot comply with the regulatory requirements, and the Applicant can demonstrate all of the following criteria: (1) A lower-risk substitute is not currently or potentially available; (2) An exemption will not increase the overall risk to human health or the environment; and (3) The Applicant has used best efforts to anticipate and address the impossibility and any potential noncompliance;

WHEREAS, on March 31, 2025, ALTA Refrigeration, Inc. (ALTA) applied for a variance from the requirements under sections 95374 and 95375 of the HFC Regulation for new refrigeration equipment containing more than 50 pounds of refrigerant in cold storage warehouses;

WHEREAS, on May 9, 2025 and June 23, 2025 ALTA provided supplemental materials, and resubmitted their application on July 16, 2025 for a variance from the requirements under sections 95734 and 95375 of the HFC Regulation for new refrigeration equipment containing more than 50 pounds of refrigerant in cold storage warehouses until December 31, 2026;

WHEREAS, on August 14, 2025, a delegee of the Executive Officer determined that the variance application was complete;

WHEREAS, a delegee of the Executive Officer posted the ALTA variance application for public comment beginning August 21, 2025, and ending September 22, 2025, during which time public comment was invited, and five comments were received. Public comments both supported approval and denial of the requested variance;

WHEREAS, a delegee of the Executive Officer considered all the submitted public comments in the context of the section 95378 variance criteria, including comments addressing, *inter alia*, the availability of refrigerants with GWP below 150 for use in new refrigeration equipment containing more than 50 pounds of refrigerants in cold storage warehouses, and whether the requested variance will increase overall risks to human health or the environment;

WHEREAS, ALTA requested an 18-month variance to utilize R-513A (GWP 630) until December 31, 2026;

WHEREAS, a delegee of the Executive Officer affirmed that ALTA's Expert cold storage refrigeration systems (herein collectively referred to as "ALTA refrigeration equipment") meet the definition of "Cold Storage Warehouse - refrigeration equipment" as described in section 95373 of the HFC Regulation, and are, and have been, prohibited from containing refrigerants with a GWP of 150 or greater if manufactured after January 1, 2022 as described in Table 3 in section 95374(c) of the HFC Regulation;

WHEREAS, ALTA did not demonstrate by clear and convincing evidence and supporting documentation that in the absence of the requested variance ALTA cannot comply with the HFC Regulation; ALTA utilized R-717 (ammonia), a compliant refrigerant, in its equipment for over 40 years, however, ALTA voluntarily discontinued the use of refrigeration equipment using R-717; a delegee of the Executive Officer disputed ALTA's assertion that a lower risk substitute is not currently or potentially available; and the delegee found that ALTA could meet the requirements of Table 3 in section 95374(c) of the HFC Regulation by using HFC Regulation-compliant refrigerants currently available, including but not limited to R-717 (ammonia) and R-744 CO₂, but ALTA instead chooses to use R-513A, a non-compliant refrigerant with a GWP of 630;

WHEREAS, ALTA demonstrated that lower-risk substitute refrigerants with GWP less than

150, including R-717 (ammonia) and R-744 CO₂, are currently available; ALTA utilized R-717 (ammonia), a compliant refrigerant, in its equipment for over 40 years, however, ALTA voluntarily discontinued the use of refrigeration equipment using R-717; public comment submitted evidence of lower risk substitute availability; and the record on this matter contains additional information demonstrating the availability of lower risk substitutes;

WHEREAS, ALTA claimed that the requested variance will not increase the overall risk to human health or the environment;

WHEREAS, a delegee of the Executive Officer did not dispute ALTA's claim that the requested variance will not increase the overall risk to human health;

WHEREAS, ALTA did not demonstrate by clear and convincing evidence and supporting documentation that the requested variance will not increase the overall risk to the environment as ALTA's compliance plan is dependent on ALTA's future verification that R-1234yf will be a viable substitute and ALTA's future engineering evaluation;

WHEREAS, ALTA did not demonstrate by clear and convincing evidence and supporting documentation that it used best efforts to anticipate and address the claimed impossibility and any potential noncompliance; the HFC Regulation prohibition on the use of refrigerants in cold storage warehouses with a GWP of 150 or greater has been in effect since January 1, 2022; ALTA utilized R-717, a compliant refrigerant, in its equipment for over 40 years, however, ALTA voluntarily discontinued the use of refrigeration equipment using R-717. Additionally, ALTA has not indicated they have begun efforts to transition away from R-513A, or verified whether R-1234yf will serve as a viable substitute, pending future ALTA evaluation.

WHEREAS, ALTA did not demonstrate by clear and convincing evidence and supporting documentation that HFC Regulation compliance will be achieved by ALTA as expeditiously as possible; ALTA's proposed compliance plan demonstrates that ALTA has not verified that R-1234yf will be a viable substitute for ALTA refrigeration equipment and ALTA's proposed compliance plan demonstrates that ALTA's commitment to transition to R-1234yf is dependent on ALTA's future viability evaluation; ALTA's proposed compliance plan does not demonstrate that it will comply with the HFC Regulation by December 31, 2026.

NOW, THEREFORE, I, Michael FitzGibbon, based on the ALTA application and other materials submitted by ALTA, additional information and testimony received during the public comment period, and the entire record in this matter, find that ALTA has not demonstrated by clear and convincing evidence and supporting documentation that:

1. ALTA cannot comply with the HFC Regulation requirements;
2. A lower-risk substitute refrigerant with a GWP less than 150 is not currently available for refrigeration equipment containing more than 50 pounds of refrigerant in cold storage warehouses;
3. ALTA's requested exemption from the HFC Regulation requirements will not increase the overall risk to human health or the environment;
4. ALTA used best efforts to anticipate and address the impossibility and any potential noncompliance;
5. ALTA's proposed compliance plan will achieve compliance with the HFC Regulation as expeditiously as possible.

Thus, based on the entire record in this matter, ALTA has not proven by clear and convincing evidence and supporting documentation that it has met the section 95378 criteria for issuance of a variance for the ALTA refrigeration equipment containing more than 50 pounds of refrigerant in cold storage warehouses for 2025 through 2026 based on the HFC Regulation criteria that an applicant demonstrate: (a) A lower-risk substitute is not currently or potentially available; (b) An exemption will not increase the overall risk to human health or the environment; and (c) The Applicant has used best efforts to anticipate and address the impossibility and any potential noncompliance.

IT IS ORDERED AND RESOLVED that ALTA's application for a variance to sell, install, use or otherwise enter into commerce in California new refrigeration equipment in cold storage warehouses containing more than 50 pounds of R-513A refrigerant (GWP 630) is denied.

Executed in Sacramento, California November 20, 2025.

Mike FitzGibbon

Michael FitzGibbon, Chief
Atmospheric Science and Climate Strategies Branch
Research Division
CALIFORNIA AIR RESOURCES BOARD