



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED **AUG 30 2016**

REPLY TO THE ATTENTION OF

Ayash Sabbagh, CEO
EcoFreeez, Inc.
57 Pearl Street
Brooklyn, NY 11201

Re: Finding of Violation
 EcoFreeez, Inc.
 Brooklyn, New York

Dear Mr. Sabbagh:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to EcoFreeez, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Clean Air Act, 42 U.S.C § 7413(a) (the CAA), specifically the Significant New Alternative Policy Program regulations at 40 C.F.R. Part 82, Subpart G. EPA promulgated these regulations under Section 608 of the CAA, 42 U.S.C. § 7671g.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Sara Loiacono. You may call her at (312) 353-9199 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed J. Nam for". The signature is fluid and cursive.

Edward Nam
Acting Director
Air and Radiation Division

Enclosure

cc: Robert Buettner, Chief
Air Compliance Branch
US EPA Region 2

7. Under the SNAP regulations at 40 C.F.R. § 82.176(a), any producer of a new substitute must submit a notice of intent to introduce a new substitute into interstate commerce 90 days prior to such introduction.
8. Under the SNAP regulations at 40 C.F.R. § 82.174(a), no person may introduce a new substance into interstate commerce before the expiration of 90 days after a notice is initially submitted to EPA under 40 C.F.R. § 82.176(a).
9. Under the SNAP regulations at 40 C.F.R. § 82.174(b), no person may use a substitute which a person knows or has reason to know was manufactured, processed or imported in violation of the SNAP regulations.
10. Under the SNAP regulations at 40 C.F.R. § 82.172, “substitute or alternative” is defined as “any chemical, product substitute, or alternative manufacturing process, whether existing or new, intended for use as a replacement for a class I or class II compound.”
11. Under the SNAP regulations at 40 C.F.R. § 82.172, “use” is defined as “any use of a substitute for a Class I or Class II ozone-depleting compound, including but not limited to use in a manufacturing process or product, in consumption by the end-user, or in intermediate uses, such as formulation or packaging for other subsequent uses.”
12. Under the SNAP regulations at 40 C.F.R. § 82.172, “person” is defined to include a corporation.
13. EPA has promulgated a list of hydrocarbon refrigerants acceptable as substitutes for Class I or Class II ODS refrigerants. (See Appendix R to 40 C.F.R. Part 82, Subpart G.) This list does not contain any flammable hydrocarbon refrigerants acceptable for use as a retrofit in equipment designed for nonflammable materials, with the exception of industrial process refrigeration. See 59 *Fed. Reg.* 13044 (March 18, 1994).

Factual Background

14. EcoFreeez is a corporation with a place of business at 57 Pearl Street, Brooklyn, New York (the Brooklyn facility).
15. EcoFreeez is a “person” under the SNAP regulations.
16. At the Brooklyn facility, EcoFreeez sells and distributes a product it refers to as “EF-22a.”
17. EcoFreeez sells and distributes “EF-22a” domestically.
18. “EF-22a” is a hydrocarbon refrigerant.
19. Hydrocarbons are flammable substances.

20. The Material Safety Data Sheet for “EF-22a” states that “flammable vapor may form if allowed to mix with air. Accumulation of gas is an ignition hazard. Vapors are heavier than air and may travel to an ignition source.”
21. EcoFreeez’s website states that “EF-22a” has a wide range of applications, including “commercial refrigeration, chill cabinets and vending machines, cold storage and food processing, industrial refrigeration, transport refrigeration, small air conditioning systems, large air conditioning and chiller systems, heat pumps and water heaters.”
22. HCFC-22 is a non-flammable, Class II ODS approved by EPA for many end-uses in the refrigeration and air conditioning sector (e.g., industrial process refrigeration, vending machines, household refrigerators and freezers, residential dehumidifiers). See *59 Fed. Reg.* 13044 (March 18, 1994), *59 Fed. Reg.* 44240 (August 26, 1994), and *60 Fed. Reg.* 3318 (January 13, 1995).
23. HCFC-22 is commonly referred to as R-22.
24. EcoFreeez’s online videos advertise “EF-22a” as a “replacement for R-22” that “is used mainly for home a/c units.”
25. The label for “EF-22a” states that it is a “drop-in” replacement for R-22, which requires “no changes to [the] system.”
26. “EF-22a” is a product substitute intended for use as a replacement for a Class I or Class II compound, and thus a “substitute,” as defined by the SNAP regulations at 40 C.F.R. § 82.172.
27. The original Class II substance that “EF-22a” is intended to replace, R-22, is still available for use as a refrigerant and is commonly used throughout the industry.
28. “EF-22a” is not contained in EPA’s list of acceptable hydrocarbon substitutes at Appendix R to 40 C.F.R. Part 82, Subpart G, or *59 Fed. Reg.* 13044.
29. No notice of intent to introduce “EF-22a” into interstate commerce has been submitted to EPA.
30. EPA has not approved “EF-22a” as a substitute for R-22.

Violations

31. Because EPA has not received a notice of intent to introduce “EF-22a” into interstate commerce, EcoFreeez introduced “EF-22a” into interstate commerce before the expiration of 90 days after initial submission to EPA of the notice of intent, in violation of 40 C.F.R. § 82.174(a).
32. By selling and distributing “EF-22a,” EcoFreeez used a substitute which it knows or has reason to know was manufactured, processed or imported in violation of the SNAP

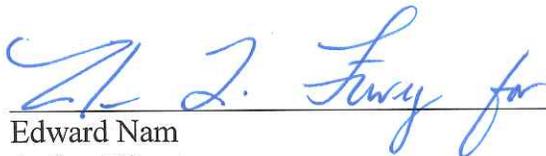
regulations, in violation of 40 C.F.R. § 82.174(b).

Environmental Impact of Violations

33. The use of "EF-22a," a hydrocarbon refrigerant, in unapproved uses as a substitute for R-22 creates the potential for explosion and fires. As such, it presents a serious risk to human health and the environment.

Date

8/30/16


Edward Nam
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-16-COE-03, by

Certified Mail, Return Receipt Requested, to:

Ayash Sabbagh, CEO
EcoFreeez, Inc.
57 Pearl Street
Brooklyn, NY 11201

I also certify that I sent a copy of the Finding of Violation by email to:

Robert Buettner
Chief, Air Compliance Branch
US EPA Region 2
buettner.robert@epa.gov

On the 30 day of August 2016.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 76469616