

The Kigali Amendment—More Hot Air

Samuel Buchan | September 21, 2022

THE REALITIES AND RISKS OF RATIFICATION

The U.S. Senate will soon vote on the ratification of the **Kigali Amendment**, a 2016 United Nations climate change treaty targeting the refrigerants essential to running air conditioning and refrigeration as well as building insulation and semiconductor manufacturing—**hydrofluorocarbons** (HFCs).

1. **China is NOT a developing nation.** The Kigali Amendment asserts that **146 countries** deserve **leniency and financial assistance** while also stating that China is a “developing nation” warranting leniency—the same goes for Iran and Venezuela. In 2021, President Biden stated, “*the climate crisis is not our fight alone; it’s a global fight,*” and Americans should never be expected to shoulder the burden for China and other leading polluters—it’s time our international agreements recognize American interests on equal footing.
2. **Ceding domestic regulatory authority to the United Nations.** The Amendment would strip Congress of its ability to regulate the production and use of HFCs, tying the U.S. to the United Nations under an unfavorable international agreement that is wholly ignorant of the needs of American industry and consumers. The U.S. already has robust regulatory capabilities to mitigate the risk of HFCs, including the American Innovation and Manufacturing (AIM) Act of 2020, which largely mirrors the Amendment.
3. **The United States will NOT be excluded from global trade.** Trade restrictions with non-parties under the Kigali Amendment, the primary enforcement mechanism, do not take effect until 2033 and only apply to HFCs. The U.S. faces little to no risk of trade restrictions in the near term, and production of HFCs will continue to decline absent ratification, given existing U.S. regulations.
4. **Unfavorable treaties are poor replacements for market-based solutions.** Ratification of the Amendment is not the only way alternative refrigerants can be made competitive and ultimately replace HFCs in the long run. Alternative supplies must first demonstrate viability and affordability before gaining broad market acceptance; failure to address this critical step will only undermine long-term objectives.
5. **Unleashing the egregiously overbearing Environmental Protection Agency.** The Amendment would empower the Environmental Protection Agency to begin enforcement immediately, risking further utility bill increases for American millions of American consumers and businesses at a time of skyrocketing cost of living increases.