



Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On April 29, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States v. The Kroger Co.*, Civil Action No. 26-cv-00421 (S.D. Ohio).

The lawsuit seeks injunctive relief and civil penalties for violations of the Clean Air Act and its implementing regulations at grocery stores owned and operated by the Kroger Co. (“Kroger”) nationwide containing refrigerant appliances that use ozone-depleting substances. The violations relate to alleged failures to (1) adequately repair refrigerant leaks within 30 days following discovery of such leaks, or to prepare a plan to retrofit or retire the leaking appliance and complete all retrofit or retirement work within one year; and (2) keep refrigerant servicing records for at least three years. The proposed consent decree also requires Kroger to perform injunctive relief to address these violations and pay \$2.5 million in civil penalties. Entering into and fully complying with the proposed consent decree would release Kroger from past civil liability for violations of Clean Air Act regulations at its refrigerant appliances.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. The Kroger Co.*, D.J. Ref. No. 90-5-2-1-12428. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i> |
|----------------------------|---|
| By e-mail | pubcomment-ees.enrd@usdoj.gov |
| By mail | Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611 |

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Ruben Gomez,
Assistant Section Chief,
Environmental Enforcement Section,
Environment and Natural Resources Division.

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