

1 S.30

2 Introduced by Senators Pearson and Ashe

3 Referred to Committee on Natural Resources and Energy

4 Date: January 17, 2019

5 Subject: Conservation and development; air pollution; hydrofluorocarbons

6 Statement of purpose of bill as introduced: This bill proposes to regulate the
7 use of hydrofluorocarbons (HFCs).

8 An act relating to the regulation of hydrofluorocarbons

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 10 V.S.A. § 586 is added to read:~~

11 ~~§ 586. REGULATION OF HYDROFLUOROCARBONS~~

12 ~~(a) As used in this section:~~

13 ~~(1) “Class I substance” and “class II substance” mean those substances~~
14 ~~listed in the 42 U.S.C. § 7671a, as it read on November 15, 1990 and~~
15 ~~Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January~~
16 ~~3, 2017.~~

17 ~~(2) “Hydrofluorocarbon” means a manufactured fluorinated gas used~~
18 ~~primarily in refrigeration, air-conditioning equipment, foam expansion agents,~~
19 ~~aerosol propellants, solvents, and fire suppressants.~~

1 ~~(3) "Residential consumer refrigeration product" has the same meaning~~
2 ~~as in Section 430.2 of Subpart A of 10 C.F.R. Part 430.~~

3 ~~(4) "Substitute" means a chemical, product substitute, or alternative~~
4 ~~manufacturing process, whether existing or new, that is used to perform a~~
5 ~~function previously performed by a class I substance or class II substance and~~
6 ~~any substitute subsequently adopted to perform that function, including~~
7 ~~hydrofluorocarbons.~~

8 ~~(b)(1) The use of class I substances and class II substances as set forth in~~
9 ~~42 U.S.C. §§ 7671a and 7671k, as those read on November 15, 1990, or any~~
10 ~~substitute as set forth in Appendix U and Appendix V of Subpart G of 40~~
11 ~~C.F.R. Part 82, as those read on January 3, 2017, is prohibited, except as~~
12 ~~otherwise provided by in subsection (3) of this section.~~

13 ~~(2) If the U.S. Environmental Protection Agency approves a previously~~
14 ~~prohibited hydrofluorocarbon blend for foam blowing pursuant to the~~
15 ~~Significant New Alternatives Policy Program, adopted pursuant to Section~~
16 ~~7671k of the federal Clean Air Act (42 U.S.C. § 7401 et seq.), the Secretary~~
17 ~~shall expeditiously adopt rules pursuant to this section.~~

18 ~~(3)(A) Prohibitions on residential consumer refrigeration products,~~
19 ~~except compact and built-in residential consumer refrigeration products, shall~~
20 ~~take effect January 1, 2022.~~

1 (B) Prohibitions on built-in residential consumer refrigeration
2 products shall take effect on January 1, 2023.

3 (c) The Secretary may adopt rules that include any of the following:

4 (1) The modification of the deadlines of a prohibition established
5 pursuant to this subsection if the Secretary determines that the modified
6 deadline meets both of the following:

7 (A) reduces the overall risk to human health or the environment; and

8 (B) reflects the earliest date that a substitute is currently or
9 potentially available.

10 (2) The prohibition on the use of any substitute if the Secretary
11 determines that the prohibition meets both of the following criteria:

12 (A) reduces the overall risk to human health or the environment; and

13 (B) a lower-risk substitute is currently or potentially available.

14 (3) The creation of a list of approved substitutes, use conditions, or use
15 limits, if any, and the addition or removal of substitutes, use conditions, or use
16 limits to or from the list of approved substitutes if the Secretary determines
17 those substitutes reduce the overall risk to human health and the environment.

18 (d) A person shall not offer any equipment or product for sale, lease, rent,
19 or otherwise cause any equipment or product to enter into commerce in
20 Vermont if that equipment or product uses or will use a substitute in a manner
21 inconsistent with any of the following.

1 ~~(1) any prohibitions in subdivision (b) of this section;~~

2 ~~(2) any prohibitions, use conditions, or use limits in subdivision (c) of~~
3 ~~this section or rule; or~~

4 ~~(3) any other applicable laws.~~

5 Sec. 2. ADOPTION OF RULES

6 ~~On or before January 1, 2020, the Secretary of Natural Resources shall file~~
7 ~~with the Secretary of State proposed rules to implement 10 V.S.A. § 586. The~~
8 ~~rules shall establish a schedule to phase down the use of hydrofluorocarbons to~~
9 ~~meet the goal of a 40 percent reduction from the 2013 level of use by 2030.~~

10 Sec. 3. EFFECTIVE DATE

11 ~~This act shall take effect on July 1, 2019.~~

~~Sec. 1. 10 V.S.A. § 586 is added to read:~~

~~§ 586. REGULATION OF HYDROFLUOROCARBONS~~

~~(a) As used in this section:~~

~~(1) "Class I substance" and "class II substance" mean those substances listed in the 42 U.S.C. § 7671a, as it read on November 15, 1990 and Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January 3, 2017.~~

~~(2) "Hydrofluorocarbon" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon and are used primarily in refrigeration, air-conditioning equipment, foam expansion agents, aerosol propellants, solvents, and fire suppressants.~~

~~(3) "Residential consumer refrigeration product" has the same meaning as in Section 430.2 of Subpart A of 10 C.F.R. Part 430.~~

~~(4) "Substitute" means a chemical, product substitute, or alternative manufacturing process, whether new or retrofit, that is used to perform a function previously performed by a class I substance or class II substance and~~

~~any substitute subsequently adopted to perform that function, including hydrofluorocarbons.~~

~~(b)(1) The use of class I substances and class II substances as set forth in 42 U.S.C. §§ 7671a and 7671k, as those read on November 15, 1990, or any substitute as set forth in Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, is prohibited, except as otherwise provided by in subdivision (3) of this section.~~

~~(2) If the U.S. Environmental Protection Agency approves a previously prohibited hydrofluorocarbon blend for foam blowing pursuant to the Significant New Alternatives Policy Program, adopted pursuant to Section 7671k of the federal Clean Air Act (42 U.S.C. § 7401 et seq.), the Secretary shall expeditiously adopt rules pursuant to this section.~~

~~(3)(A) Prohibitions on residential consumer refrigeration products, except compact and built-in residential consumer refrigeration products, shall take effect January 1, 2022.~~

~~(B) Prohibitions on built-in residential consumer refrigeration products shall take effect on January 1, 2023.~~

~~(c) The Secretary may adopt rules that include any of the following:~~

~~(1) The modification of the deadlines of a prohibition established pursuant to this subsection if the Secretary determines that the modified deadline meets both of the following:~~

~~(A) reduces the overall risk to human health or the environment; and~~

~~(B) reflects the earliest date that a substitute is currently or potentially available.~~

~~(2) The prohibition on the use of any substitute if the Secretary determines that the prohibition meets both of the following criteria:~~

~~(A) reduces the overall risk to human health or the environment; and~~

~~(B) a lower-risk substitute is currently or potentially available.~~

~~(3) The creation of a list of approved substitutes, use conditions, or use limits, if any, and the addition or removal of substitutes, use conditions, or use limits to or from the list of approved substitutes if the Secretary determines those substitutes reduce the overall risk to human health and the environment.~~

~~(d) A person shall not offer any equipment or product for sale, lease, rent, or otherwise cause any equipment or product to enter into commerce in Vermont if that equipment or product uses or will use a substitute in a manner inconsistent with any of the following:~~

~~(1) any prohibitions in subsection (b) of this section;~~

~~(2) any prohibitions, use conditions, or use limits in subsection (c) of this section or rule; or~~

~~(3) any other applicable laws.~~

Sec. 2. ADOPTION OF RULES AND REPORT

(a) On or before July 1, 2020, the Secretary of Natural Resources shall file with the Secretary of State proposed rules to implement 10 V.S.A. § 586. The rules shall establish a schedule to phase down the use of hydrofluorocarbons to meet the goal of a 40 percent reduction from the 2013 level of use by 2030.

(b) On or before January 15, 2020, the Secretary of Natural Resources shall submit a report to the Senate Committee on Natural Resources and Energy and the House Committee on Energy and Technology on progress in filing proposed rules to implement 10 V.S.A. § 586 and any delays in such rulemaking.

Sec. 3. EFFECTIVE DATE

~~*This act shall take effect on July 1, 2019.*~~

Sec. 1. 10 V.S.A. § 586 is added to read:

§ 586. REGULATION OF HYDROFLUOROCARBONS

(a) As used in this section:

(1) “Class I substance” and “class II substance” mean those substances listed in the 42 U.S.C. § 7671a, as it read on November 15, 1990 and Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January 3, 2017.

(2) “Hydrofluorocarbon” means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.

(3) “Residential consumer refrigeration product” has the same meaning as in Section 430.2 of Subpart A of 10 C.F.R. Part 430.

(4) “Retrofit” has the same meaning as in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.

(5) “Substitute” means a chemical, product, or alternative manufacturing process, whether new or retrofit, that is used to perform a function previously performed by a class I substance or class II substance and any substitute subsequently adopted to perform that function, including hydrofluorocarbons.

(b)(1) A person may not offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Vermont if that equipment or product consists of, uses, or will use a substitute, as set forth in Appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, for the applications or end uses restricted by Appendix U or V, as those read on January 3, 2017, and consistent with the dates established in subdivision (b)(4) of this section.

(2) Except where existing equipment is retrofit, nothing in this subsection requires a person that acquired a restricted product or equipment prior to an effective date of the restrictions in subdivision (b)(4) of this section to cease use of that product or equipment.

(3) Products or equipment manufactured prior to an applicable effective date of the restrictions in subdivision (b)(4) of this section may be sold, imported, exported, distributed, installed, and used after the specified effective date.

(4) The restrictions under subdivision (b)(1) of this section shall take effect beginning:

(A) January 1, 2021, for propellants, rigid polyurethane applications and spray foam, flexible polyurethane, integral skin polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation board and bunstock, supermarket systems, remote condensing units, stand-alone units, and vending machines;

(B) January 1, 2021, for refrigerated food processing and dispensing equipment, compact residential consumer refrigeration products, and polystyrene extruded boardstock and billet, and rigid polyurethane low-pressure two component-spray foam;

(C) January 1, 2022, for residential consumer refrigeration products other than compact and built-in residential consumer refrigeration products;

(D) January 1, 2023, for cold storage warehouses and built-in residential consumer refrigeration products;

(E) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(F) January 1, 2020, or the effective date of the restrictions identified in appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, whichever comes later, for all other applications and end uses for substitutes not covered by the categories listed in subdivisions (A) through (E) of this subsection (b).

(c) The Secretary may adopt rules that include any of the following:

(1) The modification of the date of a prohibition established pursuant to subsection (b) of this section if the Secretary determines that the modified deadline meets both of the following criteria:

(A) reduces the overall risk to human health or the environment; and

(B) reflects the earliest date that a substitute is currently or potentially available.

(2) The prohibition on the use of any substitute if the Secretary determines that the prohibition meets both of the following criteria:

(A) reduces the overall risk to human health or the environment; and

(B) a lower-risk substitute is currently or potentially available.

(3) The creation of a list of approved substitutes, use conditions, or use limits, if any, and the addition or removal of substitutes, use conditions, or use limits to or from the list of approved substitutes if the Secretary determines those substitutes reduce the overall risk to human health and the environment.

(4) The creation of a list of exemptions from this section for medical uses of hydrofluorocarbons.

(d) If the U.S. Environmental Protection Agency approves a previously prohibited hydrofluorocarbon blend with a global warming potential of 750 or less for foam blowing of polystyrene extruded boardstock and billet and rigid polyurethane low-pressure two-component spray foam pursuant to the Significant New Alternatives Policy Program under section 7671(k) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the Secretary shall expeditiously propose a rule to conform to the requirements established under this section with that federal action.

Sec. 2. ADOPTION OF RULES AND REPORTING

(a) On or before July 1, 2020, the Secretary of Natural Resources shall file with the Secretary of State proposed rules to establish a schedule to phase down the use of hydrofluorocarbons to meet the goal of a 40 percent reduction from the 2013 level of use by 2030.

(b) On or before January 15, 2020, the Secretary of Natural Resources shall submit a report to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife on progress in filing proposed rules pursuant to subsection (a) of this section and any delays in such rulemaking.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.