

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred Senate Bill No. 30 entitled “An act relating to the regulation of
4 hydrofluorocarbons” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 586. REGULATION OF HYDROFLUOROCARBONS

10 (a) As used in this section:

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

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

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

18 (4) “Retrofit” has the same meaning as in section 152 of Subpart F of
19 40 C.F.R. Part 82, as that section existed as of January 3, 2017.

20 (5) “Substitute” means a chemical, product, or alternative manufacturing
21 process, whether new or retrofit, that is used to perform a function previously

1 performed by a class I substance or class II substance and any substitute
2 subsequently adopted to perform that function, including hydrofluorocarbons.

3 (b)(1) A person may not offer any product or equipment for sale, lease, or
4 rent, or install or otherwise cause any equipment or product to enter into
5 commerce in Vermont if that equipment or product consists of, uses, or will
6 use a substitute, as set forth in Appendix U or V, Subpart G of 40 C.F.R. Part
7 82, as those read on January 3, 2017, for the applications or end uses restricted
8 by Appendix U or V, as those read on January 3, 2017, and consistent with the
9 dates established in subdivision (b)(4) of this section.

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

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

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

20 (A) January 1, 2020, for propellants, rigid polyurethane applications
21 and spray foam, flexible polyurethane, integral skin polyurethane, flexible

1 polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation
2 board and bunstock, supermarket systems, remote condensing units, stand-
3 alone units, and vending machines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (d) If the U.S. Environmental Protection Agency approves a previously
18 prohibited hydrofluorocarbon blend with a global warming potential of 750 or
19 less for foam blowing of polystyrene extruded boardstock and billet and rigid
20 polyurethane low-pressure two-component spray foam pursuant to the
21 Significant New Alternatives Policy Program under section 7671(k) of the

1 federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the Secretary shall
2 expeditiously propose a rule to conform to the requirements established under
3 this section with that federal action.

4 Sec. 2. ADOPTION OF RULES AND REPORTING

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

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

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on July 1, 2019.

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18 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE