

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 deadlines established in subdivision (b)(2) of this section. Except where  
10 existing equipment is retrofit, nothing in this subsection requires a person that  
11 acquired a restricted product or equipment prior to an effective date of the  
12 restrictions in subdivision (b)(2) of this section to cease use of that product or  
13 equipment. Products or equipment manufactured prior to an applicable  
14 effective date of the restrictions in subdivision (b)(2) of this section may be  
15 sold, imported, exported, distributed, installed, and used after the specified  
16 effective date.

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

19 (A) January 1, 2020, for propellants, rigid polyurethane applications  
20 and spray foam, flexible polyurethane, integral skin polyurethane, flexible  
21 polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation

1 board and bunstock, supermarket systems, remote condensing units, stand-  
2 alone units, and vending machines;

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

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

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

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

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

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

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

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

2           (B) reflects the earliest date that a substitute is currently or

3 potentially available.

4           (2) The prohibition on the use of any substitute if the Secretary

5 determines that the prohibition meets both of the following criteria:

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

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

8           (3) The creation of a list of approved substitutes, use conditions, or use

9 limits, if any, and the addition or removal of substitutes, use conditions, or use

10 limits to or from the list of approved substitutes if the Secretary determines

11 those substitutes reduce the overall risk to human health and the environment.

12           (4) The creation of a list of exemptions from this section for medical

13 uses of hydrofluorocarbons.

14           (d)(1) Within 12 months of another state’s enactment or adoption of

15 restrictions on substitutes applicable to new light duty vehicles, the Secretary

16 may adopt restrictions applicable to the sale, lease, rental, or other introduction

17 into commerce by a manufacturer of new light duty vehicles consistent with

18 the restrictions identified in Appendix B, Subpart G of 40 C.F.R. Part 82, as it

19 read on January 3, 2017. The Secretary may not adopt restrictions that take

20 effect prior to the adopted effective date of restrictions adopted or enacted in at

21 least one other state.

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

9       Sec. 2. ADOPTION OF RULES AND REPORTING

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

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

19       Sec. 3. EFFECTIVE DATE

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

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2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE