

TESTIMONY

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ON BEHALF OF
THE NATURAL RESOURCES DEFENSE COUNCIL

BEFORE THE VERMONT STATE LEGISLATURE
HOUSE COMMITTEE ON NATURAL RESOURCES, FISH, AND WILDLIFE

S30
AN ACT RELATING TO THE REGULATION OF HYDROFLUOROCARBONS

MAY 9, 2019



Dear Chairwoman Sheldon and members of the committee,

NRDC is a non-profit environmental organization with a network of 3 million members and online activists and more than 650 lawyers, scientists and policy advocates working to protect our environment and ensure that everyone has access to clean air, water and the wild. On behalf of NRDC's more than 9,800 members and online activists in Vermont, I would like to express strong support for S30, which seeks to reduce the emissions of hydrofluorocarbons (or HFCs). S30 is an important step towards reducing the emissions of these powerful pollutants and demonstrates much needed leadership for the phasedown of HFCs.

We have some technical adjustments to recommend to best align S30 with the transitions designed by EPA, California, and Washington.

- Section 1 adds § 586 to the Vermont code, subsection (b) of which adopts specific limitations on HFC uses directly into law. While the Secretary is authorized to amend or add to those limitations by rule, no further rulemaking action is required to make the initial set of limitations effective. This is the approach adopted in SB 1013, the HFC bill in California, and HB 1112, the HFC bill in Washington. For this reason, Section 2 (a) should be amended to clarify that the HFC prohibitions contained in § 586 are self-effectuating.
- Suggested new language for Section 2:
 - (a) *On or before July 1, 2020, the Secretary of Natural Resources shall file with the Secretary of State (1) the rules as adopted into law by 10 V.S.A. § 586(b) and (2) proposed rules to modify or add to such rules as authorized by 10 V.S.A. § 586(c). 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 such rules and proposed rules ~~to implement 10 V.S.A. § 586~~ and any delays in such rulemaking.*
- We recommend changing Section 1 (b) (2) regarding foam blowing agents to reflect the following joint proposal agreed by NRDC, Dow, and other stakeholders:

If the United States 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 department shall expeditiously initiate a rulemaking to conform the requirements established under this section with that federal action.
- We would like to draw the committee's attention to the fact that the Washington HFC bill included a prohibition on HFCs in new motor vehicles starting in model year 2021, *contingent on another state first adopting such a measure*. Vermont may wish to consider the same.

State action is now a linchpin of the global effort to phase down HFCs under the Montreal Protocol's Kigali Amendment. EPA's efforts to reduce the pollutants have stalled at a crucial moment for several reasons. The Kigali Amendment entered into force as international law on January 1st of this year even without the U.S.'s ratification. Meanwhile, the world is looking to the U.S. – a key proponent of the deal – to live up to its commitments and lead by example. With the federal government in disarray, states like

Vermont have a chance to keep up our end of the global deal to phase down HFC use and meet our international climate change commitments.

We strongly support Vermont's actions and are happy to work with the committee, with the Agency of Natural Resources and the industry stakeholders on this and help in any way we can. Thank you.

Sincerely,

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