

S.30

Introduced by Senators Pearson and Ashe

Referred to Committee on

Date:

Subject: Conservation and development; air pollution; hydrofluorocarbons

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

An act relating to the regulation of hydrofluorocarbons

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

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 GHGs which are saturated organic compounds containing hydrogen, fluorine, and carbon; ~~manufactured fluorinated gas 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) “Retrofit” has the same meaning as defined in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.

(45) “Substitute” means a chemical, product substitute, or alternative manufacturing process, whether existing or new, 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 subsection (3) of this section~~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 deadlines established in subsection (b)(2) of this section. 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 subsection (b)(2) of this section to cease use of that product or equipment. Products or equipment manufactured prior to an applicable effective date of the restrictions in subsection (b)(2) of this section may be sold, imported, exported, distributed, installed and used after the specified effective date.

(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~~The restrictions under subsection (b)(1) of this section shall take effect beginning:-

(A) January 1, 2020, for propellants, rigid polyurethane applications and spray foam, flexible polyurethane, integral skin polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation board, 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 (A) through (E) of this subsection.

~~(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.

~~(4) The designation of acceptable uses of hydrofluorocarbons for medical uses that are exempt from the requirements of subsection (b) of this section.~~

~~(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 subdivision (b) of this section;~~

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

~~(3) any other applicable laws (1) Within twelve months of another state's enactment or adoption of restrictions on substitutes applicable to new light duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light duty vehicles consistent with the restrictions identified in appendix B, Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017. The Secretary may not adopt restrictions that take effect prior to the adopted date of restrictions adopted in at least one other state.;~~

~~(2) If the United States environmental protection agency approves a previously prohibited hydrofluorocarbon blend with a global warming potential of seven hundred fifty 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 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 January-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 Natural Resources and Energy Committee and the House Committee of Fish, Wildlife, and Natural Resources on progress in filing proposed rules to implement 10 V.S.A. § 586, and any foreseen delays in such rulemaking.~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.