

From: O'Toole, Megan <Megan.OTOole@vermont.gov>
Sent: Tuesday, May 14, 2019 9:14 AM
To: Laura Bozarth <LBozarth@leg.state.vt.us>
Cc: Smythe, Collin <Collin.Smythe@vermont.gov>; Walke, Peter <Peter.Walke@vermont.gov>; Ellen Czajkowski <ECzajkowski@leg.state.vt.us>
Subject: Information on S.30

ANR committed yesterday to reaching out to some of our colleagues in other states implementing or contemplating HFC phase-out laws and regulations. This is a summary of what we heard in response to our inquiries:

From New York: New York Dept. of Environmental Conservation consulted with the state's energy efficiency utility on the issue of availability of HFC substitutes for foam end-uses and any impacts to the state's energy efficiency goals. They feel that there are sufficient alternatives on the market in the relevant building sectors. Specifically, they were assured by staff in their codes, new construction, residential, low income, multifamily, and commercial and industrial building programs that, *"this regulation would not cause undue hardship to the market in terms of meeting our energy efficiency goals"* and that any short-term cost impacts would be justified by the benefits of transitioning the sector to those alternatives.

From Massachusetts: Massachusetts Dept. of Environmental Protection believes that alternatives currently exist that would allow foam end-uses to comply with the HFC phase-out by the 2020 deadline.

From California: The California Air Resources Board did hear from stakeholders in December of 2018 that some spray foam manufacturers may not be able to comply with the 2020 deadline. Several stakeholders let CARB know that they will be asking the U.S. EPA to approve a foam expansion agent blend that has some HFC in it, which is currently prohibited "and blends thereof..." Language in SNAP. If approved for foam end-uses, then CARB would also allow its use. CARB notes that Vermont has the "expeditiously adopt rules" language in S.30, which is a good idea. CARB thinks it is probable that some end-uses will not be able to comply with the regulation. However, being consistent with California and Washington is a good idea; but CARB would also expect that some exceptions will have to be made for foam end-use sectors. CARB is taking a wait and see approach for further developments in HFC-free foams that will comply with the HFC regulations. CARB currently has no exception/exemption policy on possible non-compliance "beyond the control of the end-user or manufacturer". By mid-2019, CARB will have update meetings with foam manufacturers to ascertain their progress in meeting the HFC prohibitions. Until then, the official CARB position is that they fully expect manufacturers and end-users to be able to comply with the HFC prohibitions in new manufacture of foam.



Megan O'Toole, Associate General Counsel

[phone] 802-249-9882
[email] megan.otoole@vermont.gov

Department of Environmental Conservation
Office of General Counsel
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901