

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 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 bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 586. REGULATION OF HYDROFLUOROCARBONS

9 (a) As used in this section:

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

13 (2) “Hydrofluorocarbon” means a class of greenhouse gases that are
14 saturated organic compounds containing hydrogen, fluorine, and carbon and
15 are used primarily in refrigeration, air-conditioning equipment, foam
16 expansion agents, aerosol propellants, solvents, and fire suppressants.

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

19 (4) “Substitute” means a chemical, product substitute, or alternative
20 manufacturing process, whether new or retrofit, that is used to perform a
21 function previously performed by a class I substance or class II substance and

1 any substitute subsequently adopted to perform that function, including
2 hydrofluorocarbons.

3 (b)(1) The use of class I substances and class II substances as set forth in
4 42 U.S.C. §§ 7671a and 7671k, as those read on November 15, 1990, or any
5 substitute as set forth in Appendix U and Appendix V of Subpart G of 40
6 C.F.R. Part 82, as those read on January 3, 2017, is prohibited, except as
7 otherwise provided by in subdivision (3) of this section.

8 (2) If the U.S. Environmental Protection Agency approves a previously
9 prohibited hydrofluorocarbon blend for foam blowing pursuant to the
10 Significant New Alternatives Policy Program, adopted pursuant to Section
11 7671k of the federal Clean Air Act (42 U.S.C. § 7401 et seq.), the Secretary
12 shall expeditiously adopt rules pursuant to this section.

13 (3)(A) Prohibitions on residential consumer refrigeration products,
14 except compact and built-in residential consumer refrigeration products, shall
15 take effect January 1, 2022.

16 (B) Prohibitions on built-in residential consumer refrigeration
17 products shall take effect on January 1, 2023.

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 this subsection if the Secretary determines that the modified
21 deadline meets both of the following:

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 (d) A person shall not offer any equipment or product for sale, lease, rent,

13 or otherwise cause any equipment or product to enter into commerce in

14 Vermont if that equipment or product uses or will use a substitute in a manner

15 inconsistent with any of the following:

16 (1) any prohibitions in subsection (b) of this section;

17 (2) any prohibitions, use conditions, or use limits in subsection (c) of

18 this section or rule; or

19 (3) any other applicable laws.

1 Sec. 2. ADOPTION OF RULES AND REPORT

2 (a) On or before July 1, 2020, the Secretary of Natural Resources shall file
3 with the Secretary of State proposed rules to implement 10 V.S.A. § 586. The
4 rules shall establish a schedule to phase down the use of hydrofluorocarbons to
5 meet the goal of a 40 percent reduction from the 2013 level of use by 2030.

6 (b) On or before January 15, 2020, the Secretary of Natural Resources shall
7 submit a report to the Senate Committee on Natural Resources and Energy and
8 the House Committee on Energy and Technology on progress in filing
9 proposed rules to implement 10 V.S.A. § 586 and any delays in such
10 rulemaking.

11 Sec. 3. EFFECTIVE DATE

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

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16 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE