

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).

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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~~7671(3) and (4), 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.

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(43) ~~“SubstituteSubstance”~~ means a chemical, product substitute, or alternative manufacturing process, whether ~~existing-retrofit~~ 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, in stationary refrigeration, chillers, aerosol propellants, foam, and other end-uses.

~~(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.~~

~~(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.~~

~~(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.~~

(eb) The Secretary ~~may shall~~ 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 Reduce hydrofluorocarbon emissions by adopting prohibitions on the use of any substitute substances in stationary refrigeration, chillers, aerosol propellants, foam and other end-uses 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 substance 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.~~

~~(dc) 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, sell, install, use, or enter into commerce in Vermont any substitute substance in a manner~~

~~inconsistent with any of the following:~~

~~(1) any prohibitions adopted pursuant to in subdivision (b) of this section;~~

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

~~(32)~~ any other applicable laws.

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 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.