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H.523

Introduced by Representative McCormack of Burlington

Referred to Committee on

Date:

Subject: Conservation and development; air pollution; hydrofluorocarbons

Statement of purpose of bill as introduced: This bill proposes to adopt new policies regulating the use and disposal of hydrofluorocarbons (HFCs) in order to reduce the emission of HFCs more rapidly.

An act relating to reducing hydrofluorocarbon emissions

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

~~Sec. 1. 10 V.S.A. § 586 is amended to read:~~

~~§ 586. REGULATION OF HYDROFLUOROCARBONS~~

~~* * *~~

~~(b)(1) 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~~

1 restricted by Appendix II or V, as those read on January 3, 2017, and

2 consistent with the dates established in subdivision (b)(4) of this section.

3 * * *

4 (4) The restrictions under subdivision (b)(1) of this section shall take
5 effect beginning

6 (A) January 1, 2021, for propellants, rigid polyurethane applications
7 and spray foam, flexible polyurethane, integral skin polyurethane, flexible
8 polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation
9 board and bunstock, supermarket systems, remote condensing units, stand-
10 alone units, and vending machines;

11 (B) January 1, 2021, for refrigerated food processing and dispensing
12 equipment, compact residential consumer refrigeration products, polystyrene
13 extruded boardstock and billet, and rigid polyurethane low-pressure two
14 component-spray foam;

15 (C) January 1, 2022, for residential consumer refrigeration products
16 other than compact and built-in residential consumer refrigeration products;

17 (D) January 1, 2023, for cold storage warehouses and built-in
18 residential consumer refrigeration products;

19 (E) January 1, 2024, for centrifugal chillers and positive
20 displacement chillers, and

1 ~~(F) January 1, 2020, or the effective date of the restrictions identified~~
2 in appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on
3 January 3, 2017, whichever comes later, for all other applications and end uses
4 for substitutes not covered by the categories listed in subdivisions (A) through
5 (E) of this subsection (b);

6 ~~(G) January 1, 2023, for air conditioning units in new light-duty~~
7 ~~motor vehicles;~~

8 ~~(H) January 1, 2023, for air conditioning units in new heavy-duty~~
9 ~~motor vehicles;~~

10 ~~(I) July 1, 2022, for the construction of or improvement to ice~~
11 ~~skating rinks; and~~

12 ~~(J) January 1, 2023, for containers designed for consumer recharge of~~
13 ~~motor vehicle air conditioners.~~

14 * * *

15 ~~(e) The Secretary of Administration shall include in Administrative~~
16 ~~Bulletin 3.5 a requirement that State procurement contracts shall not include~~
17 ~~products that contain hydrofluorocarbons, as prohibited in this section.~~

18 ~~(f) No product allowed for sale containing hydrofluorocarbons shall be~~
19 ~~sold for retail sale in the State unless it bears a label warning of the~~
20 ~~hydrofluorocarbons.~~

21 ~~Sec. 2. 10 V.S.A. § 573 is amended to read.~~

1 § 573. MOTOR VEHICLE AIR CONDITIONING

2 * * *

3 (d)(1) No motor vehicle with a model year of 1995 or later may be
4 registered in the State or sold to a consumer or dealer in the State, if it contains
5 air conditioning that uses CFCs. No new motor vehicle may be sold or offered
6 for retail sale in the State, if it contains air conditioning that uses CFCs unless
7 it bears an 8-inch, by 11-inch placard attached to a passenger window, that
8 reads as follows: "AIR CONDITIONING IN THIS VEHICLE CONTAINS
9 CHLOROFLUOROCARBONS (CFCs). CFCs DEplete THE EARTH'S
10 PROTECTIVE OZONE LAYER, CAUSING SKIN CANCER AND
11 ENVIRONMENTAL DAMAGE."

12 (2) No motor vehicle with a model year of 2023 or later may be
13 registered in the State or sold to a consumer or dealer in the State if it contains
14 air conditioning that uses hydrofluorocarbons.

15 * * *

16 (g) No person shall repair motor vehicle air conditioning without the use of
17 equipment for the extraction and reclamation of hydrofluorocarbons from the
18 air conditioners.

19 Sec. 3. 30 V.S.A. § 51 is amended to read:

20 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH

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(e) Revision and interpretation of energy standards. The Commissioner of Public Service shall amend and update the RBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC. After January 1, 2011, the Commissioner shall ensure that appropriate revisions are made promptly after the issuance of updated standards for residential construction under the IECC. The Department of Public Service shall provide technical assistance and expert advice to the Commissioner in the interpretation of the RBES and in the formulation of specific proposals for amending the RBES. Prior to final adoption of each required revision of the RBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders, builders, building designers, utility representatives, and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner with additional recommendations for revision of the RBES.

(1) Any amendments to the RBES shall be.

1 ~~(A) consistent with duly adopted State energy policy, as specified in~~
2 section 202a of this title, ~~and~~ consistent with duly adopted State housing
3 policy, ~~consistent with the State's greenhouse gas reduction mandates, and~~
4 ~~shall not prohibit the use of refrigerants listed as acceptable under 42 U.S.C.~~
5 ~~§ 7671k of the Clean Air Act, provided equipment is listed and installed in~~
6 ~~accordance with the use conditions imposed within Section 7671k;~~

7 (B) evaluated relative to their technical applicability and reliability;

8 and

9 (C) cost-effective and affordable from the consumer's perspective.

10 * * *

11 Sec. 4. 30 V.S.A. § 53 is amended to read:

12 § 53. COMMERCIAL BUILDING ENERGY STANDARDS

13 * * *

14 (c) Revision and interpretation of energy standards. On or before
15 January 1, 2011, the Commissioner shall complete rulemaking to amend the
16 commercial building energy standards to ensure that commercial building
17 construction must be designed and constructed in a manner that complies with
18 ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC,
19 whichever provides the greatest level of energy savings. At least every three
20 years after January 1, 2011, the Commissioner of Public Service shall amend
21 and update the CBES by means of administrative rules adopted in accordance

1 ~~with 3 V.S.A., chapter 25. The Commissioner shall ensure that appropriate~~
2 revisions are made promptly after the issuance of updated standards for
3 commercial construction under the IECC or ASHRAE/ANSI/IESNA standard
4 90.1, whichever provides the greatest level of energy savings. Prior to final
5 adoption of each required revision of the CBES, the Department of Public
6 Service shall convene an Advisory Committee to include one or more
7 mortgage lenders; builders; building designers; architects; civil, mechanical,
8 and electrical engineers; utility representatives; and other persons with
9 experience and expertise, such as consumer advocates and energy conservation
10 experts. The Advisory Committee may provide the Commissioner of Public
11 Service with additional recommendations for revision of the CBES.

12 (1) Any amendments to the CBES shall be:

13 (A) consistent with duly adopted State energy policy, as specified in
14 30 V.S.A. § 202a, consistent with the State's greenhouse gas reduction
15 mandates, and shall not prohibit the use of refrigerants listed as acceptable
16 under 42 U.S.C. § 7671k of the Clean Air Act, provided equipment is listed
17 and installed in accordance with the use conditions imposed within Section
18 7671k; and

19 (B) evaluated relative to their technical applicability and reliability.

20 * * *

21 ~~Sec. 5. EFFECTIVE DATE~~

1 ~~This act shall take effect on July 1, 2022.~~

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

§ 586. REGULATION OF HYDROFLUOROCARBONS

** * **

(b)(1) 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 dates established in subdivision (b)(4) of this section.

** * **

(4) The restrictions under subdivision (b)(1) of this section shall take effect beginning:

** * **

(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 subdivisions (A) through (E) of this subsection (b);

(G) July 1, 2022, for the construction of or improvement to ice skating rinks; and

(H) January 1, 2023, for containers designed for consumer recharge of motor vehicle air conditioners that use substitutes prohibited under this section.

* * *

(e) The Secretary of Administration shall include in Administrative Bulletin 3.5 a requirement that State procurement contracts shall not include products that contain hydrofluorocarbons, as prohibited in this section.

Sec. 2. 10 V.S.A. § 573 is amended to read:

§ 573. MOTOR VEHICLE AIR CONDITIONING

* * *

(g) No person shall repair motor vehicle air conditioning without the use of equipment for the extraction and reclamation of hydrofluorocarbons from the air conditioners.

Sec. 3. 20 V.S.A. § 2731 is amended to read:

§ 2731. RULES; INSPECTIONS; VARIANCES

* * *

(m) Refrigerants. No statute, rule adopted under this section, or any other requirement of the State, may prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671k, provided any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.