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Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 161, L.D. 226, “An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 38 MRSA §1612** is enacted to read:

**§1612. Hydrofluorocarbon use restrictions**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aerosol propellant" means a liquefied or compressed gas, including, but not limited to, a cosolvent that is used in whole or in part to expel a liquid or other material from a self-pressurized container containing that liquid or other material or from a separate container.

B. "Air conditioning equipment" means chillers used exclusively for the comfort cooling of occupied spaces.

C. "Built-in household refrigerator or freezer" means a refrigerator, refrigerator-freezer or freezer designed for residential use that:

(1) Has 7.75 cubic feet, or 220 liters, or greater total refrigerated volume and 24 inches or less depth not including doors, handles and custom front panels;

(2) Has sides that are not finished and are not designed to be visible after installation;

(3) Is designed, intended and marketed exclusively to be installed completely encased by cabinetry or panels that are attached during installation and securely fastened to adjacent cabinetry, walls or flooring; and

(4) Is equipped with an integral factory-finished face or that accepts a custom front panel.

**COMMITTEE AMENDMENT**

- 1           D. "Capital cost" means an expense incurred in the production of goods or in the  
2           rendering of services, including, but not limited to, the cost of engineering; the cost of  
3           the purchase and installation of components or systems and instrumentation; and  
4           contractor and construction fees.
- 5           E. "Centrifugal chiller" means air conditioning equipment that uses a centrifugal  
6           compressor in a vapor-compression refrigeration cycle and is designed for comfort  
7           cooling. "Centrifugal chiller" does not include air conditioning equipment used for  
8           industrial process cooling and refrigeration.
- 9           F. "Cold storage warehouse" means a cooled facility designed to store meat, produce,  
10           dairy products and other products prior to the delivery of those products to other  
11           locations for sale to the ultimate consumer.
- 12           G. "Compact household refrigerator or freezer" means a refrigerator, refrigerator-  
13           freezer or freezer designed for residential use that has a total refrigerated volume of  
14           less than 7.75 cubic feet or 220 liters.
- 15           H. "Component" means a part of a refrigeration system, including, but not limited to,  
16           a condensing unit, compressor, condenser, evaporator or receiver and all of the  
17           refrigeration system's connections and subassemblies without which the refrigeration  
18           system would not properly function or would be subject to failure.
- 19           I. "End use" means a process or class of specific applications within an industry sector.
- 20           J. "Flexible polyurethane" means a nonrigid synthetic foam containing polymers of  
21           urethane radicals, including, but not limited to, foam used in furniture, bedding, chair  
22           cushions and shoe soles.
- 23           K. "Foam" means a product with a cellular structure, or a substance used to produce a  
24           product with a cellular structure formed via a foaming process, including materials that  
25           undergo hardening via chemical reaction or phase transition.
- 26           L. "Heat pump" means a device designed for the comfort heating or cooling of  
27           residential or commercial spaces, whether air sourced, water sourced or ground  
28           sourced, including, but not limited to, a mini-split heat pump. "Heat pump" does not  
29           include air conditioning equipment.
- 30           M. "Household refrigerator or freezer" means a refrigerator, refrigerator-freezer,  
31           freezer or miscellaneous residential refrigeration appliance that is designed for  
32           residential use. "Household refrigerator or freezer" does not include a compact  
33           household refrigerator or freezer or a built-in household refrigerator or freezer.
- 34           N. "Integral skin polyurethane" means a self-skinning polyurethane foam, including,  
35           but not limited to, foam used in automobile steering wheels and dashboards.
- 36           O. "Light duty vehicle" has the same meaning as "car" or "light duty truck" as defined  
37           in Title 5, section 1812-E.
- 38           P. "Metered dose inhaler" means a device that delivers a measured amount of  
39           medication as a mist that an individual can inhale and that consists of a pressurized  
40           canister of medication in a case with a mouthpiece.
- 41           Q. "Miscellaneous residential refrigeration appliance" means a residential refrigeration  
42           appliance that is smaller than a refrigerator, refrigerator-freezer or freezer and that is

1 designed for residential use, including, but not limited to, a cooler, a cooler  
2 compartment and a combination cooler-refrigeration or cooler-freezer product.

3 R. "New" means, with regard to a product or equipment:

4 (1) A product or equipment that is manufactured after the date of an applicable  
5 prohibition under subsection 2; or

6 (2) Equipment that is substantially expanded or modified after the date of an  
7 applicable prohibition under subsection 2 such that the capital cost of the expansion  
8 or modification exceeds 50% of the cost of replacing the entire system of which  
9 that equipment is a part.

10 S. "Phenolic insulation board" means phenolic insulation, including, but not limited  
11 to, insulation used for roofing and walls.

12 T. "Phenolic insulation bunstock" means phenolic insulation that is a large solid box-  
13 like structure that can be cut into specific custom lengths and shapes.

14 U. "Polyolefin" means foam sheets and tubes made of polyolefin.

15 V. "Polystyrene extruded boardstock and billet" means a foam formed from styrene  
16 polymers that is produced on extruding machines in the form of continuous foam slabs  
17 that can be cut and shaped into panels to be used for insulation of roofing, walls,  
18 flooring and pipes.

19 W. "Polystyrene extruded sheet" means polystyrene foam including foam used for  
20 packaging and buoyancy or flotation, including, but not limited to, foam made into  
21 food-service items, such as hinged polystyrene containers, food trays, plates, bowls and  
22 retail egg containers.

23 X. "Positive displacement chiller" means a vapor compression cycle chiller that uses  
24 a positive displacement compressor and is typically used for commercial comfort air  
25 conditioning. "Positive displacement chiller" does not include a chiller used for  
26 industrial process cooling and refrigeration.

27 Y. "Refrigerant gas" or "refrigerant" means a substance, including blends and mixtures  
28 of substances, that is used for heat transfer purposes.

29 Z. "Refrigerated food processing and dispensing equipment" means retail food  
30 refrigeration equipment that is designed to process and dispense food and beverages  
31 that are intended for immediate or near-immediate consumption, including, but not  
32 limited to, chilled and frozen beverages, ice cream and whipped cream. "Refrigerated  
33 food processing and dispensing equipment" does not include water coolers or units  
34 designed to exclusively cool and dispense water.

35 AA. "Refrigeration equipment" means a stationary device that is designed to contain  
36 and use refrigerant gas to establish or maintain colder than ambient temperatures in a  
37 confined space, including, but not limited to, retail food refrigeration equipment, a  
38 household refrigerator or freezer and a cold storage warehouse.

39 BB. "Remote condensing unit" means retail food refrigeration equipment that has a  
40 central condensing portion and may consist of one or more compressors, condensers or  
41 receivers assembled into a single unit, which may be located outside a retail sales area,  
42 including, but not limited to, such units that are commonly installed in convenience

1 stores, specialty shops such as bakeries or butcher shops, supermarkets, restaurants and  
2 other locations where food is stored, served or sold.

3 CC. "Residential use" means use by an individual of a substance, or a product  
4 containing a substance, in or around a permanent or temporary household, during  
5 recreation or for any personal use or enjoyment. "Residential use" does not include use  
6 within a household for commercial or medical applications or use in automobiles,  
7 watercraft or aircraft.

8 DD. "Retail food refrigeration equipment" means equipment designed to store and  
9 display chilled or frozen goods for commercial sale, including, but not limited to, stand-  
10 alone units, refrigerated food processing and dispensing equipment, remote condensing  
11 units, supermarket systems and vending machines.

12 EE. "Retrofit" means to replace the refrigerant contained in refrigeration equipment  
13 with a different refrigerant, including, but not limited to, any related modifications to  
14 the refrigeration equipment required to maintain its operation and reliability following  
15 refrigerant replacement.

16 FF. "Rigid polyurethane and polyisocyanurate laminated boardstock" means laminated  
17 board insulation made with polyurethane or polyisocyanurate foam, including, but not  
18 limited to, insulation for roofing and walls.

19 GG. "Rigid polyurethane appliance foam" means polyurethane insulation foam used  
20 in domestic appliances.

21 HH. "Rigid polyurethane high-pressure 2-component spray foam" means a liquid  
22 polyurethane foam system sold as 2 parts, such as an A side and a B side, in  
23 nonpressurized containers and that is field-applied or factory-applied in situ using high-  
24 pressure proportioning pumps, to 800 to 1,600 pounds per square inch, and an  
25 application gun to mix and dispense the chemical components.

26 II. "Rigid polyurethane in commercial refrigeration" means polyurethane insulation  
27 for pipes, walls and metal doors in retail food refrigeration equipment.

28 JJ. "Rigid polyurethane low-pressure 2-component spray foam" means a liquid  
29 polyurethane foam system sold as 2 parts, such as an A side and a B side, in containers  
30 that are pressurized to less than 250 pounds per square inch during manufacture for  
31 application without pumps and that is typically applied in situ relying upon a liquid  
32 blowing agent or gaseous blowing agent that also serves as a propellant.

33 KK. "Rigid polyurethane marine flotation foam" means buoyancy or flotation foam  
34 used in boat and ship manufacturing for both structural and flotation purposes.

35 LL. "Rigid polyurethane one-component foam sealant" means a polyurethane foam  
36 typically packaged in aerosol cans that is applied in situ using a gaseous blowing agent  
37 that also serves as a propellant for the aerosol formulation.

38 MM. "Rigid polyurethane sandwich panels" means a polyurethane foam sandwiched  
39 between outer structural layers and used to provide insulation in walls and doors,  
40 including for insulation in commercial refrigeration equipment and garage doors.

41 NN. "Rigid polyurethane slabstock" means a rigid closed-cell polyurethane foam  
42 formed into slabstock insulation for panels and pipes.

1 OO. "Stand-alone low-temperature unit" means a stand-alone unit that maintains food  
2 or beverages at temperatures at or below 32 degrees Fahrenheit.

3 PP. "Stand-alone medium-temperature unit" means a stand-alone unit that maintains  
4 food or beverages at temperatures above 32 degrees Fahrenheit.

5 QQ. "Stand-alone unit" means a retail refrigerator, freezer or reach-in cooler, whether  
6 open or with doors, that has fully integrated refrigeration components and a  
7 refrigeration circuit that may be completely brazed or welded and that is fully charged  
8 with refrigerant during manufacture and typically requires only an electricity supply to  
9 begin operation.

10 RR. "Substance" means any chemical or blend of chemicals intended for an end use  
11 listed in subsection 2 or regulated by the department by rule adopted pursuant to  
12 subsection 6.

13 SS. "Supermarket system" means a multiplex or centralized retail food refrigeration  
14 equipment system that is designed to cool or refrigerate and that operates using racks  
15 of compressors installed in a machinery room, including both a direct and an indirect  
16 system.

17 TT. "Use," with regard to a substance, includes, but is not limited to, consumption,  
18 incorporation or inclusion in a manufacturing process or product in the State;  
19 consumption for an end use in the State; and consumption, incorporation or inclusion  
20 in an intermediate application in the State, such as formulation or packaging for other  
21 subsequent applications. "Use" does not include residential use but does include  
22 manufacturing for the purpose of residential use.

23 UU. "Vending machine" means self-contained retail food refrigeration equipment that  
24 dispenses goods that must be kept cold or frozen.

25 **2. Prohibitions.** Except as provided in subsection 3 and in accordance with rules  
26 adopted by the department pursuant to this section, a person may not sell, lease, rent, install  
27 or enter into commerce in the State any product or equipment that uses or will use the  
28 following specified substances that are hydrofluorocarbons with high global warming  
29 potential for the following specified air conditioning, refrigeration, foam or aerosol  
30 propellant end uses.

31 A. Beginning January 1, 2022:

32 (1) For aerosol propellants in new products, the following substances are  
33 prohibited: HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and HFC-  
34 134a;

35 (2) For new compact household refrigerators or freezers, the following substances  
36 are prohibited: FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a  
37 (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-  
38 421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A,  
39 R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003  
40 formulation), SP34E and THR-03;

41 (3) For retrofitted supermarket systems, the following substances are prohibited:  
42 R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A and R-  
43 507A;

- 1                   (4) For new supermarket systems, the following substances are prohibited: HFC-  
2                   227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A  
3                   and R-507A;
- 4                   (5) For retrofitted remote condensing units, the following substances are  
5                   prohibited: R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-  
6                   434A and R-507A;
- 7                   (6) For new remote condensing units, the following substances are prohibited:  
8                   HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-  
9                   434A and R-507A;
- 10                  (7) For retrofitted stand-alone units, the following substances are prohibited: R-  
11                  404A and R-507A;
- 12                  (8) For new stand-alone medium-temperature units, the following substances are  
13                  prohibited: FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-  
14                  125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-  
15                  407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-  
16                  422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24  
17                  (2002 formulation), RS-44 (2003 formulation), SP34E and THR-03;
- 18                  (9) For new stand-alone low-temperature units, the following substances are  
19                  prohibited: HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-  
20                  404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-  
21                  421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A,  
22                  R-438A, R-507A and RS-44 (2003 formulation);
- 23                  (10) For new refrigerated food processing and dispensing equipment, the  
24                  following substances are prohibited: HFC-227ea, KDD6, R-125/290/134a/600a  
25                  (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-  
26                  410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A,  
27                  R-428A, R-434A, R-437A, R-438A, R-507A and RS-44 (2003 formulation);
- 28                  (11) For retrofitted vending machines, the following substances are prohibited: R-  
29                  404A and R-507A;
- 30                  (12) For new rigid polyurethane and polyisocyanurate laminated boardstock, the  
31                  following substances are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any  
32                  blends of those substances;
- 33                  (13) For new flexible polyurethane, the following substances are prohibited: HFC-  
34                  134a, HFC-245fa, HFC-365mfc and any blends of those substances;
- 35                  (14) For new integral skin polyurethane, the following substances are prohibited:  
36                  HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances;  
37                  Formacel TI; and Formacel Z-6;
- 38                  (15) For new polystyrene extruded sheet, the following substances are prohibited:  
39                  HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances;  
40                  Formacel TI; and Formacel Z-6;
- 41                  (16) For new phenolic insulation board and new phenolic insulation bunstock, the  
42                  following substances are prohibited: HFC-143a, HFC-134a, HFC-245fa, HFC-  
43                  365mfc and any blends of those substances;

- 1                   (17) For new rigid polyurethane slabstock and other new rigid polyurethane, the  
2                   following substances are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any  
3                   blends of those substances; Formacel TI; and Formacel Z-6;
- 4                   (18) For new rigid polyurethane appliance foam, the following substances are  
5                   prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
6                   substances; Formacel TI; and Formacel Z-6;
- 7                   (19) For new rigid polyurethane in commercial refrigeration and new rigid  
8                   polyurethane sandwich panels, the following substances are prohibited: HFC-134a,  
9                   HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and  
10                  Formacel Z-6;
- 11                  (20) For new polyolefin, the following substances are prohibited: HFC-134a,  
12                  HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and  
13                  Formacel Z-6;
- 14                  (21) For new rigid polyurethane one-component foam sealants, the following  
15                  substances are prohibited: HFC-134a, HFC-245fa and any blends of those  
16                  substances; blends of HFC-365mfc with 4% or more HFC-245fa; commercial  
17                  blends of HFC-365mfc with 7% to 13% HFC-227ea and the remainder HFC-  
18                  365mfc; and Formacel TI;
- 19                  (22) For new household refrigerators or freezers, the following substances are  
20                  prohibited: FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a  
21                  (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-  
22                  421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A,  
23                  R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003  
24                  formulation), SP34E and THR-03;
- 25                  (23) For new vending machines, the following substances are prohibited:  
26                  FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5),  
27                  R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D,  
28                  R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation) and SP34E;
- 29                  (24) For new rigid polyurethane marine flotation foam, the following substances  
30                  are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
31                  substances; Formacel TI; and Formacel Z-6;
- 32                  (25) For new polystyrene extruded boardstock and billet, the following substances  
33                  are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
34                  substances; Formacel TI; Formacel B; and Formacel Z-6;
- 35                  (26) For new rigid polyurethane high-pressure 2-component spray foam, the  
36                  following substances are prohibited: HFC-134a, HFC-245fa and any blends of  
37                  those substances; blends of HFC-365mfc with 4% or more HFC-245fa;  
38                  commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the remainder  
39                  HFC-365mfc; and Formacel TI; and
- 40                  (27) For new rigid polyurethane low-pressure 2-component spray foam, the  
41                  following substances are prohibited: HFC-134a, HFC-245fa and any blends of  
42                  those substances; blends of HFC-365mfc with 4% or more HFC-245fa;  
43                  commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the remainder  
44                  HFC-365mfc; and Formacel TI.

1            B. Beginning January 1, 2023:

2            (1) For new cold storage warehouses, the following substances are prohibited:  
3            HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B,  
4            R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D,  
5            R-423A, R-424A, R-428A, R-434A, R-438A, R-507A and RS-44 (2003  
6            composition); and

7            (2) For new built-in household refrigerators or freezers, the following substances  
8            are prohibited: FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a  
9            (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-  
10           421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A,  
11           R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003  
12           formulation), SP34E and THR-03.

13           C. Beginning January 1, 2024:

14           (1) For new centrifugal chillers, the following substances are prohibited: FOR12A,  
15           FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC-245fa, R-125/134a/600a  
16           (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-  
17           410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-423A, R-424A,  
18           R-434A, R-438A, R-507A, RS-44 (2003 composition) and THR-03; and

19           (2) For new positive displacement chillers, the following substances are  
20           prohibited: FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/134a/600a  
21           (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-  
22           410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-424A, R-434A,  
23           R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E and THR-03.

24           **3. Exemptions.** In accordance with rules adopted by the department pursuant to this  
25           section, the following exemptions apply to the prohibitions in subsection 2.

26           A. Except in the case of retrofitted products or equipment regulated under this section,  
27           the prohibitions in this section do not apply to the use of a product or equipment  
28           regulated under this section that is acquired by a person prior to the date of an  
29           applicable prohibition under subsection 2 on the selling, leasing, renting, installing or  
30           entering into commerce in the State of that product or equipment.

31           B. A product or equipment regulated under this section that is manufactured prior to  
32           the date of an applicable prohibition under subsection 2 on the selling, leasing, renting,  
33           installing or entering into commerce in the State of that product or equipment may be  
34           sold in, imported into, exported from, distributed in, installed in and used in the State  
35           after that date.

36           C. The department may approve a waiver request submitted by a person to allow that  
37           person to sell, lease, rent, install or enter into commerce in the State for a period of not  
38           more than 2 years a product or equipment that is otherwise prohibited from sale, lease,  
39           rental, installation or entry into commerce pursuant to this section and the rules adopted  
40           pursuant to this section. The department shall adopt rules establishing the process by  
41           which a person may submit such a waiver request and the criteria to be used by the  
42           department in assessing and approving or denying such waiver requests. The  
43           department shall require a person submitting such a waiver request to pay to the



1 department a reasonable fee to cover the department's costs in assessing and approving  
2 or denying such waiver requests.

3 D. Heat pumps are not subject to the prohibitions in this section.

4 E. The following end uses of the substance HFC-134a are not subject to the  
5 prohibitions in this section:

6 (1) As an aerosol propellant in new cleaning products designed to remove grease,  
7 flux and other soils from electrical equipment;

8 (2) For new refrigerant flushes;

9 (3) In a new product for sensitivity testing of smoke detectors;

10 (4) As a new lubricant or freeze spray for electrical equipment or electronics;

11 (5) As a new spray for aircraft maintenance purposes;

12 (6) As a new spray containing corrosion preventive compounds that is used in the  
13 maintenance of aircraft, electrical equipment, electronics or military equipment;

14 (7) As a new pesticide for use near electrical wires, in aircraft, in total release  
15 insecticide foggers or in certified organic use pesticides for which the federal  
16 Environmental Protection Agency has specifically disallowed all other lower  
17 global warming potential propellants;

18 (8) As a new mold release agent or mold cleaner;

19 (9) As a new lubricant or cleaner for spinnerets for synthetic fabrics;

20 (10) As a new duster spray specifically used for the removal of dust from  
21 photographic negatives, semiconductor chips, specimens under electron  
22 microscopes and energized electrical equipment;

23 (11) As a new adhesive or sealant in canisters for commercial use;

24 (12) As a new document preservation spray;

25 (13) As a new wound care spray, new topical cooling spray for pain relief or new  
26 product for removing bandage adhesives from skin; and

27 (14) As a new air conditioning refrigerant for military marine vessels when the  
28 department has determined that reasonable efforts have been made to ascertain that  
29 other alternatives are not technically feasible due to performance or safety  
30 requirements.

31 F. The substances HFC-134a and HFC-227ea and blends of HFC-227ea and HFC-  
32 134a are not subject to the prohibitions in this section when used as an aerosol  
33 propellant for new metered dose inhalers approved by the United States Department of  
34 Health and Human Services, Food and Drug Administration for medical purposes.

35 G. The substances HFC-134a and R-404A are not subject to the prohibitions in this  
36 section when used as a new air conditioning refrigerant in spacecraft intended for  
37 human occupancy and related support equipment when the department has determined  
38 that reasonable efforts have been made to ascertain that other alternatives are not  
39 technically feasible due to performance or safety requirements.

40 H. Until January 1, 2025, the prohibitions in this section do not apply to:

1           (1) New foams, excluding rigid polyurethane one-component foam sealants, when  
2           used in space-related and aeronautics-related applications when the department has  
3           determined that reasonable efforts have been made to ascertain that other  
4           alternatives are not technically feasible due to performance or safety requirements;  
5           and

6           (2) New rigid polyurethane high-pressure 2-component spray foams and new rigid  
7           polyurethane low-pressure 2-component spray foams, when used in military or  
8           space-related and aeronautics-related applications when the department has  
9           determined that reasonable efforts have been made to ascertain that other  
10           alternatives are not technically feasible due to performance or safety requirements.

11           I. Any product or equipment the end use of which is regulated under this section is  
12           exempt from the prohibitions in this section and the rules adopted pursuant to this  
13           section if such state regulation of the product or equipment is preempted by federal  
14           statute or regulation, so long as that federal preemption remains in effect.

15           **4. Record keeping.** In accordance with rules adopted by the department pursuant to  
16           this section, a person that manufactures for sale or entry into commerce in the State a  
17           product or equipment regulated under this section shall maintain for 5 years, and shall make  
18           available to the department upon request, records sufficient to demonstrate that the product  
19           or equipment does not contain any substances prohibited for an applicable end use  
20           regulated under this section or that the product or equipment is exempt from the  
21           prohibitions in this section pursuant to subsection 3.

22           **5. Venting prohibition.** In accordance with rules adopted by the department, a person  
23           may not intentionally or knowingly vent or otherwise release into the environment any  
24           prohibited substance identified pursuant to subsection 2 when maintaining, servicing,  
25           repairing or disposing of a product or equipment regulated under this section that was sold,  
26           leased, rented, installed or entered into commerce in the State prior to the date of an  
27           applicable prohibition under subsection 2 for that product or equipment. The prohibition  
28           under this subsection does not apply to a person who causes such a release if that release is  
29           de minimis and the person caused the release while engaged in a good faith attempt to  
30           recycle or recover the prohibited substance in a product or equipment regulated under this  
31           section.

32           **6. Rulemaking.** The department shall adopt rules to implement this section. Rules  
33           adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
34           375, subchapter 2-A.

35           A. In its initial adoption of rules to implement this section, the department may not  
36           regulate a substance or end use not specifically identified in this section. Subsequent  
37           to that initial adoption of rules, the department may amend its adopted rules to regulate  
38           or exempt, consistent with this section, substances that are hydrofluorocarbons with  
39           high global warming potential and air conditioning, refrigeration, foam or aerosol  
40           propellant end uses that are not specifically identified in this section or for other  
41           purposes consistent with this section.

42           B. Prior to adopting or amending rules to implement this section, the department shall  
43           consult with the Department of Public Safety, Office of the State Fire Marshal  
44           regarding the effects of any proposed rules on safety-related requirements and  
45           restrictions in state or local building codes and in other related state laws and rules.

