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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 1505, L.D. 2112, Bill, "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 compressed gas or vapor contained in a container that, upon release of pressure and expansion through a valve, carries another substance from the container as a mist or spray.

B. "Air conditioning equipment" means chillers designed 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 greater total 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 floor; and

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

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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.

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  
20 sector.

21 J. "Flexible polyurethane" means a nonrigid synthetic foam containing polymers of  
22 urethane radicals, including, but not limited to, foam used in furniture, bedding, chair  
23 cushions and shoe soles.

24 K. "Foam-blowing agent" or "foam" means a product or substance used to produce a  
25 product with a cellular structure formed via a foaming process, including materials  
26 that undergo hardening or phase transition, such as polymers and plastics.

27 L. "Heat pump" means a device designed for the comfort heating or cooling of  
28 residential or commercial spaces, whether air sourced, water sourced or ground  
29 sourced, including, but not limited to, a mini-split heat pump.

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 synthetic self-skinning foam containing  
35 polymers of urethane radicals, including, but not limited to, foam used in shoe soles  
36 and automobile steering wheels and dashboards.

37 O. "Light duty vehicle" has the same meaning as "car" or "light duty truck," as  
38 defined in Title 5, section 1812-E.

39 P. "Metered dose inhaler" means a device that delivers a measured amount of  
40 medication as a mist that an individual can inhale and that consists of a pressurized  
41 canister of medication in a case with a mouthpiece.

1 Q. "Miscellaneous residential refrigeration appliance" means a residential  
2 refrigeration appliance that is smaller than a refrigerator, refrigerator-freezer or  
3 freezer and that is designed for residential use, including, but not limited to, a cooler,  
4 a cooler compartment and a combination cooler-refrigeration or cooler-freezer  
5 product.

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

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

9 (2) Equipment that is substantially modified after the date of an applicable  
10 prohibition under subsection 2 such that the capital cost of the modification  
11 exceeds 50% of the cost of replacing the entire system of which that equipment is  
12 a part of.

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

15 T. "Phenolic insulation bunstock" means phenolic insulation that is a large solid box-  
16 like structure formed during the production of polystyrene insulation and that can be  
17 cut into specific custom lengths and shapes.

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

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

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

27 X. "Positive displacement chiller" means a vapor compression cycle chiller that uses  
28 a positive displacement compressor and is typically used for commercial comfort air  
29 conditioning. "Positive displacement chiller" does not include a chiller used for  
30 industrial process cooling and refrigeration.

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

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

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

1 BB. "Remote condensing unit" means retail food refrigeration equipment that has a  
2 central condensing portion and may consist of one or more compressors, condensers  
3 or receivers assembled into a single unit, which may be located outside a retail sales  
4 area, including, but not limited to, such units that are commonly installed in  
5 convenience stores, specialty shops such as bakeries or butcher shops, supermarkets,  
6 restaurants and other locations where food is stored, served or sold.

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

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

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

20 FF. "Rigid polyurethane and polyisocyanurate laminated boardstock" means  
21 laminated board insulation made with polyurethane or polyisocyanurate foam,  
22 including insulation for roofing and walls.

23 GG. "Rigid polyurethane appliance foam" means polyurethane insulation foam used  
24 in domestic appliances.

25 HH. "Rigid polyurethane high-pressure 2-component spray foam" means a foam  
26 product that is:

- 27 (1) Pressurized to 800 to 1,600 pounds per square inch during manufacture;  
28 (2) Sold in pressurized containers as 2 parts; and  
29 (3) Blown and applied in situ using high-pressure pumps to propel the foam,  
30 regardless of whether such application involves the use of liquid blowing agents  
31 without an additional propellant.

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

34 JJ. "Rigid polyurethane low-pressure 2-component spray foam" means a foam  
35 product that is:

- 36 (1) Pressurized to less than 250 pounds per square inch during manufacture;  
37 (2) Sold in pressurized containers as 2 parts; and  
38 (3) Typically applied in situ using a gaseous foam-blowing agent as a propellant  
39 without the use of pumps.

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

3 LL. "Rigid polyurethane one-component foam sealant" means a foam packaged in  
4 aerosol cans that is applied in situ using a gaseous foam-blowing agent that is also the  
5 propellant.

6 MM. "Rigid polyurethane sandwich panels" means polyurethane insulation  
7 sandwiched between outer structural layers and used as insulation for walls and metal  
8 doors, including garage doors.

9 NN. "Rigid polyurethane slabstock" means a rigid closed-cell foam containing  
10 polymers of urethane radicals formed into slabstock insulation for panels and pipes.

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

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

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

20 RR. "Substance" means any chemical or blend of chemicals intended for an end use.

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

25 TT. "Use" with regard to a use of a substance, includes, but is not limited to, use in a  
26 manufacturing process or product in the State; consumption for an end use in the  
27 State; and use in an intermediate application in the State, such as formulation or  
28 packaging for other subsequent applications. "Use" does not include residential use  
29 but does include manufacturing for the purpose of residential use.

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

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

38 A. Beginning July 1, 2021, or 180 days after the adoption of rules by the department  
39 to implement this section, whichever is later:

- 1           (1) For aerosol propellants in new products, the following substances are  
2           prohibited: HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and  
3           HFC-134a;
- 4           (2) For new compact household refrigerators or freezers, the following  
5           substances are prohibited: FOR12A, FOR12B, HFC-134a, KDD6, R-  
6           125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-  
7           410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A,  
8           R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002  
9           formulation), RS-44 (2003 formulation), SP34E and THR-03;
- 10          (3) For retrofitted supermarket systems, the following substances are prohibited:  
11          R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A and R-  
12          507A;
- 13          (4) For new supermarket systems, the following substances are prohibited:  
14          HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-  
15          434A and R-507A;
- 16          (5) For retrofitted remote condensing units, the following substances are  
17          prohibited: R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-  
18          434A and R-507A;
- 19          (6) For new remote condensing units, the following substances are prohibited:  
20          HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-  
21          434A and R-507A;
- 22          (7) For retrofitted stand-alone units, the following substances are prohibited: R-  
23          404A and R-507A;
- 24          (8) For new stand-alone medium-temperature units, the following substances are  
25          prohibited: FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-  
26          125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-  
27          407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C,  
28          R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24  
29          (2002 formulation), RS-44 (2003 formulation), SP34E and THR-03;
- 30          (9) For new stand-alone low-temperature units, the following substances are  
31          prohibited: HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-  
32          404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A,  
33          R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-  
34          437A, R-438A, R-507A and RS-44 (2003 formulation);
- 35          (10) For new refrigerated food processing and dispensing equipment, the  
36          following substances are prohibited: HFC-227ea, KDD6, R-125/290/134a/600a  
37          (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-  
38          410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A,  
39          R-428A, R-434A, R-437A, R-438A, R-507A and RS-44 (2003 formulation);
- 40          (11) For retrofitted vending machines, the following substances are prohibited:  
41          R-404A and R-507A;

1           (12) For new rigid polyurethane and polyisocyanurate laminated boardstock, the  
2           following substances are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and  
3           any blends of those substances;

4           (13) For new flexible polyurethane, the following substances are prohibited:  
5           HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances;

6           (14) For new integral skin polyurethane, the following substances are prohibited:  
7           HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances;  
8           Formacel TI; and Formacel Z-6;

9           (15) For new polystyrene extruded sheet, the following substances are  
10          prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
11          substances; Formacel TI; and Formacel Z-6;

12          (16) For new phenolic insulation board and new phenolic insulation bunstock,  
13          the following substances are prohibited: HFC-143a, HFC-134a, HFC-245fa,  
14          HFC-365mfc and any blends of those substances;

15          (17) For new rigid polyurethane slabstock and other new rigid polyurethane, the  
16          following substances are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and  
17          any blends of those substances; Formacel TI; and Formacel Z-6;

18          (18) For new rigid polyurethane appliance foam, the following substances are  
19          prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
20          substances; Formacel TI; and Formacel Z-6;

21          (19) For new rigid polyurethane in commercial refrigeration and new rigid  
22          polyurethane sandwich panels, the following substances are prohibited: HFC-  
23          134a, HFC-245fa, HFC-365mfc and any blends of those substances; Formacel  
24          TI; and Formacel Z-6;

25          (20) For new polyolefin, the following substances are prohibited: HFC-134a,  
26          HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and  
27          Formacel Z-6; and

28          (21) For new rigid polyurethane one-component foam sealants, the following  
29          substances are prohibited: HFC-134a, HFC-245fa and any blends of those  
30          substances; blends of HFC-365mfc with at least 4% HFC-245fa; commercial  
31          blends of HFC-365mfc with 7% to 13% HFC-227ea and the remainder HFC-  
32          365mfc; and Formacel TI.

33          B. Beginning January 1, 2022:

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

1                   (2) For new vending machines, the following substances are prohibited:  
2                   FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a  
3                   (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-  
4                   422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002  
5                   formulation) and SP34E

6                   (3) For new rigid polyurethane marine flotation foam, the following substances  
7                   are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
8                   substances; Formacel TI; and Formacel Z-6;

9                   (4) For new polystyrene extruded boardstock and billet, the following substances  
10                   are prohibited: HFC-134a, HFC-245fa, HFC-365mfc and any blends of those  
11                   substances; Formacel TI; Formacel B; and Formacel Z-6;

12                   (5) For new rigid polyurethane high-pressure 2-component spray foam, the  
13                   following substances are prohibited: HFC-134a, HFC-245fa and any blends of  
14                   those substances; blends of HFC-365mfc with at least 4% HFC-245fa;  
15                   commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the  
16                   remainder HFC-365mfc; and Formacel TI; and

17                   (6) For new rigid polyurethane low-pressure 2-component spray foam, the  
18                   following substances are prohibited: HFC-134a, HFC-245fa and any blends of  
19                   those substances; blends of HFC-365mfc with at least 4% HFC-245fa;  
20                   commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the  
21                   remainder HFC-365mfc; and Formacel TI.

22                   C. Beginning January 1, 2023:

23                   (1) For new cold storage warehouses, the following substances are prohibited:  
24                   HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-  
25                   407B, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C,  
26                   R-422D, R-423A, R-424A, R-428A, R-434A, R-438A, R-507A and RS-44 (2003  
27                   composition); and

28                   (2) For new built-in household refrigerators or freezers, the following substances  
29                   are prohibited: FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a  
30                   (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-  
31                   421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A,  
32                   R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003  
33                   formulation), SP34E and THR-03.

34                   D. Beginning January 1, 2024:

35                   (1) For new centrifugal chillers, the following substances are prohibited:  
36                   FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC-245fa, R-  
37                   125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A,  
38                   R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-  
39                   423A, R-424A, R-434A, R-438A, R-507A, RS-44 (2003 composition) and THR-  
40                   03; and

41                   (2) For new positive displacement chillers, the following substances are  
42                   prohibited: FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-



1                   125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A,  
2                   R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-  
3                   424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E  
4                   and THR-03.

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

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

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

17                  C. The department may approve a waiver request submitted by a person to allow that  
18                  person to sell, lease, rent, install or enter into commerce in the State for a period of  
19                  not more than 2 years a product or equipment that is otherwise prohibited from sale,  
20                  lease, rental, installation or entry into commerce pursuant to this section and the rules  
21                  adopted pursuant to this section. The department shall adopt rules establishing the  
22                  process by which a person may submit such a waiver request and the criteria to be  
23                  used by the department in assessing and approving or denying such waiver requests.  
24                  The department shall require a person submitting such a waiver request to pay to the  
25                  department a reasonable fee to cover the department's costs in assessing and  
26                  approving or denying such waiver requests.

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

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

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

32                   (2) For new refrigerant flushes;

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

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

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

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

39                   (7) As a new pesticide for use near electrical wires, in aircraft, in total release  
40                   insecticide foggers or in certified organic use pesticides for which the federal

1 Environmental Protection Agency has specifically disallowed all other lower  
2 global warming potential propellants;

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

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

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

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

9 (12) As a new document preservation spray;

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

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

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

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

25 H. Until January 1, 2022, the prohibitions in this section do not apply to new foams,  
26 excluding rigid polyurethane one-component foam sealants, when used in military  
27 applications when the department has determined that reasonable efforts have been  
28 made to ascertain that other alternatives are not technically feasible due to  
29 performance or safety requirements.

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

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

36 (2) New rigid polyurethane high-pressure 2-component spray foams and new  
37 rigid polyurethane low-pressure 2-component spray foams, when used in military  
38 or space-related and aeronautics-related applications when the department has  
39 determined that reasonable efforts have been made to ascertain that other

1 alternatives are not technically feasible due to performance or safety  
2 requirements.

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

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

20 **6. Rulemaking.** The department shall adopt rules to implement this section.

21 A. In its initial adoption of rules to implement this section, the department may not  
22 regulate a substance or end use not specifically identified in this section. Subsequent  
23 to that initial adoption of rules, the department may amend its adopted rules to  
24 regulate or exempt, consistent with this section, substances that are  
25 hydrofluorocarbons with high global warming potential and air conditioning,  
26 refrigeration, foam or aerosol propellant end uses that are not specifically identified  
27 in this section or for other purposes consistent with this section.

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

32 C. The department may not adopt by rule a prohibition pursuant to this section that is  
33 applicable to new light duty vehicles unless a substantially similar prohibition has  
34 been adopted in another state and is in effect in that other state.

35 D. If, pursuant to the federal Clean Air Act, 42 United States Code, Section 7671k,  
36 the United States Environmental Protection Agency approves a hydrofluorocarbon  
37 blend with a global warming potential of 750 or less for foam blowing of polystyrene  
38 extruded boardstock and billet or rigid polyurethane low-pressure 2-component spray  
39 foam, the department shall as necessary and as soon as is practicable, initiate  
40 rulemaking to amend its rules adopted pursuant to this section to address that federal  
41 action.

42 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
43 chapter 375, subchapter 2-A.'

**SUMMARY**

1  
2 This amendment replaces the bill and provides that, in accordance with rules adopted  
3 by the Department of Environmental Protection, a person may not sell, lease, rent, install  
4 or enter into commerce in the State a product or equipment that uses or will use certain  
5 specified substances that are hydrofluorocarbons with high global warming potential for  
6 certain specified air conditioning, refrigeration, foam or aerosol propellant end uses.  
7 Those specified substances and specified end uses that are prohibited under the  
8 amendment, as well as specified exemptions to those prohibitions, are identical or  
9 substantially similar to those provided for in the bill, except that:

10 1. For all substances and end uses for which a prohibition under the bill is effective  
11 January 1, 2021, the amendment provides an effective date for that prohibition of July 1,  
12 2021 or 180 days after the adoption of rules by the department, whichever is later;

13 2. It removes language regarding regulation of the use of prohibited products and  
14 equipment and provides that the prohibitions do not apply to the use of regulated products  
15 or equipment acquired by a person prior to the effective date of an applicable prohibition  
16 and that regulated products and equipment manufactured prior to the effective date of an  
17 applicable prohibition may be sold in, imported into, exported from, distributed in,  
18 installed in and used in the State after that effective date;

19 3. It authorizes the department to approve a waiver request allowing a person to sell,  
20 lease, rent, install or enter into commerce in the State for a period of not more than 2  
21 years a product or equipment that is otherwise prohibited. A person submitting such a  
22 waiver request must pay to the department a reasonable fee to cover the department's  
23 costs in assessing and approving or denying such waiver requests;

24 4. It removes the prohibition on certain new light duty vehicles and replaces that  
25 prohibition with an authorization for the department to adopt by rule a similar prohibition  
26 only if a substantially similar prohibition has been adopted in another state and is in effect  
27 in that other state;

28 5. It provides that prior to adopting or amending rules to implement this legislation,  
29 the department must consult with the Department of Public Safety, Office of the State  
30 Fire Marshal regarding the effects of any proposed rules on safety-related requirements  
31 and restrictions in state or local building codes and in other related state laws and rules;

32 6. It requires the department, as necessary and as soon as is practicable, to amend its  
33 rules implementing this legislation if, pursuant to the federal Clean Air Act, the United  
34 States Environmental Protection Agency approves a hydrofluorocarbon blend with a  
35 global warming potential of 750 or less for foam blowing of polystyrene extruded  
36 boardstock and billet or rigid polyurethane low-pressure 2-component spray foam; and

37 7. It removes from the bill provisions requiring disclosure statements.

**FISCAL NOTE REQUIRED**

**(See attached)**