



March 15, 2021

**To:** The Honorable Ralph Tucker, Chair  
Members, Joint Committee on Environment and Natural Resources

**From:** Margaret Gorman  
Senior Director, State Affairs

**Re:** **LD 226 – An Act To Limit the Use of Hydrofluorocarbons (HFCs) To Fight Climate Change.**

The American Chemistry Council (ACC) appreciates the opportunity to comment on LD 226 - An Act To Limit the Use of Hydrofluorocarbons (HFCs) To Fight Climate Change. ACC represents a diverse set of material manufacturers, including companies that produce and sell polyurethane foam products and systems like spray foam insulation systems and the chemicals and equipment necessary for their use.

Eighteen states have, or are considering, restrictions on the use of HFC foam blowing agents. These restrictions have been developed in response to the U.S. Court of Appeals decision to vacate portions of the U.S. Environmental Protection Agency's Significant New Alternative Policy (SNAP) Rules 20 and 21. California, Colorado, Delaware New Jersey, New York, Maryland, Massachusetts, Vermont, and Washington have enacted restrictions. In addition to LD 226, there is active legislation in Texas and Oregon, and administrative rulemaking in Connecticut, Nevada, Pennsylvania, Rhode Island, and Virginia. Because individual states are leading the effort to restrict the use of HFCs, ACC's goal is to advocate for a consistent national framework for HFC restrictions. In addition to working with state legislatures and environmental authorities, ACC has coordinated with the U.S. Climate Alliance to help develop policy options and advocate for consistent restrictions.

ACC submits the following recommendations to amend LD 226:

#### **Subsection 1 – Definitions:**

ACC has identified several inconsistencies in the definitions for polyurethane end uses. The definitions of the polyurethane end uses reference "polymers," "polyurethane polymers," "polyurethane," "urethane," and the raw materials used to form polyurethane polymers. ACC suggests developing a definition for "polyurethane," and then referencing the term polyurethane in the definition of the end uses. This builds a consistent approach to the end use definitions. The definition of "Foam" seems to define "foam" and "foam blowing agents." These are different concepts should be defined separately. ACC notes that LD 226 corrected the definitions for "Integral skin polyurethane," "Rigid polyurethane low-pressure 2-component spray foam," and "Rigid polyurethane low-pressure 2-component spray foam." CPI notes other technical changes below that would help clarify the definitions and build consistency among states regulating HFC foam blowing agents.

Accordingly, ACC submits the following technical changes to Section 1, Subsection 1:

- "Polyurethane" means a polymer formed principally by the reaction of an isocyanate and a polyol.
- "Flexible polyurethane" means a nonrigid synthetic polyurethane foam ~~containing polymers of urethane radicals,~~ including, but not limited to, foam used in furniture, bedding, and chair cushions ~~and shoe soles.~~

Urethane radicals is not an industry supported term. Shoe soles can be flexible foam or integral skin foam. They are not a good example product.



- “Foam” means a product with a cellular structure, ~~or a substance used to produce a product with a cellular structure~~ formed via a foaming process, including materials that undergo hardening via a chemical reaction or phase transition, ~~such as polymers and plastics.~~
- “Foam blowing agent” means a substance used to produce the product with a cellular structure formed via a foaming process in a variety of materials that undergo hardening via chemical reaction or phase transition.

Foam blowing and Foam are different terms. They should be defined separately.

- "Rigid polyurethane and polyisocyanurate laminated boardstock" means laminated board insulation made with polyurethane or polyisocyanurate foam, including foam used for insulating roofing and walls.
- “Rigid polyurethane appliance foam” means polyurethane ~~insulation~~ foam to provide insulation in domestic appliances.
- “Rigid polyurethane marine flotation foam” means buoyancy or flotation polyurethane foam used in boat and ship manufacturing for both structural and flotation purposes.

### **Subsection 3 – Exemptions:**

CPI supports the sell-through provision in subsection 3B. Sell-through periods ensures the value chain can properly prepare for the implementation of the HFC restrictions without destroying unused product.

### **Subsection 4 – Recordkeeping:**

ACC opposes recordkeeping in favor of on-product, or on product packaging label, disclosures. Disclosures will provide DEP and enforcement officials with the necessary information to ensure low-GWP products are used in Maine. Recordkeeping will burden industry without a measurable benefit.

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

ACC recommends use of the following disclosure statement for polyurethane foam products: “Where sold, compliant with state HFC restrictions.” We believe deference to the Maine Department of Environmental Protection is appropriate for labeling provisions. Currently, this disclosure language can be used in California, Colorado, Delaware New York, Maryland, Massachusetts, Vermont, and Washington.

ACC appreciates the committee’s consideration of this request for amendment. Should you have any questions, please do not hesitate to contact me at 518-432-7835 or [margaret\\_gorman@americanchemistry.com](mailto:margaret_gorman@americanchemistry.com). You may also contact ACC’s Maine-based representative Chris Jackson at (207) 622-1365 or [chris@mitchelltardyjackson.com](mailto:chris@mitchelltardyjackson.com).