

D R A F T

SUMMARY

Prohibits certain products that use or contain hydrofluorocarbons from entering into commerce in Oregon if product was manufactured after specified date.

Permits Department of Consumer and Business Services to adopt rules to conform state building code to restrictions on products that use or contain hydrofluorocarbons.

Permits state contracting agencies to give preference to products that do not use or contain hydrofluorocarbons or that use or contain hydrofluorocarbons with low global warming potential.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to hydrofluorocarbons; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2020 Act are added to and made a part of ORS chapter 468A.

SECTION 2. As used in this section and section 3 of this 2020 Act:

(1) “Class I substances” and “class II substances” mean those substances listed in 42 U.S.C. 7671a and those substances listed in appendix A or B, subpart A of 40 C.F.R. part 82, as in effect on January 3, 2017.

(2) “Consumer refrigeration product” has the meaning given that term in 10 C.F.R. 430.2, as in effect on January 3, 2017.

(3) “Hydrofluorocarbon” means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine and carbon.

(4) “Manufacturer” includes any person, firm, association, partnership, corporation, governmental entity, organization or joint venture that produces any product or equipment that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

(5) “Retrofit” has the same meaning given that term in 40 C.F.R. 82.152, as in effect on January 3, 2017.

(6)(a) “Substitute” means a chemical, product substitute or alternative manufacturing process, whether existing 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 but not limited to hydrofluorocarbons.

(b) “Substitute” does not mean 2-BTP or any compound as applied to its use in aerospace fire extinguishing systems.

SECTION 3. (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 Oregon if that product or equipment consists of, uses or will use a substitute for the applications or end uses restricted by appendix U or V, subpart G of 40 C.F.R. part 82, as in effect on January 3, 2017, and that product or equipment was manufactured after the deadline established by subsection (2) of this section. Except where an existing product or equipment is retrofit, nothing in this section requires a person that acquired a restricted product or equipment prior to the deadline established by subsection (2) of this section to cease use of that product or equipment.

(2) The restrictions under subsection (1) of this section apply to products or equipment manufactured on or after the following deadlines:

(a) January 1, 2021, for:

(A) Propellants;

(B) Rigid polyurethane applications and spray foam, flexible

1 polyurethane, integral skin polyurethane, flexible polyurethane foam,
2 polystyrene extruded sheet, polyolefin, phenolic insulation board and
3 bunstock;

4 (C) Supermarket systems, remote condensing units and stand-alone
5 units;

6 (D) Refrigerated food processing and dispensing equipment;

7 (E) Compact residential consumer refrigeration products; and

8 (F) Polystyrene extruded boardstock and billet and rigid
9 polyurethane low-pressure two component spray foam.

10 (b) January 1, 2022, for:

11 (A) Residential consumer refrigeration products other than compact
12 and built-in residential consumer refrigeration products; and

13 (B) Vending machines.

14 (c) January 1, 2023, for:

15 (A) Cold storage warehouses; and

16 (B) Built-in residential consumer refrigeration products.

17 (d) January 1, 2024, for centrifugal chillers and positive displace-
18 ment chillers.

19 (e) January 1, 2021, or the effective date of the restrictions identi-
20 fied in appendix U or V, subpart G of 40 C.F.R. part 82, as in effect
21 on January 3, 2017, whichever comes later, for all other applications
22 and end uses for substitutes not described in paragraphs (a) to (d) of
23 this subsection.

24 (3) The Environmental Quality Commission may by rule:

25 (a) Modify the deadlines established by subsection (2) of this section
26 if the commission determines that the modification reduces the overall
27 risk to human health or the environment and reflects the earliest date
28 that a substitute is currently or potentially available;

29 (b) Prohibit the use of a substitute if the commission determines
30 that the prohibition reduces the overall risk to human health or the
31 environment and that a lower risk substitute is currently or poten-

1 tially available;

2 (c) Adopt a list of approved substitutes, use conditions or use limits;

3 (d) Add or remove substitutes, use conditions or use limits to or
4 from the list of approved substitutes if the commission determines
5 those substitutes reduce the overall risk to human health and the en-
6 vironment; and

7 (e) Designate acceptable uses of hydrofluorocarbons for medical
8 uses that are exempt from the requirements of subsection (2) of this
9 section.

10 (4) The commission shall adopt rules requiring manufacturers to
11 disclose the substitutes used in their products or equipment by:

12 (a) Labeling products and equipment; or

13 (b) Submitting information to the Department of Environmental
14 Quality.

15 (5) The commission may adopt rules to administer, implement and
16 enforce this section. When adopting rules under this section, the
17 commission shall, where feasible and appropriate, adopt rules that are
18 the same or consistent with the regulatory standards, exemptions, re-
19 porting obligations, disclosure requirements and other compliance re-
20 quirements of the federal government or other states that have
21 adopted restrictions on the use of hydrofluorocarbons and other sub-
22 stitutes.

23 (6) For the purposes of implementing the restrictions specified in
24 appendix U, subpart G of 40 C.F.R. part 82, as in effect on January 3,
25 2017, consistent with this section, the commission and the department
26 shall interpret the term “aircraft maintenance” to mean activities that
27 support the production, fabrication, manufacture, rework, inspection,
28 maintenance, overhaul or repair of commercial, civil or military air-
29 craft, aircraft parts, aerospace vehicles or aerospace components.

30 (7) The authority granted by this section to the commission to re-
31 strict the use of substitutes is supplementary to the commission’s

1 authority to control air pollution pursuant to ORS 468A.025. Nothing
2 in this section limits the authority of the commission under ORS
3 468A.025.

4 SECTION 4. (1) As used in this section, “substitute” has the mean-
5 ing given that term in section 2 of this 2020 Act.

6 (2) The Director of the Department of Consumer and Business Ser-
7 vices may adopt rules that conform the state building code to the re-
8 strictions on substitutes under section 3 of this 2020 Act or a rule
9 adopted by the Environmental Quality Commission under section 3 of
10 this 2020 Act. The director shall consult with the Department of En-
11 vironmental Quality before adopting any rule that requires the use of
12 a substitute.

13 SECTION 5. Section 6 of this 2020 Act is added to and made a part
14 of ORS chapter 279A.

15 SECTION 6. (1) As used in this section, “hydrofluorocarbon” has the
16 meaning given that term in section 2 of this 2020 Act.

17 (2) Notwithstanding provisions of law requiring a state contracting
18 agency to award a contract to the lowest responsible bidder or best
19 proposer or provider of a quotation, a state contracting agency
20 charged with the procurement of goods for any public use may give
21 preference to the procurement of goods that do not contain or were
22 not manufactured with a hydrofluorocarbon or that contain or were
23 manufactured with a hydrofluorocarbon with a comparatively low
24 global warming potential.

25 SECTION 7. This 2020 Act takes effect on the 91st day after the date
26 on which the 2020 regular session of the Eightieth Legislative Assem-
27 bly adjourns sine die.