

B-Engrossed House Bill 4024

Ordered by the House March 3
Including House Amendments dated February 18 and March 3

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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

Requires Department of Consumer and Business Services to [*amend, by rule, state building code to align requirements for use of certain equipment or products with Environmental Quality Commission prohibitions and requirements for use of hydrofluorocarbons or substitutes in such equipment or products.*] **adopt rules as necessary to align state building code with provisions of Act or rules adopted by Environmental Quality Commission pursuant to Act.**

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.*]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to hydrofluorocarbons; and declaring an emergency.

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

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

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

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

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

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

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

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

20 (6)(a) "Substitute" means a chemical, product substitute or alternative manufacturing
21 process, whether existing or new, that is used to perform a function previously performed
22 by a class I substance or class II substance and any substitute subsequently adopted to

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 perform that function, including but not limited to hydrofluorocarbons.

2 (b) "Substitute" does not mean 2-BTP or any compound as applied to its use in aerospace
3 fire extinguishing systems or in other airplane parts subject to certification requirements
4 of the Federal Aviation Administration.

5 **SECTION 3.** (1) A person may not offer any product or equipment for sale, lease or rent,
6 or install or otherwise cause any equipment or product to enter into commerce, in Oregon
7 if that product or equipment consists of, uses or will use a substitute listed in appendices U
8 and V, subpart G of 40 C.F.R. part 82, as in effect on January 3, 2017, for the applications
9 or end uses restricted by appendix U or V, subpart G of 40 C.F.R. part 82, as in effect on
10 January 3, 2017, and that product or equipment was manufactured after the deadline estab-
11 lished by subsection (2) of this section. Except where an existing product or equipment is
12 retrofit, nothing in this section requires a person that acquired a restricted product or
13 equipment prior to the deadline established by subsection (2) of this section to cease use of
14 that product or equipment.

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

17 (a) January 1, 2021, for:

18 (A) Propellants;

19 (B) Rigid polyurethane applications and spray foam, flexible polyurethane, integral skin
20 polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic
21 insulation board and bunstock;

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

23 (D) Refrigerated food processing and dispensing equipment;

24 (E) Compact residential consumer refrigeration products; and

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

27 (b) January 1, 2022, for:

28 (A) Residential consumer refrigeration products other than compact and built-in resi-
29 dential consumer refrigeration products; and

30 (B) Vending machines.

31 (c) January 1, 2023, for:

32 (A) Cold storage warehouses; and

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

34 (d) January 1, 2024, for centrifugal chillers and positive displacement chillers.

35 (e) January 1, 2021, or the effective date of the restrictions identified in appendix U or
36 V, subpart G of 40 C.F.R. part 82, as in effect on January 3, 2017, whichever comes later,
37 for all other applications and end uses for substitutes not described in paragraphs (a) to (d)
38 of this subsection.

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

40 (a) Modify the deadlines established by subsection (2) of this section if the commission
41 determines that the modification reduces the overall risk to human health or the environ-
42 ment and reflects the earliest date that a substitute is currently or potentially available;

43 (b) Prohibit the use of a substitute if the commission determines that the prohibition
44 reduces the overall risk to human health or the environment and that a lower risk substitute
45 is currently or potentially available;

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

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

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

7 (4) The commission shall adopt rules requiring manufacturers of products or equipment
8 containing substitutes restricted under this section to disclose the substitutes used in their
9 products or equipment or disclose the compliance status of their products or equipment. In
10 adopting rules under this subsection, the commission shall consider, and to the extent possible
11 recognize:

12 (a) Existing labels that, in the opinion of the commission, provide sufficient disclosure;

13 (b) Labels required by state building codes;

14 (c) Disclosure requirements of other states and the federal government; and

15 (d) Other relevant safety standards.

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

21 (6) If the United States Environmental Protection Agency approves a previously prohibited
22 hydrofluorocarbon blend with a global warming potential of 750 or less for foam blowing
23 of polystyrene extruded boardstock and billet and rigid polyurethane low-pressure two-
24 component spray foam pursuant to the Significant New Alternatives Policy program under
25 section 7671k of the federal Clean Air Act, 42 U.S.C. 7401 et seq., the commission shall adopt
26 rules to conform the requirements established under this section with that approval.

27 (7) For the purposes of implementing the restrictions specified in appendix U, subpart G
28 of 40 C.F.R. part 82, as in effect on January 3, 2017, consistent with this section, the
29 commission and the Department of Environmental Quality shall interpret the term “aircraft
30 maintenance” to mean activities that support the production, fabrication, manufacture, re-
31 work, inspection, maintenance, overhaul or repair of commercial, civil or military aircraft,
32 aircraft parts, aerospace vehicles or aerospace components.

33 (8) The authority granted by this section to the commission to restrict the use of sub-
34 stitutes is supplementary to the commission’s authority to control air pollution pursuant to
35 ORS 468A.025. Nothing in this section limits the authority of the commission under ORS
36 468A.025.

37 **SECTION 4.** The Department of Consumer and Business Services shall adopt rules as
38 necessary to align the state building code with section 3 of this 2020 Act and rules adopted
39 by the Environmental Quality Commission pursuant to section 3 of this 2020 Act.

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

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

43 (2) Notwithstanding provisions of law requiring a state contracting agency to award a
44 contract to the lowest responsible bidder or best proposer or provider of a quotation, a state
45 contracting agency charged with the procurement of goods for any public use may give

1 preference to the procurement of goods that do not contain or were not manufactured with
2 a hydrofluorocarbon or that contain or were manufactured with a hydrofluorocarbon with a
3 comparatively low global warming potential.

4 SECTION 7. Notwithstanding any other provision of law, the General Fund appropriation
5 made to the Department of Environmental Quality by section 1 (1), chapter 663, Oregon Laws
6 2019, for the biennium ending June 30, 2021, for air quality, is increased by \$176,600 for the
7 implementation of sections 2 and 3 of this 2020 Act.

8 SECTION 8. This 2020 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
10 on its passage.

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