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STATE OF NEW JERSEY
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Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

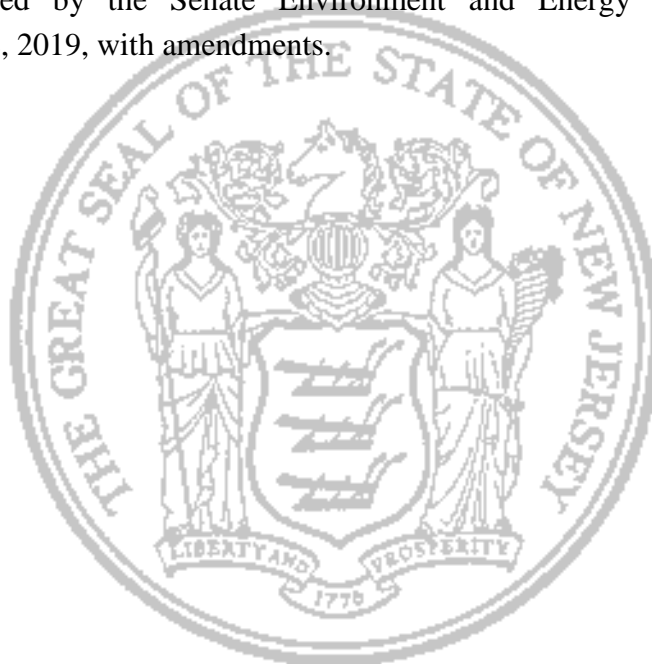
Senators Greenstein and Singleton

SYNOPSIS

Prohibits sale, lease, rent, or installation of certain equipment or products containing hydrofluorocarbons or other greenhouse gases.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on November 18, 2019, with amendments.



(Sponsorship Updated As Of: 1/10/2020)

1 AN ACT concerning the reduction of greenhouse gas emissions from
 2 hydrofluorocarbons and supplementing Title 26 of the Revised
 3 Statutes.

4
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*

7
 8 1. As used in this act:

9 “Class I substance” and “class II substance” mean those
 10 substances listed in 42 U.S.C. ¹**[Sec. 7671a]** s.7671a¹, as ¹**[it]** that
 11 section¹ read on November 15, 1990, or those substances listed in
 12 Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those
 13 ¹appendices¹ read on January 3, 2017.

14 “Department” means the Department of Environmental
 15 Protection.

16 “Hydrofluorocarbons” means the class of greenhouse gases that
 17 are saturated organic compounds containing hydrogen, fluorine, and
 18 carbon.

19 “Manufacturer” means any person, firm, association, partnership,
 20 corporation, governmental entity, organization, or joint venture that
 21 produces any product that contains or uses hydrofluorocarbons or is
 22 an importer or domestic distributor of such a product.

23 “Residential consumer refrigeration product” means the same as
 24 ¹that term is¹ defined in ¹**[section 430.2 of Subpart A of]**¹ 10
 25 C.F.R. ¹**[Part 430 (2017)]** s.430.2, as that section read on January
 26 3, 2017¹.

27 ¹“Retrofit” means the same as that term is defined in 40 C.F.R.
 28 s.82.152, as that section read on January 3, 2017.¹

29 “Substitute” means a chemical, product substitute, or alternative
 30 manufacturing process, whether existing or new, that is used to
 31 perform a function previously performed by a class I substance or
 32 class II substance and any substitute subsequently adopted to
 33 perform that function, including, but not limited to,
 34 hydrofluorocarbons.

35
 36 2. a. No person shall offer any product or equipment for sale,
 37 lease, or rent, or install ¹or otherwise cause¹ any equipment or
 38 product ¹to enter into commerce¹ in New Jersey if that equipment
 39 or product consists of, uses, or will use a substitute, as set forth in
 40 Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as
 41 those ¹appendices¹ read on January 3, 2017, for the applications or
 42 end uses restricted by Appendix U or V of the federal regulation, as
 43 those ¹appendices¹ read on January 3, 2017, consistent with the
 44 deadlines set forth in subsection b. of this section.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted November 18, 2019.

1 ¹~~【Nothing】~~ Except where existing equipment is retrofitted,
2 nothing¹ in this subsection shall require a person to cease using a
3 product or equipment that was manufactured prior to the effective
4 date of restrictions set forth in subsection b. of this section. A
5 product or equipment manufactured prior to the applicable
6 effective¹ date of the ~~【restrictions】~~ restriction¹ specified in
7 subsection b. of this section may be sold, imported, exported,
8 distributed, installed, and used after ~~【such specified】~~ the
9 applicable effective¹ date.

10 b. For the following products and equipment identified in
11 Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as
12 those appendices¹ read on January 3, 2017, the prohibition set
13 forth in subsection a. of this section shall take effect beginning:

14 (1) ~~【January】~~ July¹ 1, 2020, for:

15 (a) propellants;

16 (b) rigid polyurethane applications and spray foam, flexible
17 polyurethane, integral skin polyurethane, flexible polyurethane
18 foam, polystyrene extruded sheet, polyolefin, and phenolic
19 insulation board and bunstock; and

20 (c) supermarket systems, remote condensing units, stand-alone
21 units, and vending machines;

22 (2) January 1, 2021, for:

23 (a) refrigerated food processing and dispensing equipment;

24 (b) compact residential consumer refrigeration products; and

25 (c) polystyrene extruded boardstock and billet, and rigid
26 polyurethane low-pressure two-component spray foam;

27 (3) January 1, 2022, for residential consumer refrigeration
28 products other than compact and built-in residential consumer
29 refrigeration products;

30 (4) January 1, 2023, for:

31 (a) cold storage warehouses; and

32 (b) built-in residential consumer refrigeration products;

33 (5) January 1, 2024, for centrifugal chillers and positive
34 displacement chillers; and

35 (6) On either ~~【January】~~ July¹ 1, 2020, or the effective date of
36 the restrictions identified in Appendix U and Appendix V of
37 Subpart G of 40 C.F.R. Part 82, as those appendices¹ read on
38 January 3, 2017, whichever is later, for all other applications and
39 end uses for substitutes not covered by the categories ~~【set forth~~
40 ~~in】~~¹ listed in paragraphs (1) through (5) of this subsection.

41 c. The department may, by rule or regulation adopted pursuant
42 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
43 1 et seq.):

44 (1) modify the effective date of a prohibition established in
45 subsection b. of this section, if the department determines that such
46 modification reduces the overall risk to human health or the
47 environment and reflects the earliest date that a substitute is
48 currently or potentially available;

1 (2) prohibit the use of a substitute if the department determines
2 that the prohibition reduces the overall risk to human health or the
3 environment and that a lower risk substitute is currently or
4 potentially available;

5 (3) (a) adopt a list of approved substitutes, use conditions, or
6 use limits, if any; and (b) add or remove substitutes, use conditions,
7 or use limits to or from ¹~~["such"] the~~ list ¹~~of approved substitutes,~~
8 ~~use conditions, or use limits~~¹ if the department determines such
9 action reduces the overall risk to human health and the
10 environment; and

11 (4) designate acceptable ¹~~["issue"]~~ uses of hydrofluorocarbons
12 for medical uses that shall be exempt from the prohibitions set forth
13 in subsection b. of this section.

14 d. ¹~~(1) No later than one year after enactment by another state~~
15 ~~of restrictions on substitutes applicable to new light duty vehicles,~~
16 ~~the department may adopt restrictions applicable to the sale, lease,~~
17 ~~rental, or other introduction into commerce by a manufacturer of~~
18 ~~new light duty vehicles consistent with the restrictions identified in~~
19 ~~appendix B of Subpart G of 40 C.F.R. Part 82, as that appendix read~~
20 ~~on January 3, 2017.~~

21 ~~(2) If the United States Environmental Protection Agency~~
22 ~~approves a previously prohibited hydrofluorocarbon blend with a~~
23 ~~global warming potential of 750 or less for foam blowing of~~
24 ~~polystyrene extruded boardstock and billet and rigid polyurethane~~
25 ~~low-pressure two-component spray foam pursuant to the significant~~
26 ~~new alternatives policy program established pursuant to the federal~~
27 ~~"Clean Air Act," 42 U.S.C. s.7671k, the department may propose a~~
28 ~~rule in accordance with "Administrative Procedure Act," P.L.1968,~~
29 ~~c.410 (C.52:14B-1 et seq.), to conform the requirements established~~
30 ~~under this section with that federal action.~~

31 ~~e.~~¹ The authority granted by this section to the department for
32 restricting the use of substitutes is supplementary to the authority to
33 control air pollution pursuant to the "Air Pollution Control Act
34 (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.).

35
36 3. a. A manufacturer shall disclose the hydrofluorocarbons and
37 substitutes used in its products or equipment ¹~~["~~. Such disclosure
38 shall take the form of a label on the equipment or product that
39 meets the requirements set forth by the department pursuant to ~~"] in a~~
40 ~~form and manner as determined by the department pursuant to~~¹
41 rules and regulations adopted pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) ¹~~["or the"] ,~~
43 ~~which may take the form of a~~¹ model rule established by the United
44 States Climate Alliance. ¹~~["To the extent feasible, the department~~
45 ~~shall recognize existing"] Until such time as the department adopts~~
46 ~~disclosure rules pursuant to this section, a manufacturer shall use~~¹

1 labeling that provides sufficient disclosure of the use of substitutes
2 in the product or equipment.

3 b. ¹**Beginning** December 31, 2019, and annually thereafter, a
4 manufacturer shall notify the department of the types of products
5 and equipment containing hydrofluorocarbons that the manufacturer
6 sells, offers for sale, leases, installs, or rents in the State. This
7 notice shall identify each product or piece of equipment and must
8 identify the individual substitutes used in each product or piece of
9 equipment.

10 c. ¹**The** department may adopt, pursuant to the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), ¹any¹ rules
12 and regulations ¹as the department’s determines necessary¹ to
13 administer, implement, and enforce this section. Where feasible
14 and appropriate, such rules and regulations shall be consistent with
15 the regulatory standards, exemptions, reporting obligations,
16 disclosure requirements, and other compliance requirements of
17 other states that have adopted restrictions on the use of
18 hydrofluorocarbons, or a model rule established by the United
19 States Climate Alliance.

20

21 4. Any person who installs, repairs, maintains, services,
22 replaces, recycles, or disposes of a stationary refrigeration or air
23 conditioning appliance, ¹**or** ¹and¹ any person who distributes or
24 reclaims refrigerants, shall follow the requirements, including ¹the¹
25 prohibitions on venting of refrigerants, ¹**as**¹ set forth in Subpart F
26 of 40 C.F.R. Part 82, as ¹**those**¹ that subpart¹ read on January 3,
27 2017. The department may by rule or regulation adopted pursuant
28 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
29 1 et seq.), modify or add to such requirements if the department
30 determines that such modifications or additions reduce overall risk
31 to human health or the environment.

32

33 5. A person who violates the provisions of sections 2 through 4
34 of this act, or any rule or regulation adopted pursuant thereto, shall
35 be subject to the ¹enforcement and penalty¹ provisions of section 19
36 of P.L.1954, c.212 (C.26:2C-19) ¹**as appropriate**¹.

37

38 6. ¹a.¹ No later than December 1, 2020, the department, in
39 consultation with other relevant departments and agencies, shall
40 prepare and submit, to the Governor and, pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report
42 ¹**addressing**¹ providing recommendations on¹ how to increase the
43 use of substitutes with low global warming potential that reduce
44 overall risk to human health and the environment in mobile sources,
45 utility equipment, and consumer appliances, and how to reduce
46 other uses of hydrofluorocarbons in the State, including
47 recommendations, if deemed appropriate, concerning how to

1 structure, fund, and prioritize a State incentive program to reduce
2 uses of hydrofluorocarbons in the State.

3 ¹b. In lieu of submitting a separate report pursuant to this
4 section, the department may include the information required to be
5 submitted pursuant to subsection a. of this section in the report
6 required pursuant to subsection c. of section 6 of P.L.2007, c.112
7 (C.26:2C-42), provided that report is transmitted to the appropriate
8 parties prior to December 1, 2020.¹

9
10 ¹[7. a. The department, in consultation with the Department of
11 the Treasury, shall establish a purchasing and procurement policy
12 that (1) provides a preference for products that are not restricted
13 pursuant to section 2 of this act, and (2) uses substitutes with low
14 global warming potential that reduce overall risk to human health
15 and the environment.

16 b. Nothing in this section requires the department or any other
17 State agency to breach an existing contract or dispose of stock that
18 has been ordered or is in the possession of the department or other
19 state agency as of the effective date of this act. ¹

20
21 ¹7. Nothing in this act shall be construed to impose liability on
22 any news media that accepts or publishes advertising for any
23 product that would otherwise be subject to the provisions of this
24 act.¹

25
26 ¹8. If any provision of this act or the application thereof to any
27 person or circumstances is held invalid, the remainder of the act and
28 the application of such provision to persons or circumstances other
29 than those to which it is held invalid, shall not be affected thereby.¹

30
31 ¹[8.] 9.¹ This act shall take effect immediately.