

# House Bill 3027

Sponsored by Representative 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 **as introduced**.

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 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.

## A BILL FOR AN ACT

1  
2 Relating to hydrofluorocarbons; and prescribing an effective date.

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

4 **SECTION 1. Sections 2 and 3 of this 2021 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 2021 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  
23 perform that function, including but not limited to hydrofluorocarbons.

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

26 **SECTION 3. (1) A person may not offer any product or equipment for sale, lease or rent,**  
27 **or install or otherwise cause any equipment or product to enter into commerce, in Oregon**  
28 **if that product or equipment consists of, uses or will use a substitute listed in appendices U**

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

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

10 (a) January 1, 2022, for:

11 (A) Propellants;

12 (B) Rigid polyurethane applications and spray foam, flexible polyurethane, integral skin  
 13 polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic  
 14 insulation board and bunstock;

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

16 (D) Refrigerated food processing and dispensing equipment;

17 (E) Compact residential consumer refrigeration products;

18 (F) Polystyrene extruded boardstock and billet and rigid polyurethane low-pressure two  
 19 component spray foam;

20 (G) Residential consumer refrigeration products other than compact and built-in resi-  
 21 dential consumer refrigeration products; and

22 (H) Vending machines.

23 (b) January 1, 2023, for:

24 (A) Cold storage warehouses; and

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

26 (c) January 1, 2024, for centrifugal chillers and positive displacement chillers.

27 (d) January 1, 2022, or the effective date of the restrictions identified in appendix U or  
 28 V, subpart G of 40 C.F.R. part 82, as in effect on January 3, 2017, whichever comes later,  
 29 for all other applications and end uses for substitutes not described in paragraphs (a) to (c)  
 30 of this subsection.

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

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

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

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

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

42 (e) Designate acceptable uses of hydrofluorocarbons for medical uses that are exempt  
 43 from restrictions on the use of substitutes under this section.

44 (4) The commission shall adopt rules requiring manufacturers of products or equipment  
 45 containing substitutes restricted under this section to disclose the substitutes used in their

1 products or equipment or disclose the compliance status of their products or equipment. In  
 2 adopting rules under this subsection, the commission shall consider, and to the extent possible  
 3 recognize:

- 4 (a) Existing labels that, in the opinion of the commission, provide sufficient disclosure;
- 5 (b) Labels required by state building codes;
- 6 (c) Disclosure requirements of other states and the federal government; and
- 7 (d) Other relevant safety standards.

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

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

19 (7) The authority granted by this section to the commission to restrict the use of sub-  
 20 stitutes is supplementary to the commission’s authority to control air pollution pursuant to  
 21 ORS 468A.025. Nothing in this section limits the authority of the commission under ORS  
 22 468A.025.

23 **SECTION 4.** The Department of Consumer and Business Services shall adopt rules as  
 24 necessary to align the state building code with section 3 of this 2021 Act and rules adopted  
 25 by the Environmental Quality Commission pursuant to section 3 of this 2021 Act.

26 **SECTION 5.** Section 6 of this 2021 Act is added to and made a part of ORS chapter 279A.

27 **SECTION 6.** (1) As used in this section, “hydrofluorocarbon” has the meaning given that  
 28 term in section 2 of this 2021 Act.

29 (2) Notwithstanding provisions of law requiring a state contracting agency to award a  
 30 contract to the lowest responsible bidder or best proposer or provider of a quotation, a state  
 31 contracting agency charged with the procurement of goods for any public use may give  
 32 preference to the procurement of goods that do not contain or were not manufactured with  
 33 a hydrofluorocarbon or that contain or were manufactured with a hydrofluorocarbon with a  
 34 comparatively low global warming potential.

35 **SECTION 7.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
 36 regular session of the Eighty-first Legislative Assembly adjourns sine die.