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No. 226

H.P. 161

House of Representatives, January 27, 2021

An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Received by the Clerk of the House on January 25, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1612** is enacted to read:

3 **§1612. Hydrofluorocarbon use restrictions**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Substance" means any chemical or blend intended for an end use.

7 **2. Prohibition.** In order to reduce greenhouse gas emissions by substituting or
8 reducing the use of the hydrofluorocarbons with the highest global warming potential, a
9 person may not sell, lease, rent, install, use or enter into commerce in the State any product
10 or equipment that uses or will use a substance that is a hydrofluorocarbon with high global
11 warming potential intended for any air conditioning, refrigeration, foam or aerosol
12 propellant end use as determined by the department in rules.

13 **3. Rulemaking.** The department shall adopt rules to implement this section. Rules
14 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
15 375, subchapter 2-A.

16 **Sec. 2. Rulemaking.** The Department of Environmental Protection shall adopt rules
17 to implement the Maine Revised Statutes, Title 38, section 1612 in accordance with this
18 section. In adopting the initial rules pursuant to Title 38, section 1612, the department shall
19 regulate each substance and end use as provided for in this section and may not regulate
20 any substance or end use not addressed in this section. In the future, the department may
21 adopt rules adding or removing substances from the list of prohibited substances or adding
22 or removing end uses.

23 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
24 following terms have the following meanings.

25 A. "Aerosol propellant" means a compressed gas or vapor in a container that, upon
26 release of pressure and expansion through a valve, carries another substance from the
27 container as a mist or spray.

28 B. "Air conditioning equipment" means chillers used exclusively for comfort cooling
29 of occupied spaces.

30 C. "Built-in household refrigerators and freezers" means any refrigerators,
31 refrigerator-freezers or freezers intended for residential use that have 7.75 cubic feet or
32 greater total volume and 24 inches or less depth not including doors, handles and
33 custom front panels; that have sides that are not finished and not designed to be visible
34 after installation; that are designed, intended and marketed exclusively to be installed
35 totally encased by cabinetry or panels that are attached during installation and securely
36 fastened to adjacent cabinetry, walls or floor; and that are equipped with an integral
37 factory-finished face or that accept a custom front panel.

38 D. "Capital cost" means an expense incurred in the production of goods or in rendering
39 services, including, but not limited to, the cost of engineering; the cost of the purchase
40 and installation of components or systems and instrumentation; and contractor and
41 construction fees.

- 1 E. "Centrifugal chiller" means air conditioning equipment that uses a centrifugal
2 compressor in a vapor-compression refrigeration cycle. A centrifugal chiller is a chiller
3 intended for comfort cooling and does not include chillers used for industrial process
4 cooling and refrigeration.
- 5 F. "Cold storage warehouse" means a cooled facility designed to store meat, produce,
6 dairy products and other products prior to their delivery to other locations for sale to
7 the ultimate consumer.
- 8 G. "Compact household refrigerators and freezers" means any refrigerators,
9 refrigerator-freezers or freezers intended for residential use that have a total
10 refrigerated volume of less than 7.75 cubic feet (220 liters).
- 11 H. "Component" means a part of a refrigeration system, including, but not limited to,
12 a condensing unit, compressor, condenser, evaporator and receiver, and all of the
13 system's connections and subassemblies without which the refrigeration system would
14 not properly function or would be subject to failure.
- 15 I. "Department" means the Department of Environmental Protection.
- 16 J. "End use" means processes or classes of specific applications within industry
17 sectors, including, but not limited to, those listed in subsection 2.
- 18 K. "Flexible polyurethane" means a nonrigid synthetic foam containing polymers of
19 urethane radicals, including, but not limited to, foam used in furniture, bedding, chair
20 cushions and shoe soles.
- 21 L. "Foam-blowing agent" or "foam" means a product or substance used to produce a
22 product with a cellular structure formed via a foaming process, including materials that
23 undergo hardening or phase transition, such as polymers and plastics.
- 24 M. "Heat pump" means a device used for comfort heating or cooling of residential and
25 commercial spaces, including, but not limited to, a mini-split heat pump. Heat pumps
26 may be air sourced, water sourced or ground sourced. "Heat pump" does not include
27 air conditioning equipment.
- 28 N. "Household refrigerators and freezers" means any refrigerators, refrigerator-
29 freezers, freezers or miscellaneous residential refrigeration appliances intended for
30 residential use. "Household refrigerators and freezers" does not include compact
31 household refrigerators and freezers or built-in household refrigerators and freezers.
- 32 O. "Integral skin polyurethane" means a synthetic self-skinning foam containing
33 polymers of urethane radicals, including, but not limited to, foam used in shoe soles
34 and automobile steering wheels and dashboards.
- 35 P. "Light duty vehicle" means a car or light duty truck as defined in the Maine Revised
36 Statutes, Title 5, section 1812-E.
- 37 Q. "Metered dose inhaler" means a device that delivers a measured amount of
38 medication as a mist that a patient can inhale, typically used for bronchodilation to treat
39 symptoms of asthma, chronic obstructive pulmonary disease, chronic bronchitis,
40 emphysema and other respiratory illnesses, and consists of a pressurized canister of
41 medication in a case with a mouthpiece.
- 42 R. "Miscellaneous residential refrigeration appliance" means a residential refrigeration
43 appliance smaller than a refrigerator, refrigerator-freezer or freezer for use in a

- 1 household and includes coolers, cooler compartments and combination cooler-
2 refrigeration or cooler-freezer products.
- 3 S. "New" means, with regard to a product or equipment, a product or equipment that
4 is manufactured after the effective date of this section or equipment substantially
5 expanded or modified after the effective date of this section such that the capital cost
6 of the expansion or modification exceeds 50% of the cost of replacing the whole
7 system.
- 8 T. "Person" means an individual, firm, association, organization, manufacturer,
9 distributor, partnership, business trust, corporation, limited liability company,
10 company, state or local governmental agency or public district.
- 11 U. "Phenolic insulation board" means phenolic insulation, including, but not limited
12 to, insulation used for roofing and walls.
- 13 V. "Phenolic insulation bunstock" means phenolic insulation that is a large solid box-
14 like structure formed during the production of polystyrene insulation that can be cut
15 into specific custom lengths and shapes.
- 16 W. "Polyolefin" means foam sheets and tubes made of polyolefin.
- 17 X. "Polystyrene extruded boardstock and billet" means a foam formed from polymers
18 of styrene and produced on extruding machines in the form of continuous foam slabs
19 that can be cut and shaped into panels used for insulation of roofing, walls, flooring
20 and pipes.
- 21 Y. "Polystyrene extruded sheet" means polystyrene foam including foam used for
22 packaging and buoyancy or flotation. "Polystyrene extruded sheet" includes foam
23 made into food-service items, including hinged polystyrene containers, food trays,
24 plates, bowls and retail egg containers.
- 25 Z. "Positive displacement chiller" means a vapor compression cycle chiller that uses a
26 positive displacement compressor, typically used for commercial comfort air
27 conditioning. "Positive displacement chiller" does not include a chiller used for
28 industrial process cooling and refrigeration.
- 29 AA. "Refrigerant gas" or "refrigerant" means any substance, including blends and
30 mixtures, that is used for heat transfer purposes.
- 31 BB. "Refrigerated food processing and dispensing equipment" means retail food
32 refrigeration equipment that is designed to process and dispense food and beverages
33 that are intended for immediate or near-immediate consumption, including, but not
34 limited to, chilled and frozen beverages, ice cream and whipped cream. "Refrigerated
35 food processing and dispensing equipment" excludes water coolers and units designed
36 solely to cool and dispense water.
- 37 CC. "Refrigeration equipment" means any stationary device that is designed to contain
38 and use refrigerant gas to establish or maintain colder than ambient temperatures in a
39 confined space, including, but not limited to, retail food refrigeration equipment,
40 household refrigerators and freezers and cold storage warehouses.
- 41 DD. "Remote condensing unit" means retail food refrigeration equipment that has a
42 central condensing portion and may consist of one or more compressors, condensers
43 and receivers assembled into a single unit, which may be located outside the sales area.
44 "Remote condensing unit" includes units that are commonly installed in convenience

1 stores, specialty shops such as bakeries or butcher shops, supermarkets, restaurants and
2 other locations where food is stored, served or sold.

3 EE. "Residential use" means use by an individual of a substance, or a product
4 containing the substance, in or around a permanent or temporary household, during
5 recreation or for any personal use or enjoyment. "Residential use" does not include use
6 within a household for commercial or medical applications or use in automobiles,
7 watercraft or aircraft.

8 FF. "Retail food refrigeration equipment" means equipment designed to store and
9 display chilled or frozen goods for commercial sale, including, but not limited to, stand-
10 alone units, refrigerated food processing and dispensing equipment, remote condensing
11 units, supermarket systems and vending machines.

12 GG. "Retrofit" means to replace the refrigerant used in refrigeration equipment with a
13 different refrigerant and includes related changes to the refrigeration equipment
14 required to maintain its operation and reliability following refrigerant replacement.

15 HH. "Rigid polyurethane and polyisocyanurate laminated boardstock" means
16 laminated board insulation made with polyurethane or polyisocyanurate foam,
17 including insulation for roofing and walls.

18 II. "Rigid polyurethane appliance foam" means polyurethane insulation foam used in
19 domestic appliances.

20 JJ. "Rigid polyurethane high-pressure 2-component spray foam" means a foam product
21 that is pressurized to 800 to 1,600 pounds per square inch during manufacture; is sold
22 in pressurized containers as 2 parts; and is blown and applied in situ using high-
23 pressure pumps to propel the foam, and may use liquid blowing agents without an
24 additional propellant.

25 KK. "Rigid polyurethane in commercial refrigeration" means polyurethane insulation
26 for pipes, walls and metal doors in retail food refrigeration equipment.

27 LL. "Rigid polyurethane low-pressure 2-component spray foam" means a foam
28 product that is pressurized to less than 250 pounds per square inch during manufacture,
29 sold in pressurized containers as 2 parts and typically applied in situ using a gaseous
30 foam-blowing agent that also serves as a propellant so pumps typically are not needed.

31 MM. "Rigid polyurethane marine flotation foam" means buoyancy or flotation foam
32 used in boat and ship manufacturing for both structural and flotation purposes.

33 NN. "Rigid polyurethane one-component foam sealant" means a foam packaged in
34 aerosol cans that is applied in situ using a gaseous foam-blowing agent that is also the
35 propellant.

36 OO. "Rigid polyurethane sandwich panels" means polyurethane insulation sandwiched
37 between outer structural layers and used as insulation for walls and metal doors,
38 including garage doors.

39 PP. "Rigid polyurethane slabstock" means a rigid closed-cell foam containing
40 polymers of urethane radicals formed into slabstock insulation for panels and pipes.

41 QQ. "Stand-alone low-temperature unit" means a stand-alone unit that maintains food
42 or beverages at temperatures at or below 32 degrees Fahrenheit.

43 RR. "Stand-alone medium-temperature unit" means a stand-alone unit that maintains
44 food or beverages at temperatures above 32 degrees Fahrenheit.

1 SS. "Stand-alone unit" means a retail refrigerator, freezer and reach-in cooler, either
2 open or with doors, that has fully integrated refrigeration components and a
3 refrigeration circuit that may be entirely brazed or welded. Stand-alone units are fully
4 charged with refrigerant at the factory and typically require only an electricity supply
5 to begin operation.

6 TT. "Substance" means any chemical or blend intended for an end use listed in
7 subsection 2.

8 UU. "Supermarket systems" means multiplex or centralized retail food refrigeration
9 equipment systems designed to cool or refrigerate that operate with racks of
10 compressors installed in a machinery room. "Supermarket systems" includes both
11 direct and indirect systems.

12 VV. "Use," with regard to any use of a compound or any substance, includes, but is
13 not limited to, use in a manufacturing process or product in the State, consumption for
14 an end use in the State and use in intermediate applications in the State, such as
15 formulation or packaging for other subsequent applications, and excludes residential
16 use, but does not exclude manufacturing for the purpose of residential use.

17 WW. "Vending machine" means self-contained retail food refrigeration equipment
18 that dispenses goods that must be kept cold or frozen.

19 **2. End use prohibitions.** The rules must provide that a person may not sell, lease,
20 rent, install, use or enter into commerce in the State any product or equipment that uses or
21 will use a listed substance intended for any air conditioning, refrigeration, foam or aerosol
22 propellant end use listed as prohibited in this subsection, unless an exemption is provided
23 for that end use in subsection 3.

24 For the following end uses, the listed hydrofluorocarbon substances are prohibited as of the
25 date indicated for each end use.

26 A. For aerosol propellants in new products, HFC-125, HFC-134a, HFC-227ea and
27 blends of HFC-227ea and HFC-134a are prohibited as of January 1, 2022.

28 B. For new centrifugal chillers, FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-
29 236fa, HFC-245fa, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a
30 (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B,
31 R-422C, R-422D, R-423A, R-424A, R-434A, R-438A, R-507A, RS-44 (2003
32 composition) and THR-03 are prohibited as of January 1, 2024.

33 C. For new positive displacement chillers, FOR12A, FOR12B, HFC-134a, HFC-
34 227ea, KDD6, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a
35 (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B,
36 R-422C, R-422D, R-424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003
37 composition), SP34E and THR-03 are prohibited as of January 1, 2024.

38 D. For light duty vehicles, HFC-134a, SP34E, R-426A and RS-24 (new formulation)
39 are prohibited for all newly manufactured vehicles as of model year 2022.

40 E. For new cold storage warehouses, HFC-227ea, R-125/290/134a/600a
41 (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-410A, R-410B, R-417A, R-421A,
42 R-421B, R-422A, R-422B, R-422C, R-422D, R-423A, R-424A, R-428A, R-434A, R-
43 438A, R-507A and RS-44 (2003 composition) are prohibited as of January 1, 2023.

- 1 F. For new household refrigerators and freezers, FOR12A, FOR12B, HFC-134a,
2 KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A,
3 R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-
4 426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-
5 44 (2003 formulation), SP34E and THR-03 are prohibited as of January 1, 2022.
- 6 G. For new compact household refrigerators and freezers, FOR12A, FOR12B, HFC-
7 134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-
8 410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-
9 424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002
10 formulation), RS-44 (2003 formulation), SP34E and THR-03 are prohibited as of
11 January 1, 2022.
- 12 H. For new built-in household refrigerators and freezers, FOR12A, FOR12B, HFC-
13 134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-
14 410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-
15 424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002
16 formulation), RS-44 (2003 formulation), SP34E and THR-03 are prohibited as of
17 January 1, 2023.
- 18 I. For retrofitted supermarket systems, R-404A, R-407B, R-421B, R-422A, R-422C,
19 R-422D, R-428A, R-434A and R-507A are prohibited as of January 1, 2022.
- 20 J. For new supermarket systems, HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-
21 422C, R-422D, R-428A, R-434A and R-507A are prohibited as of January 1, 2022.
- 22 K. For retrofitted remote condensing units, R-404A, R-407B, R-421B, R-422A, R-
23 422C, R-422D, R-428A, R-434A and R-507A are prohibited as of January 1, 2022.
- 24 L. For new remote condensing units, HFC-227ea, R-404A, R-407B, R-421B, R-422A,
25 R-422C, R-422D, R-428A, R-434A and R-507A are prohibited as of January 1, 2022.
- 26 M. For retrofitted stand-alone units, R-404A and R-507A are prohibited as of January
27 1, 2022.
- 28 N. For new stand-alone medium-temperature units, FOR12A, FOR12B, HFC-134a,
29 HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-
30 407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-
31 422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-
32 507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E and THR-03 are
33 prohibited as of January 1, 2022.
- 34 O. For new stand-alone low-temperature units, HFC-227ea, KDD6, R-
35 125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F,
36 R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-
37 424A, R-428A, R-434A, R-437A, R-438A, R-507A and RS-44 (2003 formulation) are
38 prohibited as of January 1, 2022.
- 39 P. For new refrigerated food processing and dispensing equipment, HFC-227ea,
40 KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C,
41 R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-
42 422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A and RS-44 (2003
43 formulation) are prohibited as of January 1, 2022.
- 44 Q. For retrofitted vending machines, R-404A and R-507A are prohibited as of January
45 1, 2022.

- 1 R. For new vending machines, FOR12A, FOR12B, HFC-134a, KDD6, R-
2 125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A,
3 R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002
4 formulation) and SP34E are prohibited as of January 1, 2022.
- 5 S. For new rigid polyurethane and polyisocyanurate laminated boardstock, HFC-134a,
6 HFC-245fa, HFC-365mfc and any blends thereof are prohibited as of January 1, 2022.
- 7 T. For new flexible polyurethane, HFC-134a, HFC-245fa, HFC-365mfc and any
8 blends thereof are prohibited as of January 1, 2022.
- 9 U. For new integral skin polyurethane, HFC-134a, HFC-245fa, HFC-365mfc and any
10 blends thereof; Formacel TI; and Formacel Z-6 are prohibited as of January 1, 2022.
- 11 V. For new polystyrene extruded sheet, HFC-134a, HFC-245fa, HFC-365mfc and any
12 blends thereof; Formacel TI; and Formacel Z-6 are prohibited as of January 1, 2022.
- 13 W. For new phenolic insulation board and new phenolic insulation bunstock, HFC-
14 143a, HFC-134a, HFC-245fa, HFC-365mfc and any blends thereof are prohibited as
15 of January 1, 2022.
- 16 X. For new rigid polyurethane slabstock and other new rigid polyurethane, HFC-134a,
17 HFC-245fa, HFC-365mfc and any blends thereof; Formacel TI; and Formacel Z-6 are
18 prohibited as of January 1, 2022.
- 19 Y. For new rigid polyurethane appliance foam, HFC-134a, HFC-245fa, HFC-365mfc
20 and any blends thereof; Formacel TI; and Formacel Z-6 are prohibited as of January 1,
21 2022.
- 22 Z. For new rigid polyurethane in commercial refrigeration and new rigid polyurethane
23 sandwich panels, HFC-134a, HFC-245fa, HFC-365mfc and any blends thereof;
24 Formacel TI; and Formacel Z-6 are prohibited as of January 1, 2022.
- 25 AA. For new polyolefin, HFC-134a, HFC-245fa, HFC-365mfc and any blends thereof;
26 Formacel TI; and Formacel Z-6 are prohibited as of January 1, 2022.
- 27 BB. For new rigid polyurethane marine flotation foam, HFC-134a, HFC-245fa, HFC-
28 365mfc and any blends thereof; Formacel TI; and Formacel Z-6 are prohibited as of
29 January 1, 2022.
- 30 CC. For new polystyrene extruded boardstock and billet, HFC-134a, HFC-245fa,
31 HFC-365mfc and any blends thereof; Formacel TI; Formacel B; and Formacel Z-6 are
32 prohibited as of January 1, 2022.
- 33 DD. For new rigid polyurethane high-pressure 2-component spray foam, HFC-134a,
34 HFC-245fa and any blends thereof; blends of HFC-365mfc with at least 4% HFC-
35 245fa; commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the
36 remainder HFC-365mfc; and Formacel TI are prohibited as of January 1, 2022.
- 37 EE. For new rigid polyurethane low-pressure 2-component spray foam, HFC-134a,
38 HFC-245fa and any blends thereof; blends of HFC-365mfc with at least 4% HFC-
39 245fa; commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the
40 remainder HFC-365mfc; and Formacel TI are prohibited as of January 1, 2022.
- 41 FF. For new rigid polyurethane one-component foam sealants, HFC-134a, HFC-245fa
42 and any blends thereof; blends of HFC-365mfc with at least 4% HFC-245fa;
43 commercial blends of HFC-365mfc with 7% to 13% HFC-227ea and the remainder
44 HFC-365mfc; and Formacel TI are prohibited as of January 1, 2022.

- 1 **3. Exemptions.** The rules must include the following exemption provisions:
- 2 A. Heat pumps are exempt from end use prohibitions under this section; and
- 3 B. The following exemptions to the prohibitions in subsection 2 apply in the end use
- 4 categories indicated.
- 5 (1) HFC-134a is allowed as an aerosol propellant in new cleaning products for
- 6 removal of grease, flux and other soils from electrical equipment; new refrigerant
- 7 flushes; new products for sensitivity testing of smoke detectors; new lubricants and
- 8 freeze sprays for electrical equipment or electronics; new sprays for aircraft
- 9 maintenance; new sprays containing corrosion preventive compounds used in the
- 10 maintenance of aircraft, electrical equipment, electronics or military equipment;
- 11 new pesticides for use near electrical wires, in aircraft, in total release insecticide
- 12 foggers or in certified organic use pesticides for which the federal Environmental
- 13 Protection Agency has specifically disallowed all other lower global warming
- 14 potential propellants; new mold release agents and mold cleaners; new lubricants
- 15 and cleaners for spinnerets for synthetic fabrics; new duster sprays specifically for
- 16 removal of dust from photographic negatives, semiconductor chips, specimens
- 17 under electron microscopes and energized electrical equipment; new adhesives and
- 18 sealants in canisters for commercial use; new document preservation sprays; new
- 19 wound care sprays; new topical cooling sprays for pain relief; and new products
- 20 for removing bandage adhesives from skin. HFC-134a, HFC-227ea and blends of
- 21 HFC-227ea and HFC-134a are allowed as aerosol propellants for new metered
- 22 dose inhalers approved by the United States Department of Health and Human
- 23 Services, Food and Drug Administration for medical purposes.
- 24 (2) HFC-134a is allowed as a new air conditioning refrigerant for military marine
- 25 vessels when the department has determined that reasonable efforts have been
- 26 made to ascertain that other alternatives are not technically feasible due to
- 27 performance or safety requirements. HFC-134a and R-404A are allowed as new
- 28 air conditioning refrigerants in spacecraft intended for human occupancy and
- 29 related support equipment when the department has determined that reasonable
- 30 efforts have been made to ascertain that other alternatives are not technically
- 31 feasible due to performance or safety requirements.
- 32 (3) For all new foams other than rigid polyurethane one-component foam sealants,
- 33 all substances listed in subsection 2 are allowed, until January 1, 2023, in military
- 34 applications when the department has determined that reasonable efforts have been
- 35 made to ascertain that other alternatives are not technically feasible due to
- 36 performance or safety requirements; and, until January 1, 2025, in space-related
- 37 and aeronautics-related applications when the department has determined that
- 38 reasonable efforts have been made to ascertain that other alternatives are not
- 39 technically feasible due to performance or safety requirements.
- 40 (4) For new rigid polyurethane 2-component spray foams, all substances listed in
- 41 subsection 2 are allowed, until January 1, 2025, in military or space-related and
- 42 aeronautics-related applications when the department has determined that
- 43 reasonable efforts have been made to ascertain that other alternatives are not
- 44 technically feasible due to performance or safety requirements.
- 45 **4. Disclosure statements.** The rules must require any person who manufactures, sells,
- 46 leases, rents or enters into commerce in the State a product or equipment intended for air

1 conditioning, refrigeration, foam or aerosol propellant end use, if the product or equipment
2 uses or is intended to use any substance listed as prohibited for that end use in subsection
3 2, to provide a written disclosure to the buyer as part of the sales transaction and invoice.

4 A. The required written disclosure must state:

5 (1) For refrigeration equipment and air conditioning equipment: "This equipment
6 is prohibited from use in Maine with any refrigerant on the list in Maine
7 Department of Environmental Protection rules of prohibited substances for that
8 specific end use. This disclosure statement has been reviewed and approved by
9 [THE ENTITY], and [THE ENTITY] attests, under penalty of perjury, that these
10 statements are true and accurate.";

11 (2) For foam: "This foam system is prohibited from use in Maine with any foam-
12 blowing agent on the list in Maine Department of Environmental Protection rules
13 of prohibited substances for that specific end use. This disclosure statement has
14 been reviewed and approved by [THE ENTITY], and [THE ENTITY] attests,
15 under penalty of perjury, that these statements are true and accurate."; and

16 (3) For aerosol propellants: "This product is prohibited from use in Maine with
17 any aerosol propellant on the list in Maine Department of Environmental
18 Protection rules of prohibited substances for that specific end use. This disclosure
19 statement has been reviewed and approved by [THE ENTITY], and [THE
20 ENTITY] attests, under penalty of perjury, that these statements are true and
21 accurate."

22 B. At the point of sale, the disclosure statement requirement may be met alternatively
23 with a label on the product or equipment reading: "Not for sale in Maine." The label
24 must be displayed on the product or equipment so that it is readily observable without
25 removing or disassembling any portion of the packaging. The label must be in a font
26 size as large as or larger than the font size of all other words on the principal display
27 panel, excluding the company name, brand name and logo.

28 C. The disclosure statement under paragraph A or label under paragraph B must remain
29 with the product or equipment while it is in the State.

30 **5. Record keeping.** The rules must include a provision requiring any person who
31 manufactures any product or equipment for the end uses listed in subsection 2 for sale or
32 entry into commerce in the State to maintain for 5 years, and make available upon request
33 by the department, records sufficient to demonstrate that the product or equipment does not
34 contain any substances listed in subsection 2 as prohibited for that end use or that the
35 product is exempt in accordance with subsection 3.

36 **6. Venting prohibition.** The rules must provide that a person maintaining, servicing,
37 repairing or disposing of any product or equipment containing or using a substance
38 intended for an end use listed in subsection 2 may not knowingly vent or otherwise release
39 into the environment any substance contained or used in that product or equipment. De
40 minimis releases associated with good faith attempts to recycle or recover such substances
41 are not subject to this prohibition.

42 SUMMARY

43 This bill prohibits the sale, lease, rent, installation, use or entering into commerce of
44 any product or equipment that uses or will use a substance that is a hydrofluorocarbon with

1 high global warming potential intended for any air conditioning, refrigeration, foam or
2 aerosol propellant end use as determined by the Department of Environmental Protection
3 in rules. It directs the department to adopt rules to implement the prohibition and specifies
4 the substances and end uses that are to be addressed in the rules. In adopting the initial
5 rules, the department must regulate each substance and end use as specifically provided for
6 in the bill and may not regulate any substance or end use not addressed in the bill. In the
7 future, the department may adopt rules adding or removing substances from the list of
8 prohibited substances or adding or removing end uses.