

114TH CONGRESS
1ST SESSION

S. 2076

To establish a task force to review policies and measures to promote, and to develop best practices for, reduction of short-lived climate pollutants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2015

Mr. MURPHY (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a task force to review policies and measures to promote, and to develop best practices for, reduction of short-lived climate pollutants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Super Pollutants Act
5 of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) short-lived climate pollutants account for 40
9 percent of global warming impacting the atmos-

1 phere, even though those pollutants account for a
2 much smaller percentage of warming agents, by
3 weight;

4 (2) reducing short-lived climate pollutant emis-
5 sions could—

6 (A) prevent more than 2,000,000 pre-
7 mature deaths each year, according to the
8 United Nations Environment Programme
9 (UNEP);

10 (B) prevent more than 30,000,000 tons of
11 crop losses each year, according to UNEP;

12 (C) cut the rate of sea-level rise by 25 per-
13 cent, according to the National Center for At-
14 mospheric Research and the Scripps Institution
15 of Oceanography;

16 (D) cut the rate of warming by up to 0.6
17 degrees Celsius by 2050, according to UNEP;
18 and

19 (E) significantly contribute toward the
20 overall global target of holding increased warm-
21 ing below 2 degrees Celsius;

22 (3) the United States is—

23 (A) 1 of the largest consumers of
24 hydrofluorocarbons in the world; and

1 (B) providing significant innovation in the
2 development of low global warming potential
3 (low-GWP) alternatives;

4 (4) the United States could serve as a leader
5 and exemplar of responsibly phasing down
6 hydrofluorocarbon production and consumption;

7 (5)(A) the Montreal Protocol on Substances
8 that Deplete the Ozone Layer has been an extraor-
9 dinarily successful model for protecting the strato-
10 spheric ozone layer and achieving significant climate
11 protection cobenefits; and

12 (B) since that treaty was signed in 1987, there
13 has been a 98-percent reduction in ozone-depleting
14 substances; and

15 (6) the interagency Strategy to Reduce Meth-
16 ane Emissions, released in March 2014, outlines a
17 proactive agenda for reducing methane leakage and
18 waste throughout the United States economy.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **SHORT-LIVED CLIMATE POLLUTANT.**—The
22 term “short-lived climate pollutant” means—

23 (A) black carbon;

24 (B) methane; and

1 (C) high global warming potential
2 hydrofluorocarbons (referred to in this Act as
3 “high-GWP HFC”).

4 (2) TASK FORCE.—The term “Task Force”
5 means the Interagency Task Force on Short-Lived
6 Climate Pollutant Mitigation established under sec-
7 tion 4(a).

8 **SEC. 4. INTERAGENCY TASK FORCE ON SHORT-LIVED CLI-**
9 **MATE POLLUTANT MITIGATION.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
11 the date of enactment of this Act, the President shall es-
12 tablish a task force, to be known as the “Interagency Task
13 Force on Short-Lived Climate Pollutant Mitigation”.

14 (b) MEMBERSHIP.—The members of the Task Force
15 shall include the head of each relevant Federal department
16 or agency (or a designee), including the Department of
17 Agriculture, the Department of Commerce, the Depart-
18 ment of Defense, the Department of Energy, the Depart-
19 ment of the Interior, the Department of State, the Depart-
20 ment of Transportation, the Environmental Protection
21 Agency, the National Oceanic and Atmospheric Adminis-
22 tration, and the United States Agency for International
23 Development.

24 (c) DUTIES.—The Task Force shall—

1 (1) not later than 180 days after the date of
2 enactment of this Act, submit to the appropriate
3 congressional committees a report that includes—

4 (A) the plans of the relevant departments
5 or agencies for meeting the goals established in
6 section 2 of Executive Order 13514 (October 5,
7 2009) (74 Fed. Reg. 52117) to reduce
8 hydrofluorocarbons, methane, and related indi-
9 rect emissions (including tropospheric ozone) by
10 the Federal Government; and

11 (B) specific plans of the relevant depart-
12 ments or agencies—

13 (i) to purchase cleaner alternatives to
14 high-GWP HFC whenever feasible; and

15 (ii) to transition over time to equip-
16 ment that uses safer and more sustainable
17 alternatives to high-GWP HFC;

18 (2) review the policy recommendations made
19 by—

20 (A) the Interagency Climate Change Adap-
21 tation Task Force;

22 (B) the Interagency Strategy to Reduce
23 Methane Emissions;

24 (C) the report to Congress regarding black
25 carbon dated March 2012; and

1 (D) the Council on Climate Preparedness
2 and Resilience;

3 (3) incorporate into the action plan of the Task
4 Force any appropriate proposals or recommenda-
5 tions made by the entities or reports referred to in
6 paragraph (2) that are relevant to short-lived cli-
7 mate pollutants;

8 (4) identify relevant Federal programs that are
9 or could be addressing the reduction of short-lived
10 climate pollutants in the United States and world-
11 wide;

12 (5) identify overlapping and duplicative pro-
13 grams addressing short-lived climate pollutants that
14 would benefit from consolidation and streamlining;

15 (6) identify gaps and serious deficiencies in
16 United States programs targeted at short-lived cli-
17 mate pollutants, including those that can be
18 achieved through a combination of assessment, sci-
19 entific research, monitoring, and technological devel-
20 opment activities, with an emphasis on industry
21 standards and public-private partnerships;

22 (7) in developing recommendations, consult
23 with affected stakeholders in private industry; and

24 (8) not later than 18 months after the date of
25 enactment of this Act, submit to the appropriate

1 congressional committees a report describing the
2 findings and recommendations resulting from the ac-
3 tivities described in paragraphs (2) through (7).

4 **SEC. 5. REDUCTION OF BLACK CARBON EMISSIONS.**

5 (a) COMPREHENSIVE PLAN.—

6 (1) IN GENERAL.—Through the membership of
7 the United States in the International Maritime Or-
8 ganization, the Secretary of State, in consultation
9 with the Secretary of Transportation, the Secretary
10 of Commerce, the Administrator of the Environ-
11 mental Protection Agency, and the Commandant of
12 the Coast Guard, shall develop a comprehensive plan
13 to reduce black carbon emissions, based on appro-
14 priate emission data from oceangoing vessels pro-
15 vided on a voluntary basis, from international ship-
16 ping through—

17 (A) a clean freight partnership;

18 (B) the inclusion of limits on black carbon;

19 and

20 (C) efforts that include protection of access
21 to critical fuel shipments and emergency needs
22 of coastal communities.

23 (2) ROADMAP.—A principal objective of the
24 plan developed pursuant to paragraph (1) shall be
25 the establishment, in coordination with the Depart-

1 ment of Transportation, of a roadmap toward help-
2 ing countries reduce fine-particle emissions (PM_{2.5})
3 in the shipping sector through—

4 (A) the installation of advanced emissions
5 controls; and

6 (B) the reduction of sulfur content in
7 fuels.

8 (b) BLACK CARBON EMISSIONS REDUCTION
9 GOALS.—Acting as chairperson of the Arctic Council, the
10 Secretary of State shall—

11 (1) lead an effort to reduce black carbon
12 through an Arctic-wide aspirational black carbon
13 goal; and

14 (2) encourage observers of the Arctic Council
15 (including India and China) to adopt national black
16 carbon emissions reduction goals and mitigation
17 plans.

18 (c) CLIMATE AND CLEAN AIR COALITION.—Through
19 the membership of the United States in the Climate and
20 Clean Air Coalition to Reduce Short-Lived Climate Pollut-
21 ants, the Secretary of State is encouraged—

22 (1) to work with the Coalition to craft specific
23 financing mechanisms for the incremental cost of
24 international black carbon mitigation activities; and

1 (2) to request that the Coalition produce a re-
2 port describing black carbon mitigation financing op-
3 tions.

4 (d) BLACK CARBON MITIGATION ACTIVITIES.—

5 (1) PRIORITIZATION.—The Administrator of
6 the United States Agency for International Develop-
7 ment, in cooperation with the Administrator of the
8 Environmental Protection Agency, shall—

9 (A) prioritize black carbon mitigation ac-
10 tivities as part of official development assist-
11 ance and programmatic activities;

12 (B) give special emphasis to projects that
13 produce substantial environmental, gender, live-
14 lihood, and public health benefits, including
15 support for clean-burning cookstoves and fuels;
16 and

17 (C) work with the Global Alliance for
18 Clean Cookstoves to help developing nations es-
19 tablish thriving markets for clean and efficient
20 cooking solutions.

21 (2) EMISSIONS REDUCTIONS.—The Secretary of
22 State, in collaboration with the Administrator of the
23 Environmental Protection Agency and the Secretary
24 of Transportation, shall provide additional aid to
25 international efforts to reduce black carbon emis-

1 sions from diesel trucks, 2-stroke engines, diesel
2 generators, and industrial processes by providing
3 technical assistance—

4 (A) to help developing nations lower the
5 sulfur content of diesel fuels;

6 (B) to expand access to diesel particulate
7 filters;

8 (C) to provide vehicle manufacturers with
9 low-emission engine designs; and

10 (D) to develop other mitigation activities,
11 including energy efficiency alternatives for gen-
12 erators and industrial processes.

13 **SEC. 6. GLOBAL REDUCTIONS IN HIGH-GWP FLUORINATED**
14 **GASES.**

15 (a) SENSE OF CONGRESS.—

16 (1) ACTIONS BY ENVIRONMENTAL PROTECTION
17 AGENCY.—It is the sense of Congress that the Ad-
18 ministrator of the Environmental Protection Agency
19 should—

20 (A) amend any regulations issued under
21 section 608 of the Clean Air Act (42 U.S.C.
22 7671g)—

23 (i) to include hydrofluorocarbons; and

1 (ii) to expand initiatives relating to
2 the recovery and reclamation of
3 hydrofluorocarbons;

4 (B) cooperate with the Secretary of Energy
5 in considering modifications to the Energy Star
6 program established under section 324A of the
7 Energy Policy and Conservation Act (42 U.S.C.
8 6294a) to include refrigerant systems that—

9 (i) achieve best-in-class energy effi-
10 ciency savings; and

11 (ii) use low global warming potential
12 refrigerants and foam-blowing agents; and

13 (C) remove high-GWP HFC from the Sig-
14 nificant New Alternatives Policy Program au-
15 thorized under section 612(c) of the Clean Air
16 Act (42 U.S.C. 7671k(e)) for applications in
17 which the Administrator has identified other al-
18 ternatives that—

19 (i) are currently or potentially avail-
20 able;

21 (ii) reduce the overall risk to human
22 health and the environment; and

23 (iii) take into consideration cost-effec-
24 tiveness.

1 (2) SENSE OF SENATE.—It is the sense of the
2 Senate that United States leadership and full sup-
3 port of an amendment to the Montreal Protocol on
4 Substances that Deplete the Ozone Layer, done at
5 Montreal September 16, 1987, should ensure a
6 smooth, technically feasible global transition away
7 from high-GWP HFC.

8 (b) STUDY ON HIGH-GWP HFC ALTERNATIVES.—
9 Not later than 2 years after the date of enactment of this
10 Act, the Secretary of Energy and the Administrator of the
11 Environmental Protection Agency, in collaboration with
12 the National Institute of Standards and Technology,
13 shall—

14 (1) evaluate the availability of high-GWP HFC
15 alternatives; and

16 (2) submit to Congress a report that—

17 (A) identifies—

18 (i) the standards or regulatory bar-
19 riers that are preventing the use of alter-
20 natives to high-GWP HFC in the United
21 States that are in widespread use in other
22 countries;

23 (ii) any standards or regulations re-
24 quiring revision; and

1 (iii) any actions necessary to revise
2 those standards or regulations; and

3 (B) establishes a plan for revising the
4 standards referred to in paragraph (1) in the
5 shortest practicable timeframe.

6 (c) PROHIBITION OF HCFC-22 AIR CONDITIONING
7 CONDENSING EQUIPMENT.—

8 (1) IN GENERAL.—Section 605 of the Clean Air
9 Act (42 U.S.C. 7671d) is amended by adding at the
10 end the following:

11 “(e) HCFC-22 AIR CONDITIONING CONDENSING
12 EQUIPMENT.—Effective 1 year after the date of enact-
13 ment of the Super Pollutants Act of 2015, it shall be un-
14 lawful for any person to manufacture any uncharged
15 hydrochlorofluorocarbon-22 air conditioning condensing
16 equipment for residential use.”.

17 (2) RULEMAKING.—Not later than 180 days
18 after the date of enactment of this Act, the Adminis-
19 trator of the Environmental Protection Agency shall
20 promulgate regulations—

21 (A) to carry out the amendment made by
22 paragraph (1); and

23 (B) to reduce the allocation of HCFC-22
24 consumption allowances commensurate with an-
25 ticipated decreased demand resulting from the

1 prohibition of uncharged condensing equipment
2 under subsection (e) of section 605 of the Clean
3 Air Act (42 U.S.C. 7671d) (as added by para-
4 graph (1)).

5 (d) R-134A AUTOMOTIVE AIR CONDITIONING RE-
6 CHARGE KITS.—

7 (1) STUDY.—The Administrator of the Envi-
8 ronmental Protection Agency shall conduct a study
9 to determine the most effective method to minimize
10 the inadvertent release of HFC-134a from auto-
11 motive air conditioning recharge kits at any time
12 during which the recharge container is not being
13 used.

14 (2) REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator
16 shall submit to Congress a report that contains the
17 results of the study conducted pursuant to para-
18 graph (1).

19 **SEC. 7. REDUCTION OF METHANE EMISSIONS.**

20 (a) TECHNICAL GUIDANCE.—The Secretary of State,
21 the Secretary of Energy, the Administrator of the Envi-
22 ronmental Protection Agency, and the Secretary of Com-
23 merce shall—

24 (1) provide to other countries technical guid-
25 ance regarding containment of emissions from gas

1 drilling, landfills, coal mining, and agriculture in en-
2 gaging with other governments, including trade dele-
3 gations, under the auspices of international initia-
4 tives, such as the Global Shale Gas Initiative of the
5 Department of State and the Global Methane Initia-
6 tive; and

7 (2) collaborate with—

8 (A) the Global Gas Flaring Reduction
9 Partnership of the World Bank; and

10 (B) the Global Methane Initiative, Natural
11 Gas STAR Program, the Climate and Clean Air
12 Coalition Oil and Gas Methane Partnership,
13 and other voluntary reduction programs of the
14 Environmental Protection Agency.

15 (b) GAO REPORT.—

16 (1) IN GENERAL.—The Comptroller General of
17 the United States shall conduct a study that identi-
18 fies—

19 (A) the types of equipment throughout the
20 production value chain that are most likely to
21 have high leak rates; and

22 (B) voluntary efforts on replacing or moni-
23 toring those types of equipment.

24 (2) REPORT.—Not later than 1 year after the
25 date of enactment of this Act, the Comptroller Gen-

1 eral of the United States shall submit to Congress
2 a report that contains the results of the examination
3 conducted pursuant to paragraph (1).

4 (c) SENSE OF CONGRESS REGARDING FINANCING
5 CONDITIONS.—It is the sense of Congress that, in evalu-
6 ating gas and oil-related projects for financial support, the
7 heads of the United States Export-Import Bank and the
8 Overseas Private Investment Corporation should condition
9 financing for those projects on—

10 (1) the deployment of the best technology,
11 methods, and management practices for detecting
12 and repairing leaks of methane throughout the oil
13 and gas production, processing, transportation, and
14 distribution system;

15 (2) the minimization of venting and inefficient
16 or unnecessary flaring; and

17 (3) the deployment of best technology, methods,
18 and management practices for reducing emissions of
19 other air pollution, especially—

20 (A) volatile organic compounds; and

21 (B) hazardous air pollutants.

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