

115TH CONGRESS
2D SESSION

S. 2448

To provide for the issuance of a rule to advance next-generation technologies to provide alternatives to hydrofluorocarbons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2018

Mr. KENNEDY (for himself, Mr. CARPER, Mr. CASSIDY, Mr. COONS, Ms. COLLINS, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the issuance of a rule to advance next-generation technologies to provide alternatives to hydrofluorocarbons, 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 “American Innovation
5 and Manufacturing Act of 2018”.

6 **SEC. 2. PHASING DOWN HYDROFLUOROCARBONS.**

7 (a) IN GENERAL.—Not later than December 31,
8 2018, the Administrator of the Environmental Protection
9 Agency (referred to in this section as the “Adminis-

1 trator”) shall issue one or more rules to phasedown hydro-
2 fluorocarbons through an allowance allocation and trading
3 program and the advancement of environmentally friendly
4 technologies, including new compounds, blends, and other
5 substances (such as refrigerants, solvents, fire retardants,
6 foam blowing agents, aerosols, and propellants).

7 (b) REQUIREMENTS.—A rule issued under subsection
8 (a) shall—

9 (1) be issued, reviewed, and enforced in the
10 same manner as rules issued pursuant to title VI of
11 the Clean Air Act (42 U.S.C. 7671 et seq.);

12 (2) conform to the Montreal Protocol on Sub-
13 stances that Deplete the Ozone Layer, done at Mon-
14 treal on September 16, 1987 (including the hydro-
15 fluorocarbon phasedown schedule agreed to by par-
16 ties to the Montreal Protocol on October 15, 2016);

17 (3) provide for the improvement of refrigerant
18 management programs, including reclamation; and

19 (4) be designed—

20 (A) to promote and support economic de-
21 velopment;

22 (B) to maximize protections for human
23 health and the environment;

1 (C) to minimize economic costs to hydro-
2 fluorocarbon producers, reclaimers, and user
3 entities;

4 (D) to maximize flexibility for hydrofluoro-
5 carbon producers, reclaimers, and user entities;
6 and

7 (E) to minimize any additional costs to
8 consumers.

9 (c) NEGOTIATIONS WITH STAKEHOLDERS.—In
10 issuing a rule under subsection (a), as the Administrator
11 determines to be appropriate, the Administrator may con-
12 sider negotiating with all relevant stakeholders, in accord-
13 ance with the negotiated rulemaking procedure under sub-
14 chapter III of chapter 5 of title 5, United States Code
15 (commonly known as the “Negotiated Rulemaking Act of
16 1990”).

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