

By: Johnson

S.B. No. 125

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of hydrofluorocarbons under the Texas
3 Clean Air Act.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 382, Health and Safety Code, is amended
6 by adding Subchapter L to read as follows:

7 SUBCHAPTER L. REGULATION OF HYDROFLUOROCARBONS

8 Sec. 382.551. DEFINITIONS. In this subchapter:

9 (1) "Class I substances" and "class II substances"
10 mean those substances listed in 42 U.S.C. Section 7671a, as that
11 section existed on November 15, 1990, or those substances listed in
12 Appendix A or B of 40 C.F.R. Part 82, Subpart A, as those appendices
13 existed on January 3, 2017.

14 (2) "Hydrofluorocarbons" means the class of
15 greenhouse gases that are saturated organic compounds containing
16 hydrogen, fluorine, and carbon.

17 (3) "Residential consumer refrigeration products"
18 means a consumer refrigeration product as defined by 10 C.F.R.
19 Section 430.2 that is designed or manufactured primarily for
20 residential use.

21 (4) "Retrofit" has the meaning assigned by 40 C.F.R.
22 Section 82.152, as that section existed as of January 3, 2017.

23 (5) "Substitute" means a chemical, product, or
24 alternative manufacturing process, whether existing or retrofit,

1 that is used to perform a function previously performed by a class I
2 substance or class II substance and any substitute subsequently
3 adopted to perform that function, including hydrofluorocarbons.

4 Sec. 382.552. REGULATION OF HYDROFLUOROCARBONS. (a)

5 Except as otherwise provided by this section, a person may not offer
6 any product or equipment for sale, lease, or rent, or install or
7 otherwise cause any product or equipment to enter into commerce in
8 this state if that product or equipment consists of, uses, or will
9 use a substitute, as provided in Appendix U or V of 40 C.F.R. Part
10 82, Subpart G, as those appendices existed on January 3, 2017, for
11 the applications or end uses restricted by those appendices.

12 (b) Except where existing equipment is retrofit, Subsection
13 (a) does not require a person that acquired a prohibited product or
14 equipment before the applicable effective date specified in
15 Subsection (c) for the prohibition to cease use of that product or
16 equipment. Products or equipment manufactured before the
17 applicable effective date specified in Subsection (c) for the
18 prohibition may be sold, imported, exported, distributed,
19 installed, and used after the specified effective date.

20 (c) Except as provided by Subsection (d), the prohibition
21 imposed under Subsection (a) takes effect beginning:

22 (1) January 1, 2023, for:

23 (A) propellants;

24 (B) rigid polyurethane applications and spray
25 foam, flexible polyurethane, integral skin polyurethane, flexible
26 polyurethane foam, polystyrene extruded sheet, polyolefin,
27 phenolic insulation board, and bunstock;

1 (C) supermarket systems, remote condensing
2 units, stand-alone units, and vending machines;

3 (D) refrigerated food processing and dispensing
4 equipment;

5 (E) compact residential consumer refrigeration
6 products; and

7 (F) polystyrene extruded boardstock and billet
8 and rigid polyurethane low-pressure two-component spray foam;

9 (2) January 1, 2024, for residential consumer
10 refrigeration products other than compact and built-in residential
11 consumer refrigeration products;

12 (3) January 1, 2025, for:

13 (A) cold storage warehouses; and

14 (B) built-in residential consumer refrigeration
15 products;

16 (4) January 1, 2026, for centrifugal chillers and
17 positive displacement chillers; and

18 (5) January 1, 2022, or the effective date of the
19 restrictions identified in Appendix U or V of 40 C.F.R. Part 82,
20 Subpart G, as those appendices existed on January 3, 2017,
21 whichever comes later, for all other applications and end uses for
22 substitutes not described by the categories listed in Subdivisions
23 (1) through (4).

24 (d) The commission by rule may modify the effective date
25 specified in Subsection (c) for a prohibition if the commission
26 determines that the modified deadline:

27 (1) reduces the overall risk to human health or the

1 environment; and

2 (2) reflects the earliest date that a substitute is
3 currently or potentially available.

4 (e) If the United States Environmental Protection Agency
5 approves a previously prohibited hydrofluorocarbon blend with a
6 global warming potential of 750 or less for foam blowing of
7 polystyrene extruded boardstock and billet and rigid polyurethane
8 low-pressure two-component spray foam pursuant to the significant
9 new alternatives policy program under the federal Clean Air Act (42
10 U.S.C. Section 7671k), the commission shall expeditiously propose a
11 rule to conform the requirements established under this section
12 with that federal action.

13 SECTION 2. This Act takes effect September 1, 2021.