

CHAPTER 507

AN ACT concerning the reduction of greenhouse gas emissions from hydrofluorocarbons and supplementing Title 26 and Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2C-60 Definitions relative to reduction of greenhouse gas emissions.

1. As used in this act:

“Class I substance” and “class II substance” mean those substances listed in 42 U.S.C. s.7671a, as that section read on November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those appendices read on January 3, 2017.

“Department” means the Department of Environmental Protection.

“Hydrofluorocarbons” means the class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.

“Manufacturer” means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

“Residential consumer refrigeration product” means the same as that term is defined in 10 C.F.R. s.430.2, as that section read on January 3, 2017.

“Retrofit” means the same as that term is defined in 40 C.F.R. s.82.152, as that section read on January 3, 2017.

“Substitute” means a chemical, product substitute, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any substitute subsequently adopted to perform that function, including, but not limited to, hydrofluorocarbons.

C.26:2C-61 Use of certain products prohibited.

2. a. No person shall offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in New Jersey if that equipment or product consists of, uses, or will use a substitute, as set forth in Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those appendices read on January 3, 2017, for the applications or end uses restricted by Appendix U or V of the federal regulation, as those appendices read on January 3, 2017, consistent with the deadlines set forth in subsection b. of this section.

Except where existing equipment is retrofitted, nothing in this subsection shall require a person to cease using a product or equipment that was manufactured prior to the effective date of restrictions set forth in subsection b. of this section. A product or equipment manufactured prior to the applicable effective date of the restriction specified in subsection b. of this section may be sold, imported, exported, distributed, installed, and used after the applicable effective date.

b. For the following products and equipment identified in Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those appendices read on January 3, 2017, the prohibition set forth in subsection a. of this section shall take effect beginning:

(1) July 1, 2020, for:

(a) propellants;

(b) rigid polyurethane applications and spray foam, flexible polyurethane, integral skin polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, and phenolic insulation board and bunstock; and

(c) supermarket systems, remote condensing units, and stand-alone units;

(2) January 1, 2021, for:

(a) refrigerated food processing and dispensing equipment;
(b) compact residential consumer refrigeration products; and
(c) polystyrene extruded boardstock and billet, and rigid polyurethane low-pressure two-component spray foam;

(3) January 1, 2022, for :

(a) residential consumer refrigeration products other than compact and built-in residential consumer refrigeration products; and

(b) vending machines;

(4) January 1, 2023, for:

(a) cold storage warehouses; and

(b) built-in residential consumer refrigeration products;

(5) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(6) On either July 1, 2020, or the effective date of the restrictions identified in Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those appendices read on January 3, 2017, whichever is later, for all other applications and end uses for substitutes not covered by the categories listed in paragraphs (1) through (5) of this subsection.

c. The department may, by rule or regulation adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.):

(1) modify the effective date of a prohibition established in subsection b. of this section, if the department determines that such modification reduces the overall risk to human health or the environment and reflects the earliest date that a substitute is currently or potentially available;

(2) prohibit the use of a substitute if the department determines that the prohibition reduces the overall risk to human health or the environment and that a lower risk substitute is currently or potentially available;

(3) (a) adopt a list of approved substitutes, use conditions, or use limits, if any; and (b) add or remove substitutes, use conditions, or use limits to or from the list of approved substitutes, use conditions, or use limits if the department determines such action reduces the overall risk to human health and the environment; and

(4) designate acceptable uses of hydrofluorocarbons for medical uses that shall be exempt from the prohibitions set forth in subsection b. of this section.

d. (1) No later than one year after enactment by another state of restrictions on substitutes applicable to new light duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light duty vehicles consistent with the restrictions identified in appendix B of Subpart G of 40 C.F.R. Part 82, as that appendix read on January 3, 2017.

(2) If the United States Environmental Protection Agency approves a previously prohibited hydrofluorocarbon blend with a global warming potential of 750 or less for foam blowing of polystyrene extruded boardstock and billet and rigid polyurethane low-pressure two-component spray foam pursuant to the significant new alternatives policy program established pursuant to the federal “Clean Air Act,” 42 U.S.C. s.7671k, the department may propose a rule in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to conform the requirements established under this section with that federal action.

e. The authority granted by this section to the department for restricting the use of substitutes is supplementary to the authority to control air pollution pursuant to the “Air Pollution Control Act (1954),” P.L.1954, c.212 (C.26:2C-1 et seq.).

C.26:2C-62 Disclosure of use of hydrofluorocarbons, substitutes.

3. a. A manufacturer shall disclose the hydrofluorocarbons and substitutes used in its products or equipment in a form and manner as determined by the department pursuant to rules and regulations adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) , which may take the form of a model rule established by the United States Climate Alliance. Until such time as the department adopts disclosure rules pursuant to this section, a manufacturer shall use labeling that provides sufficient disclosure of the use of substitutes in the product or equipment.

b. The department may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations as the department determines necessary to administer, implement, and enforce this section. Where feasible and appropriate, such rules and regulations shall be consistent with the regulatory standards, exemptions, reporting obligations, disclosure requirements, and other compliance requirements of other states that have adopted restrictions on the use of hydrofluorocarbons, or a model rule established by the United States Climate Alliance.

C.26:2C-63 Requirements concerning refrigerants.

4. Any person who installs, repairs, maintains, services, replaces, recycles, or disposes of a stationary refrigeration or air conditioning appliance, and any person who distributes or reclaims refrigerants, shall follow the requirements, including the prohibitions on venting of refrigerants, set forth in Subpart F of 40 C.F.R. Part 82, as that subpart read on January 3, 2017. The department may by rule or regulation adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), modify or add to such requirements if the department determines that such modifications or additions reduce overall risk to human health or the environment.

C.26:2C-64 Violations, enforcement and penalty.

5. A person who violates the provisions of sections 2 through 4 of this act, or any rule or regulation adopted pursuant thereto, shall be subject to the enforcement and penalty provisions of section 19 of P.L.1954, c.212 (C.26:2C-19).

C.26:2C-65 Reports.

6. a. No later than December 1, 2020, the department, in consultation with other relevant departments and agencies, shall prepare and submit, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report providing recommendations on how to increase the use of substitutes with low global warming potential that reduce overall risk to human health and the environment in mobile sources, utility equipment, and consumer appliances, and how to reduce other uses of hydrofluorocarbons in the State, including recommendations, if deemed appropriate, concerning how to structure, fund, and prioritize a State incentive program to reduce uses of hydrofluorocarbons in the State.

b. In lieu of submitting a separate report pursuant to this section, the department may include the information required to be submitted pursuant to subsection a. of this section in the report required pursuant to subsection c. of section 6 of P.L.2007, c.112 (C.26:2C-42), provided that report is transmitted to the appropriate parties prior to December 1, 2020.

C.26:2C-66 Construction of act.

7. Nothing in this act shall be construed to impose liability on any news media that accepts or publishes advertising for any product that would otherwise be subject to the provisions of this act.

C.26:2C-67 Severability.

8. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

C.52:27D-123.18 Rules, regulations.

9. a. The Commissioner of Community Affairs shall adopt, pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), a list of approved uses, and use conditions or use limits, if applicable, for substitutes, as defined pursuant to section 1 of P.L.2019, c.507 (C.26:2C-60).

b. Each substitute, use, use condition, or use limit in the list adopted pursuant to this section shall be:

(1) approved under the "Significant New Alternatives Policy" program in the United States Environmental Protection Agency pursuant to 42 U.S.C. s.7671k, and approved by the Department of Environmental Protection; or

(2) approved by the Department of Environmental Protection pursuant to section 2 of P.L.2019, c.507 (C.26:2C-61).

10. This act shall take effect immediately.

Approved January 21, 2020.