

ASSEMBLY, No. 1193

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Establishes Statewide hydrofluorocarbon emission limit and requires DEP to establish hydrofluorocarbon emissions monitoring and reporting program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning hydrofluorocarbon emissions and amending
2 and supplementing P.L.2007, c.112.

3

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

6

7 1. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
8 read as follows:

9 3. For the purposes of this act:

10 “Department” means the Department of Environmental
11 Protection.

12 “Greenhouse gas” means carbon dioxide, methane, nitrous oxide,
13 hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any
14 other gas or substance determined by the Department of
15 Environmental Protection to be a significant contributor to the
16 problem of global warming.

17 “Statewide greenhouse gas emissions” means the sum of
18 calendar year emissions of greenhouse gases from all sources within
19 the State, and from electricity generated outside the State but
20 consumed in the State, as determined by the department pursuant to
21 subsection c. of section 5 of this act.

22 “2020 limit” means the level of greenhouse gas emissions equal
23 to the 1990 level of Statewide greenhouse gas emissions.

24 “2035 hydrofluorocarbon limit” means the level of
25 hydrofluorocarbon emissions equal to 40 percent less than the 2018
26 level of Statewide hydrofluorocarbon emissions.

27 “2050 limit” means the level of greenhouse gas emissions equal
28 to 80 percent less than the 2006 level of Statewide greenhouse gas
29 emissions.

30 (cf: P.L.2007, c.112, s.3)

31

32 2. (New section) No later than January 1, 2035, the level of
33 Statewide hydrofluorocarbon emissions shall be stabilized at or
34 below the 2035 hydrofluorocarbon limit and shall not exceed that
35 level thereafter. The department shall consider the economic
36 impact upon the State for any measure imposed to meet the 2035
37 hydrofluorocarbon limit.

38

39 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
40 read as follows:

41 5. a. No later than January 1, 2009, the department shall adopt,
42 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
43 (C.52:14B-1 et seq.), rules and regulations establishing a
44 greenhouse gas emissions monitoring and reporting program to
45 monitor and report Statewide greenhouse gas emissions.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 b. The rules and regulations adopted pursuant to subsection a.
2 of this section shall identify all significant sources of Statewide
3 greenhouse gas emissions and shall provide for, but need not be
4 limited to, the following:

5 (1) monitoring and reporting of existing emissions and changes
6 in emissions over time from the sources identified by the
7 department;

8 (2) reporting the levels of those emissions and changes in those
9 emissions levels annually, commencing on January 1, 2009; and

10 (3) monitoring progress toward the 2020 limit and the 2050
11 limit.

12 c. Pursuant to the rules and regulations adopted pursuant to
13 **subsection** subsections a. and d. of this section, the department
14 shall require reporting of the greenhouse gas emissions:

15 (1) associated with fossil fuels used in the State, as reported by
16 entities that are manufacturers and distributors of fossil fuels, which
17 may include, but need not be limited to, oil refineries, oil storage
18 facilities, natural gas pipelines, and fuel wholesale and retail
19 distributors;

20 (2) from any entity generating electricity in the State and from
21 any entity that generates electricity outside the State that is
22 delivered for end use in the State. With respect to electricity
23 generated outside the State and imported into the State, the
24 department shall determine the emissions from that generation by
25 subtracting the kilowatt-hours of electricity generated in the State
26 from the kilowatt-hours of electricity consumed in the State, and
27 multiplying the difference by a default emissions rate determined by
28 the department;

29 (3) from any gas public utility as defined in section 3 of
30 P.L.1999, c.23 (C.48:3-51); and

31 (4) from any additional entities that are significant emitters of
32 greenhouse gases, as determined by the department, and as
33 appropriate to enable the department to monitor compliance with
34 progress toward the 2020 limit , the 2035 hydrofluorocarbon limit,
35 and the 2050 limit.

36 d. No later than January 1, 2020, the department shall adopt,
37 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
38 (C.52:14B-1 et seq.), rules and regulations establishing a
39 hydrofluorocarbon emissions monitoring and reporting program to
40 achieve the 2035 hydrofluorocarbon limit.

41 (cf: P.L.2007, c.112, s.5)

42
43 4. (New section) a. The department, in consultation with the
44 Board of Public Utilities, the Department of Agriculture, the
45 Department of Transportation, and the Department of Community
46 Affairs, shall evaluate policies and measures that will enable the
47 State to achieve the 2035 hydrofluorocarbon limit, shall make
48 specific recommendations on how to achieve the hydrofluorocarbon

1 emission reduction targets, including measures that reduce
2 emissions in all sectors of the economy including transportation,
3 housing, and consumer products, and shall evaluate the economic
4 benefits and costs of implementing these recommendations.

5 b. No later than June 30, 2020, the department, and any other
6 State agencies, as appropriate, shall prepare a report recommending
7 the measures necessary to reduce hydrofluorocarbon emissions to
8 achieve the 2035 hydrofluorocarbon limit. The report shall include
9 specific recommendations for legislative and regulatory action that
10 will be necessary to achieve the 2035 hydrofluorocarbon limit. The
11 report shall be transmitted to the Governor, to the State Treasurer,
12 to the Legislature pursuant to section 2 of P.L.1991, c.164
13 (C.52:14-19.1), and to the members of the Senate Environment and
14 Energy Committee and the Assembly Environment and Solid Waste
15 Committee, or the successor committees.

16
17 5. Section 7 of P.L.2007 c.112 (C.26:2C-43) is amended to
18 read as follows:

19 7. a. No later than January 1, 2009, and biennially thereafter,
20 the department shall prepare and transmit, in writing, a report to the
21 Governor, to the State Treasurer, to the Legislature pursuant to
22 section 2 of P.L.1991, c.164 (C.52:14-19.1) , and to the members of
23 the Senate Environment and Energy Committee and the Assembly
24 Environment and Solid Waste Committee, or the successor
25 committees, on the status of the greenhouse gas emissions
26 monitoring and reporting program established pursuant to this act,
27 the current level of greenhouse gas emissions in the State and the
28 progress made toward compliance with the 2020 limit , the 2035
29 hydrofluorocarbon limit, and the 2050 limit established pursuant to
30 this act. The report shall also include updated and comparative
31 inventories of Statewide greenhouse gas emissions.

32 b. No later than January 1, 2015, the department shall evaluate
33 the ecological, economic, and environmental factors and the
34 technological capability affecting the attainment or maintenance of
35 the 2020 limit and the 2050 limit established pursuant to this act.

36 c. No later than January 1, 2020, and biennially thereafter as
37 part of the report required pursuant to subsection a. of this section,
38 the department shall report on the status of the hydrofluorocarbon
39 emissions monitoring and reporting program established pursuant to
40 section d. of P.L.2007, c.112 (C.26:2C-41), the current level of
41 hydrofluorocarbon emissions in the State, and the progress made
42 toward compliance with the 2035 hydrofluorocarbon limit.

43 d. Not later than January 1, 2026, the department shall evaluate
44 the ecological, economic, and environmental factors and the
45 technological capability affecting the attainment or maintenance of
46 the 2035 hydrofluorocarbon limit.

47 (cf: P.L.2007, c.112, s.7)

1 6. (New section) a. No later than June 30, 2019, the
2 department shall designate an independent research review panel
3 consisting of economists, business managers, nonprofit
4 environmental organization representatives, and public officials,
5 and scientists from academia, industry, and the government, to
6 review the recommendations and evaluations submitted by the
7 department and any other State agencies, as appropriate, in the
8 reports required pursuant to subsection b. of section 4 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill).

10 b. The independent research review panel shall review the
11 recommendations and evaluations of the department and any other
12 State agencies, as appropriate, and shall, within 12 months after the
13 date of transmittal of the reports required pursuant to subsection b.
14 of section 4 of P.L. , c. (C.) (pending before the Legislature
15 as this bill), prepare and transmit a report evaluating the ecological,
16 economic, and social impact of the proposed recommendations
17 submitted by the department and any other State agencies, as
18 appropriate, to the Governor, to the State Treasurer, to the
19 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
20 and to the members of the Senate Environment and Energy
21 Committee and the Assembly Environment and Solid Waste
22 Committee, or the successor committees.

23 c. This section shall not be construed to affect the requirements
24 of the greenhouse gas emissions monitoring and reporting program
25 or the department's administration of the program established
26 pursuant to this act.

28 7. This act shall take effect immediately.

STATEMENT

33 The bill would amend and supplement the “Global Warming
34 Response Act,” P.L.2007, c.112 (C.26:2C-37 et seq.) to establish a
35 Statewide hydrofluorocarbon emission limit and require DEP to
36 establish a hydrofluorocarbon emissions and monitoring program.

The bill would set a Statewide goal of achieving a 40 percent reduction in hydrofluorocarbon emissions below the 2018 level by 2035 (the “2035 hydrofluorocarbon limit”), and would require the DEP to adopt rules and regulations establishing a hydrofluorocarbon emission monitoring and reporting program to achieve the 2035 hydrofluorocarbon limit. The DEP would be required to prepare a report recommending the measures necessary to reduce hydrofluorocarbon emissions to achieve the 2035 hydrofluorocarbon limit, including specific recommendations for legislative and regulatory action, by June 30, 2020. Additionally, the DEP would be required to report on the status of the hydrofluorocarbon emissions monitoring and reporting program, as

1 part of the biennial report currently required by the “Global
2 Warming Response Act.”

3 The bill would require the DEP to designate an independent
4 research review panel consisting of economists, business managers,
5 nonprofit environmental organization representatives, and public
6 officials, and scientists from academia, industry, and the
7 government, to review the recommendations and evaluations
8 submitted pursuant to the bill. The research review panel would
9 then evaluate the ecological, economic, and social impact of the
10 proposed recommendations submitted by DEP and any other State
11 agencies.

12 Hydrofluorocarbons are a type of greenhouse gas frequently used
13 in air conditioners or refrigerants. Improper disposal and
14 maintenance of products that contain hydrofluorocarbons may cause
15 the gas to leak and enter the atmosphere, where it has a global
16 warming potential many times greater than carbon dioxide.