

116TH CONGRESS
1ST SESSION

S. 2325

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

JULY 30, 2019

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 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) short-lived climate pollutants account for 40
8 percent of near-term global warming impacting the
9 atmosphere, even though those pollutants account

1 for a much smaller percentage of warming agents by
2 weight;

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

5 (A) cut the rate of sea-level rise by 25 per-
6 cent, according to the National Center for At-
7 mospheric Research and the Scripps Institution
8 of Oceanography; and

9 (B) according to the United Nations Envi-
10 ronment Programme—

11 (i) prevent more than 2,000,000 pre-
12 mature deaths each year;

13 (ii) prevent more than 30,000,000
14 tons of crop losses each year;

15 (iii) cut the rate of warming by up to
16 0.6 degrees Celsius by 2050; and

17 (iv) significantly contribute toward the
18 overall global target of holding increased
19 warming below 1.5 degrees Celsius;

20 (3) the United States—

21 (A) is one of the largest consumers of hy-
22 drofluorocarbons in the world;

23 (B) provides significant innovation in the
24 development and commercialization of low-glob-

1 al warming potential alternatives that are al-
2 ready penetrating markets worldwide; and

3 (C) could serve as a leader and exemplar
4 of responsibly phasing down hydrofluorocarbon
5 production and consumption, with strong sup-
6 port from industries that formerly used hydro-
7 fluorocarbons but are transitioning quickly to
8 lower-global warming potential alternatives;

9 (4) the Montreal Protocol on Substances that
10 Deplete the Ozone Layer has been an extraordinarily
11 successful model for—

12 (A) protecting the stratospheric ozone
13 layer; and

14 (B) achieving significant climate protection
15 cobenefits;

16 (5) since the Montreal Protocol was signed in
17 1987, there has been an elimination of more than 95
18 percent of ozone-depleting substances;

19 (6) on full implementation of the Montreal Pro-
20 tocol, the ozone layer should return to pre-1980 lev-
21 els by 2050; and

22 (7) the Interagency Strategy to Reduce Meth-
23 ane Emissions, released in March 2014, outlines a
24 proactive agenda for reducing methane leakage and
25 waste throughout the United States economy.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means the Committee on Energy and Com-
9 merce of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the
11 Senate.

12 (3) HIGH-GWP HFC.—The term “high-GWP
13 HFC” means newly manufactured hydrofluorocar-
14 bons with a global warming potential calculated over
15 a 100-year period of greater than 150, as described
16 in the Fifth Assessment Report of the Intergovern-
17 mental Panel on Climate Change.

18 (4) RELEVANT FEDERAL AGENCY.—The term
19 “relevant Federal agency” “relevant Federal agen-
20 cy” means the Department of Agriculture, the De-
21 partment of Commerce, the Department of Defense,
22 the Department of Energy, the Department of
23 Health and Human Services, the Department of the
24 Interior, the Department of State, the Department
25 of Transportation, the Environmental Protection
26 Agency, the National Oceanic and Atmospheric Ad-

1 ministration, the Council on Environmental Quality,
2 the United States Agency for International Develop-
3 ment, and any other Federal agency the President
4 determines appropriate.

5 (5) **SHORT-LIVED CLIMATE POLLUTANT.**—The
6 term “short-lived climate pollutant” means—

7 (A) black carbon;

8 (B) methane; and

9 (C) high-GWP HFC.

10 (6) **TASK FORCE.**—The term “Task Force”
11 means the Interagency Task Force on Short-Lived
12 Climate Pollutant Mitigation established under sec-
13 tion 4(a).

14 **SEC. 4. INTERAGENCY TASK FORCE ON SHORT-LIVED CLI-**
15 **MATE POLLUTANT MITIGATION.**

16 (a) **ESTABLISHMENT.**—Not later than 90 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a task force, to be known as the Interagency Task
19 Force on Short-Lived Climate Pollutant Mitigation.

20 (b) **MEMBERSHIP.**—The members of the Task Force
21 shall include the head (or a designee thereof) of each rel-
22 evant Federal agency.

23 (c) **DUTIES.**—The Task Force shall—

24 (1) not later than 180 days after the date of
25 enactment of this Act, submit to the appropriate

1 congressional committees a report that includes spe-
2 cific plans of each relevant Federal agency—

3 (A) to purchase cleaner alternatives to
4 high-GWP HFC whenever feasible; and

5 (B) to transition over time to equipment
6 that uses safer and more sustainable alter-
7 natives to high-GWP HFC;

8 (2) review the policy recommendations made
9 by—

10 (A) the Intergovernmental Panel on Cli-
11 mate Change;

12 (B) the United States Climate Alliance;

13 (C) the Interagency Strategy to Reduce
14 Methane Emissions;

15 (D) the Council on Climate Preparedness
16 and Resilience; and

17 (E) the Clean Cooking Alliance;

18 (3) develop an action plan to reduce short-lived
19 climate pollutants that incorporates any appropriate
20 proposals or recommendations made by the entities
21 referred to in paragraph (2) that are relevant to
22 short-lived climate pollutants;

23 (4) identify any Federal program that is, or
24 could be, relevant to reducing short-lived climate pol-
25 lutants—

1 (A) in the United States; or

2 (B) worldwide;

3 (5) identify overlapping and duplicative Federal
4 programs addressing short-lived climate pollutants
5 that would benefit from consolidation and stream-
6 lining;

7 (6) identify gaps and serious deficiencies in
8 Federal programs targeted at short-lived climate pol-
9 lutants, including gaps and deficiencies that can be
10 addressed through a combination of assessment, sci-
11 entific research, monitoring, and technological devel-
12 opment activities, with an emphasis on—

13 (A) industry standards; and

14 (B) public-private partnerships;

15 (7) in developing recommendations, consult
16 with affected stakeholders in private industry; and

17 (8) not later than 18 months after the date of
18 enactment of this Act, submit to the appropriate
19 congressional committees a report describing the
20 findings and recommendations resulting from the ac-
21 tivities described in paragraphs (2) through (7).

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

23 (a) COMPREHENSIVE PLAN.—

24 (1) IN GENERAL.—Consistent with strategies
25 adopted by the International Maritime Organization

1 to reduce greenhouse gas emissions from ships, the
2 Secretary of State, in consultation with the Sec-
3 retary of Transportation, the Secretary of Com-
4 merce, the Administrator, and the Commandant of
5 the Coast Guard, shall develop a comprehensive plan
6 to reduce black carbon emissions from ships based
7 on appropriate emissions data from oceangoing ves-
8 sels. The plan shall provide for such reduction
9 through—

10 (A) a clean freight partnership;

11 (B) limits on black carbon emissions; and

12 (C) efforts that include protection of access
13 to critical fuel shipments and emergency needs
14 of coastal communities.

15 (2) ROADMAP.—A principal objective of the
16 plan developed pursuant to paragraph (1) shall be
17 the establishment, in coordination with the Secretary
18 of Transportation, of a roadmap for helping coun-
19 tries to reduce fine-particle (PM_{2.5}) and black car-
20 bon emissions in the shipping sector through—

21 (A) the installation of advanced emissions
22 controls;

23 (B) the reduction of sulfur content in
24 fuels; and

1 (C) the adoption of black carbon control
2 policies.

3 (b) BLACK CARBON EMISSIONS REDUCTION
4 GOALS.—The Secretary of State, in coordination with rel-
5 evant Federal agencies, shall—

6 (1) lead an effort to reduce black carbon
7 through an Arctic-wide aspirational black carbon
8 goal; and

9 (2) encourage observers of the Arctic Council
10 (including India and China) to adopt mitigation
11 plans consistent with the findings and recommenda-
12 tions of the Arctic Council’s Framework for Action
13 on Black Carbon and Methane.

14 (c) CLIMATE AND CLEAN AIR COALITION.—The Sec-
15 retary of State is encouraged to work with the Climate
16 and Clean Air Coalition To Reduce Short-Lived Climate
17 Pollutants to craft specific financing mechanisms for the
18 incremental cost of international black carbon mitigation
19 activities.

20 (d) BLACK CARBON MITIGATION ACTIVITIES.—

21 (1) PRIORITIZATION.—The Administrator of
22 the United States Agency for International Develop-
23 ment, in cooperation with the Administrator, shall—

1 (A) encourage black carbon mitigation ac-
2 tivities as part of official development assist-
3 ance and programmatic activities;

4 (B) give special emphasis to projects that
5 produce substantial environmental, gender, live-
6 lihood, and public health benefits, including
7 support for clean-burning cookstoves and fuels;
8 and

9 (C) work with the Global Alliance for
10 Clean Cookstoves to help developing nations es-
11 tablish thriving markets for clean and efficient
12 cooking solutions.

13 (2) EMISSIONS REDUCTIONS.—The Secretary of
14 State, in collaboration with the Administrator and
15 the Secretary of Transportation, shall provide aid to
16 international efforts to reduce black carbon emis-
17 sions from diesel trucks and ships, 2-stroke engines,
18 diesel generators, and industrial processes by pro-
19 viding technical assistance—

20 (A) to help developing nations lower the
21 sulfur content of diesel fuels;

22 (B) to expand access to diesel particulate
23 filters;

24 (C) to provide vehicle manufacturers with
25 low-emission engine designs;

1 (D) to develop other mitigation activities,
2 including energy efficiency alternatives for gen-
3 erators and industrial processes; and

4 (E) to reduce ammonia emissions from ag-
5 riculture.

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

8 (a) SENSE OF CONGRESS REGARDING ENERGY
9 STAR.—It is the sense of Congress that the Administrator,
10 in cooperation with the Secretary of Energy, should con-
11 sider modifications to the Energy Star program estab-
12 lished under section 324A of the Energy Policy and Con-
13 servation Act (42 U.S.C. 6294a) to include refrigerant
14 systems that—

15 (1) achieve best-in-class energy efficiency sav-
16 ings; and

17 (2) use next generation technologies for refrig-
18 erants and foam-blowing agents.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the National
22 Academies of Sciences, Engineering, and Medicine,
23 in collaboration with the Administrator, the Sec-
24 retary of Energy, the Secretary of Transportation,
25 and the National Institute of Standards and Tech-

1 nology, shall submit to the Congress and publish a
2 report that—

3 (A) identifies and evaluates substitute
4 technologies, products, practices, and processes
5 for fluorinated compounds on a sector-by-sector
6 basis for the sectors described in paragraph (2);

7 (B) identifies and describes the legal, regu-
8 latory, technical, and other barriers to the de-
9 velopment and broader deployment of sub-
10 stitutes for fluorinated compounds within the
11 sectors described in paragraph (2) and subsec-
12 tors therein in which such fluorinated com-
13 pounds are produced, used, and emitted;

14 (C) includes recommendations regarding
15 any changes in Federal law, regulation, guid-
16 ance, and practice that can lower, avoid, or
17 eliminate the barriers identified in subpara-
18 graph (B); and

19 (D) includes the earliest possible dates, or
20 date ranges, by which each sector described in
21 paragraph (2) can cease producing, using, and
22 emitting fluorinated compounds and transition
23 to substitute technologies, products, practices,
24 and processes, taking into account technological
25 feasibility, safety, availability, environmental

1 protection, and other relevant factors, includ-
2 ing, where applicable, the life-cycle climate per-
3 formance of fluorinated compounds and their
4 substitutes.

5 (2) SECTORS DESCRIBED.—The sectors de-
6 scribed in this paragraph are the following sectors:

7 (A) Natural resource extraction and refin-
8 ing.

9 (B) Power generation and transmission.

10 (C) Transportation.

11 (D) Solid waste.

12 (E) Chemical production, and chemical in-
13 dustrial and commercial uses.

14 (F) Agriculture.

15 (G) Wastewater.

16 (H) Buildings.

17 (I) Any other sector or subsector that the
18 National Academies of Sciences, Engineering,
19 and Medicine determines relevant.

20 (c) SENSE OF SENATE REGARDING LEADERSHIP
21 AND SUPPORT.—It is the sense of the Senate that United
22 States should provide leadership and full support of the
23 amendment agreed to on October 15, 2016, by the parties
24 to the Montreal Protocol on Substances that Deplete the
25 Ozone Layer, done at Montreal September 16, 1987,

1 which ensures a smooth, technically feasible global transi-
2 tion away from high-GWP HFC.

3 (d) RECLAIMED REFRIGERANTS.—

4 (1) REQUIREMENT.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), a refrigerant that is recov-
7 ered shall be reclaimed before the refrigerant is
8 sold or transferred to a new owner.

9 (B) EXCEPTION.—Subparagraph (A) shall
10 not apply in any case in which a recovered re-
11 frigerant is sold or transferred to a new owner
12 solely for the purpose of being reclaimed or de-
13 stroyed.

14 (2) PROMOTING USE IN PUBLIC BUILDINGS.—

15 (A) IN GENERAL.—Not later than 180
16 days after the date of enactment of this Act,
17 the Administrator of General Services shall
18 issue guidance relating to the procurement of
19 reclaimed refrigerants to service existing equip-
20 ment in public buildings.

21 (B) PREFERENCE.—The guidance issued
22 under subparagraph (A) shall give preference to
23 the use of reclaimed refrigerants if—

24 (i) the refrigerant was reclaimed by
25 an individual or entity that is certified

1 under the laboratory certification program
2 of the Air Conditioning, Heating, and Re-
3 frigeration Institute; and

4 (ii) the price of the reclaimed refrig-
5 erant does not exceed the price of a newly
6 manufactured refrigerant.

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

8 (a) TECHNICAL GUIDANCE.—The Administrator, the
9 Secretary of Commerce, the Secretary of Energy, and the
10 Secretary of State shall—

11 (1) provide to foreign countries technical guid-
12 ance regarding containment of emissions from gas
13 drilling, landfills, coal mining, and agriculture, in-
14 cluding through trade delegations and international
15 initiatives such as—

16 (A) the Global Shale Gas Initiative of the
17 Department of State; and

18 (B) the Global Methane Initiative; and

19 (2) collaborate with—

20 (A) the Global Gas Flaring Reduction
21 Partnership of the World Bank; and

22 (B) the Global Methane Initiative, the Nat-
23 ural Gas STAR Program, the Climate and
24 Clean Air Coalition Oil and Gas Methane Part-

1 nership, and other voluntary reduction pro-
2 grams of the Environmental Protection Agency.

3 (b) METHANE TARGETS.—

4 (1) CODIFYING FINAL NSPS RULE.—The
5 amendments to the Code of Federal Regulations
6 made pursuant to the final rule of the Environ-
7 mental Protection Agency, titled “Oil and Natural
8 Gas Sector: Emission Standards for New, Recon-
9 structed, and Modified Sources”, and published in
10 the Federal Register on June 3, 2016 (81 Fed. Reg.
11 35824 et seq.), shall have the same force and effect
12 of law as if such amendments had been enacted by
13 an Act of Congress, except that the Administrator
14 may revise such provisions, consistent with the Clean
15 Air Act (42 U.S.C. 7401 et seq.), if such revision
16 would result in a net reduction in methane or other
17 greenhouse gas emissions.

18 (2) SENSE OF CONGRESS REGARDING METHANE
19 REDUCTIONS FROM EXISTING FACILITIES.—It is the
20 sense of Congress that—

21 (A) oil and gas operations should reduce
22 methane emissions from oil and gas by 40 to 45
23 percent below 2012 levels by 2025;

24 (B) voluntary efforts by select members of
25 the oil and gas industry, such as the Oil and

1 Gas Climate Initiative, which has pledged to re-
2 duce the methane intensity of upstream gas and
3 oil operations to less than 0.25 percent by cal-
4 endar year 2025, should be adopted by the in-
5 dustry as a whole; and

6 (C) if the results of voluntary efforts fail
7 to yield significant emissions reductions, as de-
8 scribed in subparagraph (A), pursuant to sec-
9 tion 111(d) of the Clean Air Act (42 U.S.C.
10 7411(d)), the Administrator should—

11 (i) not later than 1 year after the date
12 of enactment of this Act, propose stand-
13 ards of performance for methane emissions
14 from existing oil and gas operations; and

15 (ii) not later than 1 year after the
16 deadline described in clause (i), finalize the
17 standards described in that clause.

18 (c) SENSES OF CONGRESS.—

19 (1) UNITED STATES LEADERSHIP.—It is the
20 sense of Congress that United States leadership sup-
21 ports the guiding principles on “Reducing methane
22 emissions across the national gas value chain” pub-
23 lished in November 2017.

24 (2) FINANCING CONDITIONS.—It is the sense of
25 Congress that, in evaluating gas and oil-related

1 projects for financial support, the United States Ex-
2 port-Import Bank and the Overseas Private Invest-
3 ment Corporation should condition financing for
4 those projects on—

5 (A) the deployment of the best technology,
6 methods, and management practices for detect-
7 ing and repairing leaks of methane throughout
8 the oil and gas production, processing, trans-
9 portation, and distribution system;

10 (B) the minimization of venting and ineffi-
11 cient or unnecessary flaring; and

12 (C) the deployment of best technology,
13 methods, and management practices for reduc-
14 ing emissions of other air pollution, especially—

15 (i) volatile organic compounds; and

16 (ii) hazardous air pollutants.

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