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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-FIFTH  
SESSION**

**HOUSE FILE No. 3545**

February 28, 2008

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act  
1.2 relating to environment; requiring reporting of purchases and sales of certain  
1.3 gases; requiring disclosure of leakage rates of air conditioners in motor vehicles;  
1.4 requiring the use of certain refrigerants in mobile air conditioners under certain  
1.5 circumstances; prohibiting the sale of certain refrigerants; requiring a report;  
1.6 amending Minnesota Statutes 2006, sections 13.7411, by adding a subdivision;  
1.7 115.071, subdivision 1; proposing coding for new law in Minnesota Statutes,  
1.8 chapter 216H.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2006, section 13.7411, is amended by adding a  
1.11 subdivision to read:

1.12 Subd. 10. Greenhouse gas reporting. Data received by the Pollution Control  
1.13 Agency regarding the purchase and sale of greenhouse gases under section 216H.11  
1.14 are classified under that section.

1.15 Sec. 2. Minnesota Statutes 2006, section 115.071, subdivision 1, is amended to read:

1.16 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to  
1.17 103F.761, this chapter and chapters 114C, 115A, and 116, and sections 216H.10 to  
1.18 216H.15, 325E.10 to 325E.1251, and 325E.32 and all rules, standards, orders, stipulation  
1.19 agreements, schedules of compliance, and permits adopted or issued by the agency  
1.20 thereunder or under any other law now in force or hereafter enacted for the prevention,  
1.21 control, or abatement of pollution may be enforced by any one or any combination of  
1.22 the following: criminal prosecution; action to recover civil penalties; injunction; action  
1.23 to compel performance; or other appropriate action, in accordance with the provisions  
1.24 of said chapters and this section.

2.1       Sec. 3. **[216H.10] DEFINITIONS.**

2.2             Subdivision 1. **Applicability.** For purposes of sections 216H.10 to 216H.15, the  
2.3 following terms have the meanings given.

2.4             Subd. 2. **Agency.** "Agency" means the Pollution Control Agency.

2.5             Subd. 3. **Carbon dioxide equivalent.** "Carbon dioxide equivalent" means the  
2.6 quantity of carbon dioxide that has the same global warming potential as a given amount  
2.7 of another greenhouse gas.

2.8             Subd. 4. **Global warming.** "Global warming" means the observed and predicted  
2.9 increase in the temperature of the atmosphere near the earth's surface and the oceans.

2.10            Subd. 5. **Global warming potential or GWP.** "Global warming potential" or  
2.11 "GWP" means a quantitative measure of the potential of a greenhouse gas to contribute  
2.12 to global warming over a period of 100 years, relative to an equivalent mass of carbon  
2.13 dioxide, as measured in Third Assessment Report: Climate Change, International Panel on  
2.14 Climate Change (2001).

2.15            Subd. 6. **Greenhouse gas.** "Greenhouse gas" means carbon dioxide,  
2.16 hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

2.17            Subd. 7. **High-GWP greenhouse gas.** "High-GWP greenhouse gas" means a gas  
2.18 with a global warming potential exceeding 20, as measured in Third Assessment Report:  
2.19 Climate Change, International Panel on Climate Change (2001).

2.20            Subd. 8. **Mobile air conditioner.** "Mobile air conditioner" means mechanical  
2.21 vapor compression refrigeration equipment used to cool the passenger compartment of a  
2.22 motor vehicle.

2.23            Subd. 9. **Motor vehicle.** "Motor vehicle" has the meaning given in section 168.011,  
2.24 subdivision 4.

2.25            Subd. 10. **New motor vehicle.** "New motor vehicle" has the meaning given in  
2.26 section 80E.03, subdivision 7.

2.27            Subd. 11. **Refrigerant.** "Refrigerant" means a substance used, sold for use, or  
2.28 designed and intended for use in a mobile air conditioner to transfer heat out of the space  
2.29 being cooled.

2.30       Sec. 4. **[216H.11] HIGH-GWP GREENHOUSE GAS REPORTING.**

2.31             Subdivision 1. **Gas manufacturers.** Beginning October 1, 2008, and each year  
2.32 thereafter, a manufacturer of a high-GWP greenhouse gas must report to the agency the  
2.33 total amount of each high-GWP greenhouse gas sold to a purchaser in this state during  
2.34 the previous year.

3.1 Subd. 2. **Purchases.** Beginning October 1, 2008, and each year thereafter, a person  
3.2 in this state who purchases 100 pounds or more carbon dioxide equivalent of a high-GWP  
3.3 greenhouse gas must report to the agency, on a form prescribed by the commissioner of the  
3.4 Pollution Control Agency, the total amount of each high-GWP greenhouse gas purchased  
3.5 during the previous year and the purpose for which the gas was used.

3.6 Subd. 3. **Data disclosure.** Data reported under this section by a manufacturer is  
3.7 classified as nonpublic data, as defined in section 13.02, subdivision 9, except that the  
3.8 agency may release the data in summary form in which individual manufacturers are not  
3.9 identified and from which neither the manufacturers' identities nor any other characteristic  
3.10 that could uniquely identify an individual manufacturer is ascertainable.

3.11 **Sec. 5. [216H.12] MOBILE AIR CONDITIONER LEAKAGE RATES;**  
3.12 **DISCLOSURE.**

3.13 Subdivision 1. **Leakage disclosure.** Beginning January 1, 2009, a manufacturer  
3.14 selling or offering for sale a new motor vehicle in this state containing a mobile air  
3.15 conditioner that uses the high-GWP greenhouse gas HFC-134a (1,1,1,2-tetrafluoroethane)  
3.16 as a refrigerant must, 90 days prior to the initial sale or offer for sale, report to the  
3.17 commissioner of the Pollution Control Agency the leakage rate, in grams of refrigerant per  
3.18 year, for the type of mobile air conditioner contained in that make, model, and model year.  
3.19 The leakage rate must be calculated using the information provided in the most recently  
3.20 published version of the Society of Automotive Engineers International document J2727,  
3.21 "HFC-134a Mobile Air Conditioning System Emission Chart." The method by which the  
3.22 leakage rate is calculated, accounting for each component of the air conditioning unit,  
3.23 must also be reported to the commissioner.

3.24 Subd. 2. **Posting.** Beginning January 1, 2009, the agency and the Office of the  
3.25 Attorney General must post on their Web sites:

3.26 (1) the leakage rate disclosed by a manufacturer under subdivision 1 for each model  
3.27 and make of motor vehicle sold or offered for sale in this state; and

3.28 (2) the following statement: "Vehicle air conditioning systems can leak refrigerants  
3.29 that contribute to global warming. Some leak more than others. You can use the  
3.30 information provided in the chart to compare information about the global warming  
3.31 effects of refrigerant leakage from different makes and models when making a decision to  
3.32 purchase a vehicle."

3.33 **Sec. 6. [216H.13] MOTOR VEHICLE SALES; REQUIREMENT.**

4.1 Two years after the commissioner of commerce has determined that a manufacturer  
4.2 has sold or offered for sale at least 1,000 units of a motor vehicle containing an air  
4.3 conditioner that uses a refrigerant with a GWP less than 150, the manufacturer may not  
4.4 sell or offer for sale as a new vehicle in this state a substantially equivalent make and  
4.5 model of the motor vehicle that contains an air conditioner that uses a refrigerant with a  
4.6 GWP of 150 or greater.

4.7 **Sec. 7. [216H.14] MOBILE AIR CONDITIONER REFRIGERANT;**  
4.8 **RESTRICTION.**

4.9 After July 1, 2008, no person may buy or sell a refrigerant designed to be used in a  
4.10 mobile air conditioner in a container holding less than 15 pounds of refrigerant.

4.11 **Sec. 8. [216H.15] ENFORCEMENT.**

4.12 Sections 216H.10 to 216H.14 may be enforced under sections 115.071 and 116.072.

4.13 **Sec. 9. REPORT.**

4.14 By February 1, 2009, the commissioner of the Pollution Control Agency shall submit  
4.15 a report to the chairs and ranking minority members of the senate and house committees  
4.16 with primary jurisdiction over environmental policy that identifies the uses and emissions  
4.17 sources of hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride in this state  
4.18 and suggests options for reducing or eliminating those uses and emissions and the costs  
4.19 of implementing those options.

4.20 **Sec. 10. EFFECTIVE DATE.**

4.21 Sections 1 to 9 are effective the day following final enactment.