

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2911

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mr. MURPHY (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. SANDERS, Mr. COONS, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. KING, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## 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 of 2014”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Short-lived climate pollutants account for  
2           40 percent of global warming currently impacting  
3           the atmosphere, even though such pollutants account  
4           for a much smaller percentage of warming agents by  
5           weight.

6           (2) Reducing short-lived climate pollutant emis-  
7           sions could—

8                   (A) prevent more than 2,000,000 pre-  
9                   mature deaths each year, according to the  
10                  United Nations Environment Programme  
11                  (UNEP);

12                   (B) prevent more than 30,000,000 tons of  
13                   crop losses each year, according to UNEP;

14                   (C) cut the rate of sea level rise by 25 per-  
15                   cent, according to the National Center for At-  
16                   mospheric Research and the Scripps Institution  
17                   of Oceanography;

18                   (D) cut the rate of warming by up to 0.6  
19                   degrees Celsius by 2050, according to UNEP;  
20                   and

21                   (E) significantly contribute toward the  
22                   overall global target of holding increased warm-  
23                   ing below 2 degrees Celsius.

24           (3) The United States is one of the world's  
25           largest consumer of hydrofluorocarbons and is pro-

1       viding significant innovation in the development of  
2       low global warming potential (low-GWP) alterna-  
3       tives.

4               (4) The United States could serve as a leader  
5       and exemplar of responsibly phasing down hydro-  
6       fluorocarbon production and consumption.

7               (5) The Montreal Protocol on Substances that  
8       Deplete the Ozone Layer has been an extraordinarily  
9       successful model for protecting the stratospheric  
10      ozone layer and achieving significant climate protec-  
11      tion co-benefits. Since the treaty was signed in  
12      1987, there has been a 98 percent reduction in  
13      ozone-depleting substances.

14              (6) The interagency Strategy to Reduce Meth-  
15      ane Emissions, released in March 2014, outlines a  
16      proactive agenda for reducing methane leakage and  
17      waste throughout the United States economy.

18 **SEC. 3. DEFINITIONS.**

19       In this Act:

20              (1) **HIGH-GWP HFC.**—The term “high-GWP  
21      HFC” means high global warming potential hydro-  
22      fluorocarbons.

23              (2) **SHORT-LIVED CLIMATE POLLUTANT.**—The  
24      term “short-lived climate pollutant” means—

25                      (A) black carbon;

1 (B) methane; and

2 (C) high-GWP HFC.

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

5 (a) ESTABLISHMENT.—Not later than 90 days after  
6 the date of the enactment of this Act, the President shall  
7 establish the Interagency Task Force on Short-Lived Cli-  
8 mate Pollutant Mitigation (referred to in this section as  
9 the “Task Force”).

10 (b) MEMBERS.—The Task Force shall include the  
11 head of all relevant Federal agencies (or their designated  
12 representatives), including the Department of Agriculture,  
13 the Department of Commerce, the Department of De-  
14 fense, the Department of Energy, the Department of the  
15 Interior, the Department of State, the United States  
16 Agency for International Development, the Department of  
17 Transportation, the Environmental Protection Agency,  
18 and the National Oceanic and Atmospheric Administra-  
19 tion.

20 (c) DUTIES.—The Task Force shall—

21 (1) review the policy recommendations made by  
22 the Interagency Climate Change Adaptation Task  
23 Force, the Interagency Strategy to Reduce Methane  
24 Emissions, the March 2012 report to Congress on

1 Black Carbon, and the Council on Climate Prepared-  
2 ness and Resilience;

3 (2) incorporate any appropriate proposals or  
4 recommendations made by the entities or reports re-  
5 ferred to in paragraph (1) that are relevant to short-  
6 lived climate pollutants into the Task Force's action  
7 plan;

8 (3) identify relevant Federal programs that are  
9 or could be addressing the reduction of short-lived  
10 climate pollutants in the United States and world-  
11 wide;

12 (4) identify overlapping and duplicative pro-  
13 grams addressing short-lived climate pollutants that  
14 would benefit from consolidation and streamlining;

15 (5) identify gaps and serious deficiencies in  
16 United States programs targeted at short-lived cli-  
17 mate pollutants, including those that can be  
18 achieved through a combination of assessment, sci-  
19 entific research, monitoring, and technological devel-  
20 opment activities;

21 (6) not later than 18 months after the date of  
22 the enactment of this Act, submit a report to Con-  
23 gress on the findings and recommendations resulting  
24 from the activities described in paragraphs (1)  
25 through (5); and

1           (7) in developing recommendations, consult  
2 with affected stakeholders in private industry.

3           (d) EMISSION REDUCTION PLANS.—Not later than  
4 180 days after the date of the enactment of this Act, each  
5 Federal agency shall submit a report to the appropriate  
6 congressional committees that includes—

7           (1) the agency’s plans for meeting the goals set  
8 forth in section 2 of Executive Order 13514 (Octo-  
9 ber 5, 2009) to reduce hydrofluorocarbons, methane,  
10 and related indirect emissions, including tropo-  
11 spheric ozone, by the Federal Government; and

12           (2) specific plans to purchase cleaner alter-  
13 natives to high-GWP HFC whenever feasible and to  
14 transition over time to equipment that uses safer  
15 and more sustainable alternatives to high-GWP  
16 HFC.

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

18           (a) COMPREHENSIVE PLAN.—

19           (1) IN GENERAL.—Through the United States  
20 membership in the International Maritime Organiza-  
21 tion, the Secretary of State, in consultation with the  
22 Secretary of Transportation, the Secretary of Com-  
23 merce, the Administrator of the Environmental Pro-  
24 tection Agency, and the Commandant of the Coast  
25 Guard, shall develop a comprehensive plan to reduce

1 black carbon emissions from international shipping  
2 through—

3 (A) a clean freight partnership;

4 (B) the inclusion of limits on black carbon;

5 and

6 (C) efforts that include protection of access  
7 to critical fuel shipments and emergency needs  
8 of coastal communities.

9 (2) ROADMAP.—A principal objective of the  
10 plan developed pursuant to paragraph (1) should be  
11 the creation, in coordination with the Department of  
12 Transportation, of a roadmap toward helping coun-  
13 tries reduce fine-particle emissions (PM2.5) in the  
14 shipping sector through—

15 (A) the installation of advanced emissions  
16 controls; and

17 (B) the reduction of sulfur content in  
18 fuels.

19 (b) BLACK CARBON EMISSIONS REDUCTION  
20 GOALS.—In advance of and upon assuming the Chair of  
21 the Arctic Council, the Secretary of State should—

22 (1) lead an effort to reduce black carbon  
23 through an Arctic-wide aspirational black carbon  
24 goal; and

1           (2) encourage observers of the Arctic Council  
2           (including India and China) to adopt national black  
3           carbon emissions reduction goals.

4           (c) CLIMATE AND CLEAN AIR COALITION.—Through  
5 the United States membership in the Climate and Clean  
6 Air Coalition to Reduce Short Lived Climate Pollutants  
7 (referred to in this section as the “Coalition”), the Sec-  
8 retary of State is encouraged—

9           (1) to work with the Coalition to craft specific  
10          financing mechanisms for the incremental cost of  
11          international black carbon mitigation activities; and

12          (2) to request that the Coalition produce a re-  
13          port of black carbon mitigation financing options.

14          (d) BLACK CARBON MITIGATION ACTIVITIES.—

15          (1) PRIORITIZATION.—The Administrator of  
16 the United States Agency for International Develop-  
17 ment shall prioritize black carbon mitigation activi-  
18 ties as part of aid distribution activities and give  
19 special emphasis to projects that produce substantial  
20 environmental and public health benefits, including  
21 support for clean-burning cookstoves and fuels.

22          (2) EMISSIONS REDUCTIONS.—The Secretary of  
23 State, in collaboration with the Environmental Pro-  
24 tection Agency and the Department of Transpor-  
25 tation, should further aid international efforts to re-



1       duce black carbon emissions from diesel trucks, 2-  
2       stroke engines, diesel generators, and industrial pro-  
3       cesses by providing technical assistance—

4               (A) to help developing nations lower the  
5       sulfur content of their diesel fuels;

6               (B) to expand access to diesel particulate  
7       filters;

8               (C) to provide vehicle manufacturers with  
9       low-emission engine designs;

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

14              (E) to develop other mitigation activities,  
15       including energy efficiency alternatives for gen-  
16       erators and industrial processes.

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

19       (a) SENSE OF CONGRESS.—

20              (1) ACTIONS BY ENVIRONMENTAL PROTECTION  
21       AGENCY.—It is the sense of Congress that the Ad-  
22       ministrators of the Environmental Protection Agency  
23       should—

1 (A) amend any regulations issued under  
2 section 608 of the Clean Air Act (42 U.S.C.  
3 7671g)—

4 (i) to include hydrofluorocarbons; and

5 (ii) to expand initiatives relating to  
6 the recovery and reclamation of hydrofluoro-  
7 rocarbons.

8 (B) cooperate with the Secretary of Energy  
9 in considering modifications to the Energy Star  
10 program established under section 324A of the  
11 Energy Policy and Conservation Act (42 U.S.C.  
12 6294a) to recognize refrigerant systems that—

13 (i) achieve best-in-class energy effi-  
14 ciency savings; and

15 (ii) utilize low global warming poten-  
16 tial refrigerants and foam-blowing agents;  
17 and

18 (C) remove high global warming potential  
19 hydrofluorocarbons from the Significant New  
20 Alternatives Policy Program authorized under  
21 section 612(c) of the Clean Air Act (42 U.S.C.  
22 7671k(c)) for applications in which the Admin-  
23 istrator has identified other alternatives that—

24 (i) are currently or potentially avail-  
25 able; and

1 (ii) reduce the overall risk to human  
2 health and the environment.

3 (2) SENSE OF THE SENATE.—It is the sense of  
4 the Senate that an amendment to the Montreal Pro-  
5 tocol on Substances that Deplete the Ozone Layer  
6 should ensure a smooth, technically feasible transi-  
7 tion away from high-GWP HFC.

8 (b) STUDY ON HIGH-GWP HFC ALTERNATIVES.—  
9 Not later than 2 years after the date of the enactment  
10 of this Act, the Secretary of Energy and the Administrator  
11 of the Environmental Protection Agency, in collaboration  
12 with the National Institute of Standards and Technology,  
13 shall evaluate the availability of high-GWP HFC alter-  
14 natives and submit a report to Congress that—

15 (1) identifies—

16 (A) the standards or regulatory barriers  
17 that are preventing the use of alternatives to  
18 high-GWP HFC in the United States that are  
19 in widespread use in other countries;

20 (B) which standards or regulations need to  
21 be revised; and

22 (C) what actions will be necessary to revise  
23 such standards or regulations; and

1           (2) sets forth a plan for revising the standards  
2 referred to in paragraph (1) in the shortest possible  
3 time frame.

4           (c) PROHIBITION OF HCFC-22 AIR CONDITIONING  
5 CONDENSING EQUIPMENT.—

6           (1) AMENDMENT.—Section 605 of the Clean  
7 Air Act (42 U.S.C. 7671d) is amended by adding at  
8 the end the following:

9           “(e) HCFC-22 AIR CONDITIONING CONDENSING  
10 EQUIPMENT.—Effective 1 year after the date of the enact-  
11 ment of the Super Pollutants Act of 2014, it shall be un-  
12 lawful for any person to manufacture any uncharged hy-  
13 drochlorofluorocarbon-22 air conditioning condensing  
14 equipment for residential use.”.

15           (2) RULEMAKING.—Not later than 180 days  
16 after the date of the enactment of this Act, the Ad-  
17 ministrator of the Environmental Protection Agency  
18 shall promulgate regulations—

19                   (A) to carry out the amendment made by  
20 paragraph (1); and

21                   (B) to reduce the allocation of HCFC-22  
22 consumption allowances commensurate with an-  
23 ticipated decreased demand resulting from the  
24 prohibition of uncharged condensing equipment

1 under sections 605(e) of the Clean Air Act, as  
2 added by paragraph (1).

3 (d) R-134a AUTOMOTIVE AIR CONDITIONING SERV-  
4 ICING AND RECHARGE KITS.—

5 (1) STUDY.—The Administrator of the Envi-  
6 ronmental Protection Agency shall conduct a study  
7 to determine whether the sale of R-134a automotive  
8 air conditioning recharge kits to consumers rep-  
9 resents an environmentally significant source of  
10 high-GWP HFC emissions.

11 (2) REPORT.—Not later than 1 year after the  
12 date of the enactment of this Act, the Administrator  
13 shall submit a report to Congress that contains the  
14 results of the study conducted pursuant to para-  
15 graph (1).

16 **SEC. 7. REDUCTION OF METHANE LEAKAGE.**

17 (a) TECHNICAL GUIDANCE.—The Secretary of State,  
18 the Secretary of Energy, the Administrator of the Envi-  
19 ronmental Protection Agency, and the Secretary of Com-  
20 merce shall—

21 (1) provide other countries with technical guid-  
22 ance on containment of emissions from gas drilling,  
23 landfills, coal mining, and agriculture when engaging  
24 with other governments, including trade delegations,

1 under the auspices of Department of State’s Global  
2 Shale Gas Initiative; and

3 (2) collaborate with—

4 (A) the World Bank’s Global Gas Flaring  
5 Reduction Partnership; and

6 (B) the Environmental Protection Agency’s  
7 Global Methane Initiative, Natural Gas STAR  
8 Program, and other voluntary reduction pro-  
9 grams.

10 (b) GAS PIPELINE INFRASTRUCTURE.—

11 (1) STUDY.—

12 (A) IN GENERAL.—The Federal Energy  
13 Regulatory Commission, consistent with exist-  
14 ing authority, shall conduct a study of methods  
15 utilized at facilities subject to the Commission’s  
16 jurisdiction to reduce leaks and venting across  
17 natural gas facilities.

18 (B) ISSUES TO BE EXAMINED.—In con-  
19 ducting the study required under this para-  
20 graph, the Commission shall examine—

21 (i) how the Commission’s treatment of  
22 just and reasonable rates for interstate  
23 transmission could be reformed to incent  
24 pipeline operators to recover fugitive meth-  
25 ane emissions;

1 (ii) how the Commission could coordi-  
2 nate with other agencies, including the De-  
3 partment of Energy, the Environmental  
4 Protection Agency, and the Pipeline and  
5 Hazardous Materials Safety Administra-  
6 tion, to ensure the development of rigorous  
7 and technically sound standards; and

8 (iii) whether new pipeline systems are  
9 being engineered to meet the highest  
10 achievable standards for leak avoidance  
11 prior to being granted a construction cer-  
12 tificate.

13 (2) REPORT.—Not later than 1 year after the  
14 date of the enactment of this Act, the Commission  
15 shall submit a report to Congress that contains the  
16 results of the examination conducted pursuant to  
17 paragraph (1).

18 (3) INSPECTION AND MAINTENANCE PRO-  
19 GRAM.—The Administrator of the Environmental  
20 Protection Agency shall establish a directed inspec-  
21 tion and maintenance program that focuses on—

22 (A) identifying the types of equipment  
23 throughout the production value chain that are  
24 most likely to have high leak rates; and

1 (B) efforts on replacing or monitoring  
2 those types of equipment.

3 (c) FINANCING CONDITIONS.—The U.S. Export-Im-  
4 port Bank and the Overseas Private Investment Corpora-  
5 tion, when evaluating gas and oil-related projects for fi-  
6 nancial support, should condition financing for such  
7 projects upon—

8 (1) the deployment of the best technology,  
9 methods, and management practices for detecting  
10 and repairing leaks of methane throughout the oil  
11 and gas production, processing, transportation, and  
12 distribution system;

13 (2) the minimization of venting and inefficient  
14 or unnecessary flaring; and

15 (3) the deployment of best technology, methods,  
16 and management practices for reducing emissions of  
17 other air pollution, especially volatile organic com-  
18 pounds and hazardous air pollutants.

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