

116TH CONGRESS
1ST SESSION

H. R. 4143

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 HOUSE OF REPRESENTATIVES

AUGUST 2, 2019

Mr. PETERS (for himself and Mr. GAETZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) short-lived climate pollutants account for 40
2 percent of near-term global warming impacting the
3 atmosphere, even though those 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) cut the rate of sea-level rise by 25 per-
9 cent, according to the National Center for At-
10 mospheric Research and the Scripps Institution
11 of Oceanography; and

12 (B) according to the United Nations Envi-
13 ronment Programme—

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

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

18 (iii) cut the rate of warming by up to
19 0.6 degrees Celsius by 2050; and

20 (iv) significantly contribute toward the
21 overall global target of holding increased
22 warming below 1.5 degrees Celsius;

23 (3) the United States—

24 (A) is one of the largest consumers of hy-
25 drofluorocarbons in the world;

1 (B) provides significant innovation in the
2 development and commercialization of low-glob-
3 al warming potential alternatives that are al-
4 ready penetrating markets worldwide; and

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

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

14 (A) protecting the stratospheric ozone
15 layer; and

16 (B) achieving significant climate protection
17 cobenefits;

18 (5) since the Montreal Protocol was signed in
19 1987, there has been an elimination of more than 95
20 percent of ozone-depleting substances;

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

24 (7) the Interagency Strategy to Reduce Meth-
25 ane Emissions, released in March 2014, outlines a

1 proactive agenda for reducing methane leakage and
2 waste throughout the United States economy.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

14 (3) HIGH-GWP HFC.—The term “high-GWP
15 HFC” means hydrofluorocarbons with a global
16 warming potential calculated over a 100-year period
17 of greater than 150, as described in the Fifth As-
18 sessment Report of the Intergovernmental Panel on
19 Climate Change.

20 (4) RELEVANT FEDERAL AGENCY.—The term
21 “relevant Federal agency” “relevant Federal agen-
22 cy” means the Department of Agriculture, the De-
23 partment of Commerce, the Department of Defense,
24 the Department of Energy, the Department of
25 Health and Human Services, the Department of the

1 Interior, the Department of State, the Department
2 of Transportation, the Environmental Protection
3 Agency, the National Oceanic and Atmospheric Ad-
4 ministration, the Council on Environmental Quality,
5 the United States Agency for International Develop-
6 ment, and any other Federal agency the President
7 determines appropriate.

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

10 (A) black carbon;

11 (B) methane; and

12 (C) high-GWP HFC.

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

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

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

23 (b) MEMBERSHIP.—The members of the Task Force
24 shall include the head (or a designee thereof) of each rel-
25 evant Federal agency.

1 (c) DUTIES.—The Task Force shall—

2 (1) not later than 180 days after the date of
3 enactment of this Act, submit to the appropriate
4 congressional committees a report that includes specific
5 plans of each relevant Federal agency—

6 (A) to purchase cleaner alternatives to
7 high-GWP HFC whenever feasible; and

8 (B) to transition over time to equipment
9 that uses safer and more sustainable alternatives
10 to high-GWP HFC;

11 (2) review the policy recommendations made
12 by—

13 (A) the Intergovernmental Panel on Climate
14 Change;

15 (B) the United States Climate Alliance;

16 (C) the Interagency Strategy to Reduce
17 Methane Emissions;

18 (D) the Council on Climate Preparedness
19 and Resilience; and

20 (E) the Clean Cooking Alliance;

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

1 (4) identify any Federal program that is, or
2 could be, relevant to reducing short-lived climate pol-
3 lutants—

4 (A) in the United States; or

5 (B) worldwide;

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

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

16 (A) industry standards; and

17 (B) public-private partnerships;

18 (7) in developing recommendations, consult
19 with affected stakeholders in private industry; and

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

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

2 (a) COMPREHENSIVE PLAN.—

3 (1) IN GENERAL.—Consistent with strategies
4 adopted by the International Maritime Organization
5 to reduce greenhouse gas emissions from ships, the
6 Secretary of State, in consultation with the Sec-
7 retary of Transportation, the Secretary of Com-
8 merce, the Administrator, and the Commandant of
9 the Coast Guard, shall develop a comprehensive plan
10 to reduce black carbon emissions from ships based
11 on appropriate emissions data from oceangoing ves-
12 sels. The plan shall provide for such reduction
13 through—

14 (A) a clean freight partnership;

15 (B) limits on black carbon emissions; and

16 (C) efforts that include protection of access
17 to critical fuel shipments and emergency needs
18 of coastal communities.

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

25 (A) the installation of advanced emissions
26 controls;

1 (B) the reduction of sulfur content in
2 fuels; and

3 (C) the adoption of black carbon control
4 policies.

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

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

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

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

22 (d) BLACK CARBON MITIGATION ACTIVITIES.—

23 (1) PRIORITIZATION.—The Administrator of
24 the United States Agency for International Develop-
25 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 **SEC. 7. REDUCTION OF METHANE EMISSIONS.**

21 (a) TECHNICAL GUIDANCE.—The Administrator, the
22 Secretary of Commerce, the Secretary of Energy, and the
23 Secretary of State shall—

24 (1) provide to foreign countries technical guid-
25 ance regarding containment of emissions from gas

1 drilling, landfills, coal mining, and agriculture, in-
2 cluding through trade delegations and international
3 initiatives such as—

4 (A) the Global Shale Gas Initiative of the
5 Department of State; and

6 (B) the Global Methane Initiative; and

7 (2) collaborate with—

8 (A) the Global Gas Flaring Reduction
9 Partnership of the World Bank; and

10 (B) the Global Methane Initiative, the Nat-
11 ural Gas STAR Program, the Climate and
12 Clean Air Coalition Oil and Gas Methane Part-
13 nership, and other voluntary reduction pro-
14 grams of the Environmental Protection Agency.

15 (b) METHANE TARGETS.—

16 (1) CODIFYING FINAL NSPS RULE.—The
17 amendments to the Code of Federal Regulations
18 made pursuant to the final rule of the Environ-
19 mental Protection Agency, titled “Oil and Natural
20 Gas Sector: Emission Standards for New, Recon-
21 structed, and Modified Sources”, and published in
22 the Federal Register on June 3, 2016 (81 Fed. Reg.
23 35824 et seq.), shall have the same force and effect
24 of law as if such amendments had been enacted by
25 an Act of Congress, except that the Administrator

1 may revise such provisions, consistent with the Clean
2 Air Act (42 U.S.C. 7401 et seq.), if such revision
3 would result in a net reduction in methane or other
4 greenhouse gas emissions.

5 (2) METHANE EMISSIONS FROM COVERED FA-
6 CILITIES.—

7 (A) COVERED FACILITY DEFINED.—In this
8 paragraph, the term “covered facility” means
9 any facility listed in section 60.5365a of title
10 40, Code of Federal Regulations, as in effect on
11 the date of enactment of this Act, except that
12 the phrase “after September 18, 2015” in such
13 section 60.5365a is deemed to be “on or before
14 September 18, 2015”.

15 (B) SENSE OF CONGRESS.—It is the sense
16 of Congress that—

17 (i) covered facilities should reduce
18 methane emissions by at least 40 percent
19 below 2012 levels by 2025; and

20 (ii) voluntary efforts by select mem-
21 bers of the oil and gas industry, such as
22 the Oil and Gas Climate Initiative, which
23 has pledged to reduce the methane inten-
24 sity of upstream gas and oil operations to
25 less than 0.25 percent by calendar year

2025, should be adopted by the industry as
a whole.

(C) CONDITIONAL REGULATION OF METH-
ANE EMISSIONS FROM COVERED FACILITIES.—
Subject to subparagraph (D), the Administrator
shall, pursuant to section 111(d) of the Clean
Air Act (42 U.S.C. 7411(d))—

(i) not later than 1 year after the date
of enactment of this Act, propose regula-
tions for establishment, implementation,
and enforcement of standards of perform-
ance for methane emissions from covered
facilities; and

(ii) not later than 1 year after the
deadline described in clause (i), finalize
such regulations.

(D) CONDITIONAL EFFECTIVE DATE.—The
regulations finalized pursuant to subparagraph
(C) shall not take effect unless the Adminis-
trator determines that voluntary efforts are fail-
ing to yield the significant emissions reductions
described in subparagraph (B)(i) by the end of
calendar year 2025. If the Administrator makes
such determination, the regulations finalized

1 pursuant to subparagraph (C) shall take effect
2 on January 1, 2026.

3 (c) SENSES OF CONGRESS.—

4 (1) UNITED STATES LEADERSHIP.—It is the
5 sense of Congress that United States leadership sup-
6 ports the guiding principles on “Reducing methane
7 emissions across the national gas value chain” pub-
8 lished in November 2017.

9 (2) FINANCING CONDITIONS.—It is the sense of
10 Congress that, in evaluating gas and oil-related
11 projects for financial support, the United States Ex-
12 port-Import Bank and the Overseas Private Invest-
13 ment Corporation should condition financing for
14 those projects on—

15 (A) the deployment of the best technology,
16 methods, and management practices for detect-
17 ing and repairing leaks of methane throughout
18 the oil and gas production, processing, trans-
19 portation, and distribution system;

20 (B) the minimization of venting and ineffi-
21 cient or unnecessary flaring; and

22 (C) the deployment of best technology,
23 methods, and management practices for reduc-
24 ing emissions of other air pollution, especially—

25 (i) volatile organic compounds; and

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(ii) hazardous air pollutants.

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