

Chapter 147: Hydrofluorocarbon Prohibitions

SUMMARY: This Chapter prohibits the use of hydrofluorocarbon chemicals (HFCs) with high global warming potentials in certain end uses as required by Public Law 2021 Chapter 192 and in support of the greenhouse gas reduction goals established in 38 M.R.S. § 576-A.

1. Applicability

This Chapter applies to any person who sells, leases, rents, installs, maintains, services, repairs, disposes of, or enters into commerce in the State any product or equipment in the end use categories listed in section 3 below.

2. Definitions

As used in this Chapter, unless the context otherwise indicates, the following terms have the listed meanings.

- A. **Aerosol propellant.** "Aerosol propellant" means a liquefied or compressed gas, including, but not limited to, a cosolvent that is used in whole or in part to expel a liquid or other material from a pressurized container containing that liquid or other material, or from a separate container.
- B. **Air conditioning equipment.** "Air conditioning equipment" means chillers used exclusively for the comfort cooling of occupied spaces.
- C. **Built-in household refrigerator or freezer.** "Built-in household refrigerator or freezer" means a refrigerator, refrigerator-freezer or freezer designed for residential use, that:
 - 1. Has 7.75 cubic feet (220 liters) or greater total refrigerated volume and 24 inches or less depth, not including doors, handles and custom front panels;
 - 2. Has sides that are not finished and that are designed to not be visible after installation;
 - 3. Is designed, intended, and marketed exclusively to be installed completely encased by cabinetry or panels that are attached during installation and securely fastened to adjacent cabinetry, walls, or flooring; and
 - 4. Is equipped with an integral factory-finished face or that accepts a custom front panel.
- D. **Capital cost.** "Capital cost" means an expense incurred in the production of goods or in the rendering of services, including, but not limited to, the cost of engineering; the cost of the purchase and installation of components, systems, and instrumentation; and contractor and construction fees.
- E. **Centrifugal chiller.** "Centrifugal chiller" means air conditioning equipment that uses a centrifugal compressor in a vapor-compression refrigeration cycle. "Centrifugal chiller" does not include equipment used for industrial process cooling and refrigeration.
- F. **Cold storage warehouse.** "Cold storage warehouse" means a cooled facility designed to store products such as meat, produce, dairy products, and other perishable products prior to the delivery of those products to other locations for sale to the ultimate consumer.

- G. Compact household refrigerator or freezer.** "Compact household refrigerator or freezer" means a refrigerator, refrigerator-freezer, or freezer designed for residential use that has a total refrigerated volume of less than 7.75 cubic feet (220 liters).
- H. Component.** "Component" means a part of a refrigeration system, including, but not limited to, a condensing unit, compressor, condenser, evaporator, receiver, and any of the refrigeration system's connections and subassemblies without which the refrigeration system would not properly function or would be subject to failure.
- I. Department.** "Department" means the Department of Environmental Protection.
- J. End use.** "End use" means a process or class of specific applications within an industry sector.
- K. Flexible polyurethane.** "Flexible polyurethane" means a nonrigid synthetic foam containing polymers of urethane radicals, including, but not limited to, foam used in furniture, bedding, chair cushions and shoe soles.
- L. Foam.** "Foam" means a product with a cellular structure, or a substance used to produce a product with a cellular structure formed via a foaming process, including materials that undergo hardening via chemical reaction or phase transition.
- M. Heat pump.** "Heat pump" means a device designed for the comfort heating or cooling of residential or commercial spaces, whether air sourced, water sourced, or ground sourced, including, but not limited to, a mini-split heat pump. "Heat pump" does not include air conditioning equipment.
- N. Household refrigerator or freezer.** "Household refrigerator or freezer" means a refrigerator, refrigerator-freezer, freezer, or miscellaneous residential refrigeration appliance that is designed for residential use. "Household refrigerator or freezer" does not include a compact household refrigerator or freezer or a built-in household refrigerator or freezer.
- O. Hydrofluorocarbon or HFC.** "Hydrofluorocarbon" or "HFC" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.
- P. Integral skin polyurethane.** "Integral skin polyurethane" means a self-skinning polyurethane foam, including, but not limited to, foam used in automobile steering wheels and dashboards.
- Q. Metered dose inhaler.** "Metered dose inhaler" means a device that delivers a measured amount of medication as a mist that an individual can inhale and that consists of a pressurized canister of medication in a case with a mouthpiece.
- R. Miscellaneous residential refrigeration appliance.** "Miscellaneous residential refrigeration appliance" means a residential refrigeration appliance that is not a compact or built-in household refrigerator or freezer and that is designed for residential use, including, but not limited to, a cooler, a cooler compartment, and a combination cooler-refrigerator or cooler-freezer product.
- S. New.** "New" means, with regard to a product or equipment:

1. A product or equipment that is manufactured after the date of an applicable prohibition under section 3 of this Chapter; or
 2. Equipment that is substantially expanded or modified after the date of an applicable prohibition under section 3 such that the capital cost of the expansion or modification exceeds 50% of the cost of replacing the entire system of which that equipment is a part.
- T. Phenolic insulation board.** "Phenolic insulation board" means phenolic insulation, including, but not limited to, insulation used for roofing and walls.
- U. Phenolic insulation bunstock.** "Phenolic insulation bunstock" means phenolic insulation that is a large solid boxlike structure that can be cut into custom lengths and shapes.
- V. Polyolefin.** "Polyolefin" means foam sheets and tubes made of polyolefin.
- W. Polystyrene extruded boardstock and billet.** "Polystyrene extruded boardstock and billet" means a foam formed from styrene polymers that is produced on extruding machines in the form of continuous foam slabs that can be cut and shaped into panels to be used for insulation of roofing, walls, flooring and pipes.
- X. Polystyrene extruded sheet.** "Polystyrene extruded sheet" means polystyrene foam including foam used for packaging and buoyancy or flotation, including, but not limited to, foam made into food-service items, such as hinged polystyrene containers, food trays, plates, bowls and retail egg containers.
- Y. Positive displacement chiller.** "Positive displacement chiller" means a vapor compression cycle chiller that uses a positive displacement compressor and is typically used for commercial comfort air conditioning. "Positive displacement chiller" does not include a chiller used for industrial process cooling and refrigeration.
- Z. Refrigerant gas or refrigerant.** "Refrigerant gas" or "refrigerant" means a substance, including blends and mixtures of substances, that is used for heat transfer purposes.
- AA. Refrigerated food processing and dispensing equipment.** "Refrigerated food processing and dispensing equipment" means retail food refrigeration equipment that is designed to process and dispense food and beverages that are intended for immediate or near-immediate consumption, including, but not limited to, chilled and frozen beverages, ice cream and whipped cream. "Refrigerated food processing and dispensing equipment" does not include water coolers or units designed to exclusively cool and dispense water.
- BB. Refrigeration equipment.** "Refrigeration equipment" means a stationary device that is designed to contain and use refrigerant gas to establish or maintain colder than ambient temperatures in a confined space, including, but not limited to, retail food refrigeration equipment, a household refrigerator or freezer and a cold storage warehouse.
- CC. Remote condensing unit.** "Remote condensing unit" means a component of retail food refrigeration equipment consisting of a central condensing portion and that may include one or

more compressors, condensers or receivers assembled into a single unit, which may be located outside a retail sales area, including, but not limited to, such units as are commonly installed in convenience stores, specialty shops such as bakeries or butcher shops, supermarkets, restaurants, and other locations where food is stored, served or sold.

- DD. Residential use.** "Residential use" means use by an individual of a substance, or a product containing a substance, in or around a permanent or temporary household, during recreation or for any personal use or enjoyment. "Residential use" does not include use within a household for commercial or medical applications, or use in automobiles, watercraft or aircraft.
- EE. Retail food refrigeration equipment.** "Retail food refrigeration equipment" means equipment designed to store and display chilled or frozen goods for commercial sale, including, but not limited to, standalone units, refrigerated food processing and dispensing equipment, remote condensing units, supermarket systems, and vending machines.
- FF. Retrofit.** "Retrofit" means to replace the refrigerant contained in refrigeration equipment with a different refrigerant, and includes any related modifications to the refrigeration equipment required to maintain its operation and reliability following refrigerant replacement.
- GG. Rigid polyurethane and polyisocyanurate laminated boardstock.** "Rigid polyurethane and polyisocyanurate laminated boardstock" means laminated board insulation made with polyurethane or polyisocyanurate foam, including, but not limited to, insulation for roofing and walls.
- HH. Rigid polyurethane appliance foam.** "Rigid polyurethane appliance foam" means polyurethane insulation foam used in domestic appliances.
- II. Rigid polyurethane high-pressure 2-component spray foam.** "Rigid polyurethane high-pressure 2-component spray foam" means a liquid polyurethane foam system sold as 2 parts, such as an A side and a B side, in non-pressurized containers, and that is field-applied or factory-applied in situ using high pressure proportioning pumps pressurized to 800 to 1,600 pounds per square inch, and using an application gun to mix and dispense the chemical components.
- JJ. Rigid polyurethane in commercial refrigeration.** "Rigid polyurethane in commercial refrigeration" means polyurethane insulation for pipes, walls, and metal doors in retail food refrigeration equipment.
- KK. Rigid polyurethane low-pressure 2-component spray foam.** "Rigid polyurethane low-pressure 2-component spray foam" means a liquid polyurethane foam system sold as 2 parts, such as an A side and a B side, in containers that are pressurized to less than 250 pounds per square inch during manufacture for application without pumps, and that is typically applied in situ relying upon a liquid or gaseous blowing agent that also serves as a propellant.
- LL. Rigid polyurethane marine flotation foam.** "Rigid polyurethane marine flotation foam" means foam used for both structural and flotation purposes in boat and ship manufacturing.

- MM. Rigid polyurethane one-component foam sealant.** "Rigid polyurethane one-component foam sealant" means a polyurethane foam typically packaged in aerosol cans that is applied in situ using a gaseous blowing agent that also serves as a propellant.
- NN. Rigid polyurethane sandwich panels.** "Rigid polyurethane sandwich panels" means a polyurethane foam sandwiched between outer structural layers and used to provide insulation in walls and doors, including for insulation in commercial refrigeration equipment and garage doors.
- OO. Rigid polyurethane slabstock.** "Rigid polyurethane slabstock" means a rigid closed-cell polyurethane foam formed into insulation for panels and pipes.
- PP. Stand-alone low-temperature unit.** "Stand-alone low-temperature unit" means a stand-alone unit that maintains food or beverages at temperatures at or below 32 degrees Fahrenheit (0 degrees Celsius).
- QQ. Stand-alone medium-temperature unit.** "Stand-alone medium-temperature unit" means a stand-alone unit that maintains food or beverages at temperatures above 32 degrees Fahrenheit (0 degrees Celsius).
- RR. Stand-alone unit.** "Stand-alone unit" means a retail refrigerator, freezer or reach-in cooler, whether open or with doors, that has fully integrated refrigeration components and a refrigeration circuit that may be completely brazed or welded and that is fully charged with refrigerant during manufacture and typically requires only an electricity supply to begin operation.
- SS. Substance.** "Substance" means any chemical or blend of chemicals intended for an end use listed in section 3.
- TT. Supermarket system.** "Supermarket system" means a multiplex or centralized retail food refrigeration equipment system that is designed to cool or refrigerate and that operates using racks of compressors installed in a machinery room, including both a direct and an indirect system.
- UU. Use.** "Use," with regard to a substance, includes, but is not limited to, consumption, incorporation or inclusion in a manufacturing process or product in the State; consumption for an end use in the State; and consumption, incorporation or inclusion in an intermediate application in the State, such as formulation or packaging for other subsequent applications. "Use" does not include residential use but does include manufacturing for the purpose of residential use.
- VV. Vending machine.** "Vending machine" means self-contained retail food refrigeration equipment that dispenses goods that must be kept cold or frozen.

3. List of Prohibited Substances.

The following tables list substances that are prohibited in specific end uses as of the effective dates of prohibition of each table, unless an exemption is provided in section 4 of this Chapter. The prohibitions do not apply to products and equipment in the specified end uses manufactured prior to an applicable effective date.

End Uses and Substances Prohibited as of January 1, 2022.

Table 1A: End Use Category: Aerosol Propellants

End Use	Prohibited Substances
Aerosol Propellants	HFC-125, HFC-134a, HFC-227ea, and blends of HFC-227ea and HFC-134a

Table 1B: End Use Category: Refrigeration

End Use	Prohibited Substances
Household Refrigerators and Freezers (New)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03
Compact Household Refrigerators and Freezers (New)	FOR12A, FOR12B, HFC134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03
Supermarket Systems (Retrofitted)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, and R-507A
Supermarket Systems (New)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, and R-507A
Remote Condensing Units (Retrofitted)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, and R-507A
Remote Condensing Units (New)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, and R-507A
Stand-Alone Units (Retrofitted)	R-404A, and R-507A
Stand-Alone Medium-Temperature Units (New)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03
Stand-Alone Low-Temperature Units (New)	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, and RS-44 (2003 formulation)
Refrigerated Food Processing and	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A,

Dispensing Equipment (New)	R-437A, R-438A, R-507A, and RS-44 (2003 formulation)
Vending Machines (Retrofitted)	R-404A and R-507A
Vending Machines (New)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), and SP34E

Table 1C: End Use Category: Foams

End Use	Prohibited Substances
Rigid Polyurethane and Polyisocyanurate Laminated Boardstock (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances
Flexible Polyurethane (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances
Integral Skin Polyurethane (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI; and Formacel Z-6
Polystyrene Extruded Sheet (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI, and Formacel Z-6
Phenolic Insulation Board (New)	HFC-134a, HFC-143a, HFC-245fa, HFC-365mfc, and any blends of those substances
Phenolic Insulation Bunstock (New)	HFC-134a, HFC-143a, HFC-245fa, HFC-365mfc, and any blends of those substances
Rigid Polyurethane Slabstock and Other Rigid Polyurethane (New)	HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and Formacel Z-6
Rigid Polyurethane Appliance Foam (New)	HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and Formacel Z-6
Rigid Polyurethane in Commercial Refrigeration (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI; and Formacel Z-6
Rigid Polyurethane Sandwich Panels (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI; and Formacel Z-6
Polyolefin (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI; and Formacel Z-6
Rigid Polyurethane Marine Flotation Foam (New)	HFC-134a, HFC-245fa, HFC-365mfc and any blends of those substances; Formacel TI; and Formacel Z-6
Polystyrene Extruded Boardstock and Billet (New)	HFC-134a, HFC-245fa, HFC-365mfc, and any blends of those substances; Formacel TI; Formacel B; and Formacel Z-6
Rigid Polyurethane High-pressure Two-component Spray Foam	HFC-134a, HFC-245fa, and any blends of those substances; blends of HFC-365mfc with 4 percent or more HFC-245fa; commercial blends of HFC-365mfc with 7 percent to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI

Rigid Polyurethane Low-pressure Two-component Spray Foam	HFC-134a, HFC-245fa, and any blends of those substances; blends of HFC-365mfc with 4 percent or more HFC-245fa, commercial blends of HFC-365mfc with 7 percent to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI
Rigid Polyurethane One-component Foam Sealant	HFC-134a, HFC-245fa, and any blends of those substances; blends of HFC-365mfc with 4 percent or more HFC-245fa; commercial blends of HFC-365mfc with 7 percent to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI

End Uses and Substances Prohibited as of January 1, 2023.

Table 2: End Use Category: Refrigeration

End Use	Prohibited Substances
Cold Storage Warehouses (New)	HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-423A, R-424A, R-428A, R-434A, R-438A, R-507A, and RS-44 (2003 composition)
Built-in Household Refrigerators and Freezers - (New)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03

End Uses and Substances Prohibited as of January 1, 2024.

Table 3: End Use Category: Air Conditioning

End Use	Prohibited Substances
Centrifugal Chillers (New)	FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC245fa, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-423A, R-424A, R-434A, R438A, R-507A, RS-44 (2003 composition), and THR-03
Positive Displacement Chillers (New)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E, and THR-03

4. Exemptions. The following exemptions apply to the prohibitions in section 3.

- A.** Except in the case of retrofitted products or equipment regulated pursuant to this Chapter, the prohibitions in this Chapter do not apply to the use of a product or equipment regulated pursuant to this Chapter that is acquired by a person prior to the effective date of an applicable prohibition in this Chapter on the selling, leasing, renting, installing or entering into commerce in the State of that product or equipment.

- B.** A product or equipment regulated pursuant to this Chapter that is manufactured prior to the effective date of an applicable prohibition in this Chapter on the selling, leasing, renting, installing or entering into commerce in the State of that product or equipment may be sold in, imported into, exported from, distributed in, installed in and used in the State after that date.
- C.** A person may request a waiver to allow that person to sell, lease, rent, install or enter into commerce in the State for a period of not more than two years a product or equipment that is otherwise prohibited from sale, lease, rental, installation or entry into commerce pursuant to this Chapter. Any such waiver request must include the following:
1. The name and contact information of the person making the request, including company name and any affected affiliates;
 2. The specific HFC(s) for which the waiver is being requested;
 3. The specific end use(s) for which the waiver is being requested;
 4. The reasons that the person requesting the waiver is unable to comply with the prohibitions established in this Chapter;
 5. The length of time, not to exceed two years, for which the waiver is requested; and
 6. The application fee as determined by the Department in its annual fee schedule or as the Commissioner may determine to be appropriate.

Any such waiver request must be submitted to the Department's Bureau of Air Quality in writing. Submission of such a request does not relieve the applicant from the obligation to comply with the prohibitions in this Chapter. Based on the information provided as listed above, the Department will render a decision approving or denying the waiver request within 30 days of receipt of a complete request.

- D.** Heat pumps are not subject to the prohibitions in this Chapter.
- E.** The following end uses of the substance HFC-134a are not subject to the prohibitions in this Chapter:
1. As an aerosol propellant in new cleaning products designed to remove grease, flux and other soils from electrical equipment or electronics;
 2. For new refrigerant flushes;
 3. In a new product for sensitivity testing of smoke detectors;
 4. As a new lubricant or freeze spray for electrical equipment or electronics;
 5. In a new spray for aircraft maintenance purposes;
 6. In a new spray containing corrosion preventive compounds that is used in the maintenance of aircraft, electrical equipment, electronics or military equipment;
 7. In a new pesticide for use near electrical wires, in aircraft, in total release insecticide foggers or in certified organic use pesticides for which the federal Environmental Protection Agency has specifically disallowed all other lower global warming potential propellants;
 8. As a new mold release agent or mold cleaner;
 9. As a new lubricant or cleaner for spinnerets for synthetic fabrics;

10. In a new duster spray specifically used for the removal of dust from photographic negatives, semiconductor chips, specimens under electron microscopes and energized electrical equipment or electronics;
 11. In a new adhesive or sealant in canisters for commercial use;
 12. In a new document preservation spray;
 13. In a new wound care spray, new topical cooling spray for pain relief or new product for removing bandage adhesives from skin; and
 14. As a new air conditioning refrigerant for military marine vessels when the Department determines that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.
- F.** The substances HFC-227ea and HFC-134a, and blends of HFC-227ea and HFC134a, are not subject to the prohibitions in this Chapter when used as an aerosol propellant for new metered dose inhalers approved by the United States Department of Health and Human Services, Food and Drug Administration for medical purposes.
- G.** The substances HFC-134a and R-404A are not subject to the prohibitions in this Chapter when used as a new air conditioning refrigerant in spacecraft intended for human occupancy and related support equipment if the Department determines that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.
- H.** Until January 1, 2025, the prohibitions in this Chapter do not apply to:
1. New foams, excluding rigid polyurethane one-component foam sealants, when used in space-related and aeronautics-related applications, if the Department determines that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements; and
 2. New rigid polyurethane high-pressure 2-component spray foams and new rigid polyurethane low-pressure 2-component spray foams, when used in military or space-related and aeronautics-related applications, if the Department determines that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.
- I.** Any product or equipment the end use of which is regulated pursuant to this Chapter is exempt from the prohibitions in this Chapter if such state regulation of the product or equipment is preempted by federal statute or regulation, so long as that federal preemption remains in effect.
- 5. Record keeping.** A person that manufactures for sale or entry into commerce in the State a product or equipment regulated pursuant to this Chapter shall maintain for 5 years, and shall make available to the Department upon request, records sufficient to demonstrate that the product or equipment does not contain any substances prohibited for an applicable end use regulated pursuant to this Chapter, or that the product or equipment is exempt from the prohibitions in this Chapter pursuant to section 5 above.
- 6. Venting prohibition.** A person may not intentionally or knowingly vent or otherwise release into the environment any prohibited substance identified pursuant to section 3 of this Chapter when

maintaining, servicing, repairing or disposing of a product or equipment regulated pursuant to this Chapter that was sold, leased, rented, installed or entered into commerce in the State prior to the date of an applicable prohibition under section 3 for that product or equipment. The prohibition under this section does not apply to a person who causes such a release if that release is de minimis and the person caused the release while engaged in a good faith attempt to recycle or recover the prohibited substance from a product or equipment regulated pursuant to this Chapter.

7. **Severability.** Each section of this Chapter shall be deemed severable, and in the event any section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S., Sections 576-A, 585, 585-A, and P.L. 2021, Chapter 192

EFFECTIVE DATE:

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