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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 26. AIR RESOURCES [39000 - 44475.3]** ( *Division 26 repealed and added by Stats. 1975, Ch. 957. )*

**PART 2. STATE AIR RESOURCES BOARD [39500 - 39944]** ( *Part 2 added by Stats. 1975, Ch. 957. )*

**CHAPTER 4.2. Global Warming [39730 - 39736]** ( *Chapter 4.2 added by Stats. 2014, Ch. 523, Sec. 1. )*

**39730.** (a) Notwithstanding Sections 38550 and 38551, no later than January 1, 2016, the state board shall complete a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state. In developing the strategy, the state board shall do all of the following:

- (1) Complete an inventory of sources and emissions of short-lived climate pollutants in the state based on available data.
- (2) Identify research needs to address any data gaps.
- (3) Identify existing and potential new control measures to reduce emissions.
- (4) Prioritize the development of new measures for short-lived climate pollutants that offer cobenefits by improving water quality or reducing other air pollutants that impact community health and benefit disadvantaged communities, as identified pursuant to Section 39711.
- (5) Coordinate with other state agencies and districts to develop measures identified as part of the comprehensive strategy.

(b) As part of the strategy developed pursuant to subdivision (a), the state board shall consult with experts in academia, industry, and the community on short-lived climate pollutants. The topics shall include, but not be limited to, all of the following:

- (1) Assessment of the current status of controls that directly or indirectly reduce emissions of short-lived climate pollutants in the state.
- (2) Identification of opportunities and challenges for controlling emissions.
- (3) Recommendations to further reduce emissions.

(c) To provide a forum for public engagement, the state board shall hold at least one public workshop during the development of the strategy required pursuant to subdivision (a).

(d) For purposes of this section, "short-lived climate pollutant" means an agent that has a relatively short lifetime in the atmosphere, from a few days to a few decades, and a warming influence on the climate that is more potent than that of carbon dioxide.

(e) This section does not affect the existing authority of a state agency to adopt and implement rules and regulations that result in the reduction of greenhouse gas emissions or short-lived climate pollutants to the extent authorized or required by existing law.

(*Added by Stats. 2014, Ch. 523, Sec. 1. (SB 605) Effective January 1, 2015.*)

**39730.5.** (a) No later than January 1, 2018, the state board shall approve and begin implementing the comprehensive short-lived climate pollutant strategy developed pursuant to Section 39730 to achieve a reduction in the statewide emissions of methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030.

(b) Prior to approving the short-lived climate pollutant strategy pursuant to subdivision (a), the state board shall do all of the following:

- (1) Coordinate with other state and local agencies and districts to develop measures identified as part of the strategy.

(2) Provide a forum for public engagement by holding at least three public hearings in geographically diverse locations throughout the state.

(3) Evaluate the best-available scientific, technological, and economic information to ensure that the strategy is cost effective and technologically feasible.

(4) Incorporate and prioritize, as appropriate, measures and actions that provide the following cobenefits:

(A) Job growth and local economic benefits in the state.

(B) Public health benefits.

(C) Potential for new innovation in technology, energy, and resource management practices.

(c) The state board shall publicly notice the strategy described in subdivision (a) and post a copy of that strategy on the state board's Internet Web site at least one month prior to the state board approving the strategy pursuant to subdivision (a).

*(Added by Stats. 2016, Ch. 395, Sec. 2. (SB 1383) Effective January 1, 2017.)*

**39730.6.** (a) Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and Section 42652.5 of the Public Resources Code, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

*(Added by Stats. 2016, Ch. 395, Sec. 3. (SB 1383) Effective January 1, 2017.)*

**39730.7.** (a) For purposes of this section, the following terms have the following meanings:

(1) "Department" means the Department of Food and Agriculture.

(2) "Commission" means the Public Utilities Commission.

(3) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(4) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) (1) The state board, in consultation with the department, shall adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40 percent below the dairy sector's and livestock sector's 2013 levels by 2030.

(2) Prior to adopting regulations pursuant to paragraph (1), the state board shall do all of the following:

(A) Work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The group of stakeholders shall include a broad range of stakeholders involved in the development of dairy methane reduction projects, including, but not limited to, project developers, dairy and livestock industry representatives, state and local permitting agencies, energy agency representatives, compost producers with experience composting dairy manure, environmental and conservation stakeholders, public health experts, and others with demonstrated expertise relevant to the success of dairy methane emissions reduction efforts.

(B) Provide a forum for public engagement by holding at least three public meetings in geographically diverse locations throughout the state where dairy operations and livestock operations are present.

(C) In consultation with the department, do both of the following:

(i) Conduct or consider livestock and dairy operation research on dairy methane emissions reduction projects, including, but not limited to, scrape manure management systems, solids separation systems, and enteric fermentation.

(ii) Consider developing and adopting methane emissions reduction protocols.

(3) The state board shall make available to the public by posting on its Internet Web site a report on the progress made in implementing paragraph (2). Pursuant to Section 9795 of the Government Code, the state board shall notify the Legislature of the report.

(4) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted pursuant to paragraph (1) shall be implemented on or after January 1, 2024, if the state board, in consultation with the department, determines all of the following:

(A) The regulations are technologically feasible.

(B) The regulations are economically feasible considering milk and live cattle prices and the commitment of state, federal, and private funding, among other things, and that markets exist for the products generated by dairy manure management and livestock manure management methane emissions reduction projects, including composting, biomethane, and other products. The analysis shall include consideration of both of the following:

(i) Electrical interconnection of onsite electrical generation facilities using biomethane.

(ii) Access to common carrier pipelines available for the injection of digester biomethane.

(C) The regulations are cost effective.

(D) The regulations include provisions to minimize and mitigate potential leakage to other states or countries, as appropriate.

(E) The regulations include an evaluation of the achievements made by incentive-based programs.

(c) No later than July 1, 2020, the state board, in consultation with the department, shall analyze the progress the dairy and livestock sectors have made in achieving the goals identified in the strategy and specified in paragraph (1) of subdivision (b). The analysis shall determine if sufficient progress has been made to overcome technical and market barriers, as identified in the strategy. If the analysis determines that progress has not been made in meeting the targets due to insufficient funding or technical or market barriers, the state board, in consultation with the department and upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock sectors, as identified pursuant to paragraph (1) of subdivision (b).

(d) (1) (A) No later than January 1, 2018, the state board, in consultation with the commission and the energy commission, shall establish energy infrastructure development and procurement policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to paragraph (1) of subdivision (b).

(B) The state board shall develop a pilot financial mechanism to reduce the economic uncertainty associated with the value of environmental credits, including credits pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) from dairy-related projects producing low-carbon transportation fuels. The state board shall make recommendations to the Legislature for expanding this mechanism to other sources of biogas.

(2) No later than January 1, 2018, the commission, in consultation with the state board and the department, shall direct gas corporations to implement not less than five dairy biomethane pilot projects to demonstrate interconnection to the common carrier pipeline system. For the purposes of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline infrastructure developed pursuant to the pilot projects.

(e) No later than January 1, 2018, the state board shall provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) and the market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5 from the methane reduction protocols described in the strategy and shall ensure that projects developed before the implementation of regulations adopted pursuant to subdivision (b) receive credit for at least 10 years. Projects shall be eligible for an extension of credits after the first 10 years to the extent allowed by regulations adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(f) Enteric emissions reductions shall be achieved only through incentive-based mechanisms until the state board, in consultation with the department, determines that a cost-effective, considering the impact on animal productivity, and scientifically proven method of reducing enteric emissions is available and that adoption of the enteric emissions reduction method would not damage animal health, public health, or consumer acceptance. Voluntary enteric emissions reductions may be used toward satisfying the goals of this chapter.

(g) Except as provided in this section, the state board shall not adopt methane emissions reduction regulations controlling the emissions of methane from dairy operations or livestock operations to achieve the 2020 and 2030 greenhouse gas emissions reduction goals established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(h) This section does not limit the authority of the state board to acquire planning and baseline information, including requiring the monitoring and reporting of emissions.

(i) This section does not in any way affect the state board's or districts' authority to regulate emissions of criteria pollutants, toxic air contaminants, or other pollutants pursuant to other provisions of this division.

*(Amended by Stats. 2017, Ch. 561, Sec. 122. (AB 1516) Effective January 1, 2018.)*

**39730.8.** (a) For purposes of this section, the following terms have the following meanings:

(1) "Commission" means the Public Utilities Commission.

(2) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(3) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) The energy commission, in consultation with the state board and the commission, shall develop recommendations for the development and use of renewable gas, including biomethane and biogas, as a part of its 2017 Integrated Energy Policy Report prepared pursuant to Section 25302 of the Public Resources Code. In developing the recommendations, the energy commission shall identify cost-effective strategies that are consistent with existing state policies and climate change goals by considering priority end uses of renewable gas, including biomethane and biogas, and their interactions with state policies, including biomethane and all of the following:

(1) The Renewables Portfolio Standard program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

(2) The Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations).

(3) Waste diversion goals established pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(4) The market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5.

(5) The strategy.

(c) Based on the recommendations developed pursuant to subdivision (b), and to meet the state's climate change, renewable energy, low-carbon fuel, and short-lived climate pollutants goals, including black carbon, landfill diversion, and dairy methane targets identified in the strategy, state agencies shall consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.

(d) Based on the recommendations developed pursuant to subdivision (b), the commission, in consultation with the energy commission and the state board, shall consider additional policies to support the development and use in the state of renewable gas, including biomethane and biogas, that reduce short-lived climate pollutants in the state.

(e) In implementing this section, priority shall be given to fuels with the greatest greenhouse gas emissions benefits, including the consideration of carbon intensity and reduction in short-lived climate pollutants, as appropriate.

*(Added by Stats. 2016, Ch. 395, Sec. 5. (SB 1383) Effective January 1, 2017.)*

**39731.** The state board shall do all of the following:

(a) Undertake, in consultation with districts that monitor methane, monitoring and measurements of high-emission methane hot spots in the state using the best available and cost-effective scientific and technical methods.

(b) Consult with federal and state agencies, independent scientific experts, and any other appropriate entities to gather or acquire the necessary information for the purpose of carrying out a life-cycle greenhouse gas emission analysis of natural gas produced and imported into the state using the best available and cost-effective scientific and technical methods.

(c) Update relevant policies and programs to incorporate the information gathered and acquired pursuant to subdivisions (a) and (b).

(d) Review, in consultation with independent scientific experts, the most recent available scientific data and reports on the atmospheric reactivity of methane as a precursor to the formation of photochemical oxidants.

*(Added by Stats. 2015, Ch. 604, Sec. 2. (AB 1496) Effective January 1, 2016.)*

**39733.** (a) The Woodsmoke Reduction Program is hereby established to be developed and administered by the state board, in coordination with districts, to promote the voluntary replacement of old, uncertified wood-burning stoves with cleaner burning and

more energy-efficient alternatives in order to achieve short- and long-term climate benefits and localized public health benefits. The program shall include all of the following:

- (1) Replacement of older, less efficient, uncertified wood-burning devices, including, but not limited to, woodstoves and wood inserts, with cleaner burning, more efficient home heating alternatives.
- (2) Prioritizing using incentive moneys on the most efficient, nonwood-burning devices, including, but not limited to, heat pumps and solar, electric, and natural gas heaters.
- (3) Prioritizing the cleanest and best available technologies if nonwood alternatives are infeasible or cost prohibitive, including education on proper burn practices to reduce emissions when wood is used.
- (4) Opportunities for demonstrating and providing information about the cleanest residential heating technologies as part of outreach efforts.
- (5) Requirements for the professional installation of new devices being changed out in order to maximize energy efficiency and minimize emissions.

(b) Moneys for the program shall be available to the state board, upon appropriation by the Legislature, including, but not limited to, moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code.

*(Added by Stats. 2017, Ch. 671, Sec. 2. (SB 563) Effective January 1, 2018.)*

**39734.** (a) The Legislature finds and declares that certain fluorinated gases are potent causes of global warming, and it is in the public interest that restrictions or prohibitions on the use of these gases be maintained and enhanced as appropriate in the state.

(b) For purposes of this section, the following definitions apply:

- (1) "Class I substances" and "class II substances" mean those substances listed in 42 U.S.C. Sec. 7671a, as it read on November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January 3, 2017.
- (2) "Hydrofluorocarbons" mean fluorinated gases used primarily as refrigerants in refrigeration, air-conditioning equipment, foam expansion agents, aerosol propellants, solvents, and fire suppressants.
- (3) "Residential consumer refrigeration products" has the same meaning as defined in Section 430.2 of Subpart A of 10 C.F.R. Part 430.
- (4) "Substitute" means a chemical, product substitute, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any substitute subsequently adopted to perform that function, including, but not limited to, hydrofluorocarbons.

(c) (1) All prohibitions on the use of class I substances and class II substances as set forth in 42 U.S.C. Secs. 7671a and 7671k, as those read on November 15, 1990, or any substitute as set forth in Appendix U and Appendix V of Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, shall apply, except as otherwise provided by in paragraph (3), state statute, or state regulation.

(2) If the United States Environmental Protection Agency approves a previously prohibited hydrofluorocarbon blend for foam blowing pursuant to the Significant New Alternatives Policy Program, adopted pursuant to Section 7671k of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the state board shall expeditiously initiate a rulemaking pursuant to this section or other existing legal authority to conform its regulations with that federal action.

(3) (A) Prohibitions on residential consumer refrigeration products, except compact and built-in residential consumer refrigeration products, shall take effect January 1, 2022.

(B) Prohibitions on built-in residential consumer refrigeration products shall take effect on January 1, 2023.

(d) The state board may adopt a regulation that includes any of the following:

(1) The modification of the deadlines of a prohibition established pursuant to subdivision (c) if the state board determines that the modified deadline meets both of the following:

- (A) Reduces the overall risk to human health or the environment.
- (B) Reflects the earliest date that a substitute is currently or potentially available.

(2) The prohibition on the use of any substitute if the state board determines that the prohibition meets both of the following criteria:

(A) Reduces the overall risk to human health or the environment.

(B) A lower-risk substitute is currently or potentially available.

(3) The creation of a list of approved substitutes, use conditions, or use limits, if any, and the addition or removal of substitutes, use conditions, or use limits to or from the list of approved substitutes if the state board determines those substitutes reduce the overall risk to human health and the environment.

(e) A person shall not offer any equipment or product for sale, lease, rent, or otherwise cause any equipment or product to enter into commerce in California if that equipment or product uses or will use a substitute in a manner inconsistent with any of the following:

(1) Any prohibitions in subdivision (c).

(2) Any prohibitions, use conditions, or use limits in subdivision (d) or a state regulation.

(3) Any other applicable laws, including, but not limited to, the California Building Standards Code (Title 24 of the California Code of Regulations).

(f) (1) The state board may enforce this section. A violation of the requirements of this section may be enjoined pursuant to Section 41513 and is subject to the penalties set forth in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(2) Notwithstanding subdivisions (i) and (j) of Section 42410, the state board may impose an administrative penalty pursuant to Section 42410.

(3) Penalties collected pursuant to this section shall be deposited in the Air Pollution Control Fund.

(g) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

*(Added by Stats. 2018, Ch. 375, Sec. 1. (SB 1013) Effective January 1, 2019.)*

**39735.** (a) For purposes of this section, the following definitions apply:

(1) "Bulk" has the same meaning as defined in Section 84.3 of Title 40 of the Code of Federal Regulations.

(2) "Hydrofluorocarbons" has the same meaning as defined in Section 39734.

(3) "Global warming potential" or "GWP" is a measure of how much energy the emissions of one ton of a gas will absorb over a given period of time, relative to the emissions of one ton of carbon dioxide. "Global warming potential" or "GWP" means the 100-year global warming potential values published by the Intergovernmental Panel on Climate Change (IPCC) in its Fourth Assessment Report (AR4) in 2007, and if a relevant value is not contained in AR4, "global warming potential" means the 100-year global warming potential values published by the IPCC in its Fifth Assessment Report (AR5) in 2013 or as determined by the state board in a regulation adopted pursuant to this section.

(4) "Low GWP" means GWP of less than 150.

(5) "Person" has the same meaning as defined in Section 39047.

(6) "Reclaim" has the same meaning as defined in Section 84.3 of Title 40 of the Code of Federal Regulations, as amended from time to time.

(7) "Ultra-low GWP" means GWP of less than 10.

(b) (1) A person shall not offer for sale or distribution, or otherwise enter into commerce in the state, bulk hydrofluorocarbons or bulk blends containing hydrofluorocarbons that exceed any of the global warming potential limits as specified in paragraph (2), (3), or (4).

(2) Beginning January 1, 2025, the global warming potential shall not exceed 2,200.

(3) Beginning January 1, 2030, the global warming potential shall not exceed 1,500.

(4) Beginning January 1, 2033, the global warming potential shall not exceed 750.

(c) Nothing in this section shall restrict the authority of the state board to establish by regulation maximum allowable global warming potential levels for hydrofluorocarbons entered into commerce in the state below the maximum levels established in subdivision (b).

(d) (1) The prohibitions established pursuant to subdivision (b) or (c) shall not apply to either of the following:

(A) Hydrofluorocarbons that are reclaimed.

(B) (i) Hydrofluorocarbons that are exclusively for use in metered dose inhalers approved by the United States Food and Drug Administration for medical purposes.

(ii) The exemption established pursuant to clause (i) shall become inoperative on December 27, 2030.

(2) For bulk blends containing hydrofluorocarbons, the global warming potential limits established pursuant to subdivision (b) or (c) apply to the global warming potential of the blended product and do not apply to any component of the blend in isolation.

(e) Beginning January 1, 2025, hydrofluorocarbons with a GWP greater than 750 that are not reclaimed shall not be used to replenish any leaks or otherwise service stationary equipment owned or operated by the state.

(f) To achieve the transition described in subdivision (a) of Section 39736, the state board shall initiate a rulemaking requiring low or ultra-low GWP alternatives to hydrofluorocarbons in a sector unless it is not practicable for entities in the sector to comply with the requirement.

(g) (1) Any violation of this section or any rule, regulation, order, or other measure adopted by the state board pursuant to this section may be enjoined pursuant to Section 41513, and the violation is subject to those penalties set forth in Section 38580 and Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(2) Notwithstanding Section 42405 or any other law, penalties collected for a violation of this section shall be deposited in the Air Pollution Control Fund.

(h) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

*(Added by Stats. 2022, Ch. 884, Sec. 2. (SB 1206) Effective January 1, 2023.)*

**39736.** (a) The state board shall post an assessment on its internet website by January 1, 2025, specifying how to transition the state's economy, by sector, away from hydrofluorocarbons and to ultra-low GWP or no-GWP alternatives no later than 2035 through maximizing recovery and reclamation and increasing adoption of new low and ultra-low GWP alternative refrigerants.

(b) The assessment prepared pursuant to subdivision (a) shall include all of the following:

(1) A list of all existing sources of incentives for reducing hydrofluorocarbon emissions to the levels specified in Section 39730.5, and whether the required global warming potential of the technology supported in these incentive programs should be lowered.

(2) (A) Proposals for additional incentives, safety testing, and demonstration projects that may be needed to aid the state in transitioning away from hydrofluorocarbons, in increasing availability and access to low GWP, ultra-low GWP, or no-GWP refrigerant technologies available in other countries in the California market, and in increasing refrigerant recovery and reclamation in California.

(B) The safety testing described in subparagraph (A) shall include any safety testing needed to assess proposals to update safety standards and codes for design and use of equipment using low or ultra-low GWPs. The state board may consult with expert agencies and organizations in carrying out this subparagraph.

(3) Suggested legislative or regulatory changes necessary to transition away from hydrofluorocarbons.

(4) Recommendations on any interim steps required to fully transition to ultra-low GWP or no-GWP alternatives, including recommendations for how to establish a robust reclamation system for hydrofluorocarbons with higher global warming potentials. The State Energy Resources Conservation and Development Commission shall conduct an analysis of issues preventing high levels of hydrofluorocarbon reclamation today, which shall include an analysis of the reverse supply chain and interviews with appliance technicians servicing appliances using hydrofluorocarbons in the state and with refrigerant distributors and wholesalers to identify fundamental barriers to reclaiming refrigerant.

(5) Workforce training and certification recommendations to grow the workforce of technicians capable of handling ultra-low GWP or no-GWP alternatives and servicing the new appliances that use these refrigerants.

(c) For purposes of this section, the following definitions apply:

(1) "Global warming potential" or "GWP" has the same meaning as defined in Section 39735.

(2) "Low GWP" means GWP of less than 150.

(3) "Ultra-low GWP" means GWP of less than 10.

*(Added by Stats. 2022, Ch. 884, Sec. 3. (SB 1206) Effective January 1, 2023.)*