

§ 7671a. Listing of class I and class II substances

(a) List of class I substances

Within 60 days after November 15, 1990, the Administrator shall publish an initial list of class I substances, which list shall contain the following substances:

- Group I
 - chlorofluorocarbon-11 (CFC-11)
 - chlorofluorocarbon-12 (CFC-12)
 - chlorofluorocarbon-113 (CFC-113)
 - chlorofluorocarbon-114 (CFC-114)
 - chlorofluorocarbon-115 (CFC-115)

- Group II
 - halon-1211
 - halon-1301
 - halon-2402

- Group III
 - chlorofluorocarbon-13 (CFC-13)
 - chlorofluorocarbon-111 (CFC-111)
 - chlorofluorocarbon-112 (CFC-112)
 - chlorofluorocarbon-211 (CFC-211)
 - chlorofluorocarbon-212 (CFC-212)
 - chlorofluorocarbon-213 (CFC-213)
 - chlorofluorocarbon-214 (CFC-214)
 - chlorofluorocarbon-215 (CFC-215)
 - chlorofluorocarbon-216 (CFC-216)
 - chlorofluorocarbon-217 (CFC-217)

- Group IV
 - carbon tetrachloride

- Group V
 - methyl chloroform

The initial list under this subsection shall also include the isomers of the substances listed above, other than 1,1,2-trichloroethane (an isomer of methyl chloroform). Pursuant to subsection (c) of this section, the Administrator shall add to the list of class I substances any other substance that the Administrator finds causes or contributes significantly to harmful effects on the stratospheric ozone layer. The Administrator shall, pursuant to subsection (c) of this section, add to such list all substances that the Administrator determines have an ozone depletion potential of 0.2 or greater.

(b) List of class II substances

Simultaneously with publication of the initial list of class I substances, the Administrator shall publish an initial list of class II substances, which shall contain the following substances:

- hydrochlorofluorocarbon-21 (HCFC-21)
- hydrochlorofluorocarbon-22 (HCFC-22)
- hydrochlorofluorocarbon-31 (HCFC-31)
- hydrochlorofluorocarbon-121 (HCFC-121)
- hydrochlorofluorocarbon-122 (HCFC-122)
- hydrochlorofluorocarbon-123 (HCFC-123)
- hydrochlorofluorocarbon-124 (HCFC-124)
- hydrochlorofluorocarbon-131 (HCFC-131)
- hydrochlorofluorocarbon-132 (HCFC-132)
- hydrochlorofluorocarbon-133 (HCFC-133)
- hydrochlorofluorocarbon-141 (HCFC-141)
- hydrochlorofluorocarbon-142 (HCFC-142)
- hydrochlorofluorocarbon-221 (HCFC-221)
- hydrochlorofluorocarbon-222 (HCFC-222)
- hydrochlorofluorocarbon-223 (HCFC-223)
- hydrochlorofluorocarbon-224 (HCFC-224)
- hydrochlorofluorocarbon-225 (HCFC-225)
- hydrochlorofluorocarbon-226 (HCFC-226)

- hydrochlorofluorocarbon-231 (HCFC-231)
- hydrochlorofluorocarbon-232 (HCFC-232)
- hydrochlorofluorocarbon-233 (HCFC-233)
- hydrochlorofluorocarbon-234 (HCFC-234)
- hydrochlorofluorocarbon-235 (HCFC-235)
- hydrochlorofluorocarbon-241 (HCFC-241)
- hydrochlorofluorocarbon-242 (HCFC-242)
- hydrochlorofluorocarbon-243 (HCFC-243)
- hydrochlorofluorocarbon-244 (HCFC-244)
- hydrochlorofluorocarbon-251 (HCFC-251)
- hydrochlorofluorocarbon-252 (HCFC-252)
- hydrochlorofluorocarbon-253 (HCFC-253)
- hydrochlorofluorocarbon-261 (HCFC-261)
- hydrochlorofluorocarbon-262 (HCFC-262)
- hydrochlorofluorocarbon-271 (HCFC-271)

The initial list under this subsection shall also include the isomers of the substances listed above. Pursuant to subsection (c) of this section, the Administrator shall add to the list of class II substances any other substance that the Administrator finds is known or may reasonably be anticipated to cause or contribute to harmful effects on the stratospheric ozone layer.

(c) Additions to the lists

(1) The Administrator may add, by rule, in accordance with the criteria set forth in subsection (a) or (b) of this section, as the case may be, any substance to the list of class I or class II substances under subsection (a) or (b) of this section. For purposes of exchanges under section 7661f¹ of this title, whenever a substance is added to the list of class I substances the Administrator shall, to the extent consistent with the Montreal Protocol, assign such substance to existing Group I, II, III, IV, or V or place such substance in a new Group.

(2) Periodically, but not less frequently than every 3 years after November 15, 1990, the Administrator shall list, by rule, as additional class I or class II substances those substances which the Administrator finds meet the criteria of subsection (a) or (b) of this section, as the case may be.

(3) At any time, any person may petition the Administrator to add a substance to the list of class I or class II substances. Pursuant to the criteria set forth in subsection (a) or (b) of this section as the case may be, within 180 days after receiving such a petition, the Administrator shall either propose to add the substance to such list or publish an explanation of the petition denial. In any case where the Administrator proposes to add a substance to such list, the Administrator shall add, by rule, (or make a final determination not to add) such substance to such list within 1 year after receiving such petition. Any petition under this paragraph shall include a showing by the petitioner that there are data on the substance adequate to support the petition. If the Administrator determines that information on the substance is not sufficient to make a determination under this paragraph, the Administrator shall use any authority available to the Administrator, under any law administered by the Administrator, to acquire such information.

(4) Only a class II substance which is added to the list of class I substances may be removed from the list of class II substances. No substance

¹ So in original. Probably should be section "7671f".

referred to in subsection (a) of this section, including methyl chloroform, may be removed from the list of class I substances.

(d) New listed substances

In the case of any substance added to the list of class I or class II substances after publication of the initial list of such substances under this section, the Administrator may extend any schedule or compliance deadline contained in section 7671c or 7671d of this title to a later date than specified in such sections if such schedule or deadline is unattainable, considering when such substance is added to the list. No extension under this subsection may extend the date for termination of production of any class I substance to a date more than 7 years after January 1 of the year after the year in which the substance is added to the list of class I substances. No extension under this subsection may extend the date for termination of production of any class II substance to a date more than 10 years after January 1 of the year after the year in which the substance is added to the list of class II substances.

(e) Ozone-depletion and global warming potential

Simultaneously with publication of the lists under this section and simultaneously with any addition to either of such lists, the Administrator shall assign to each listed substance a numerical value representing the substance's ozone-depletion potential. In addition, the Administrator shall publish the chlorine and bromine loading potential and the atmospheric lifetime of each listed substance. One year after November 15, 1990 (one year after the addition of a substance to either of such lists in the case of a substance added after the publication of the initial lists of such substances), and after notice and opportunity for public comment, the Administrator shall publish the global warming potential of each listed substance. The preceding sentence shall not be construed to be the basis of any additional regulation under this chapter. In the case of the substances referred to in table 1, the ozone-depletion potential shall be as specified in table 1, unless the Administrator adjusts the substance's ozone-depletion potential based on criteria referred to in section 7671(10) of this title:

TABLE 1

Substance	Ozone-depletion potential
chlorofluorocarbon-11 (CFC-11)	1.0
chlorofluorocarbon-12 (CFC-12)	1.0
chlorofluorocarbon-13 (CFC-13)	1.0
chlorofluorocarbon-111 (CFC-111)	1.0
chlorofluorocarbon-112 (CFC-112)	1.0
chlorofluorocarbon-113 (CFC-113)	0.8
chlorofluorocarbon-114 (CFC-114)	1.0
chlorofluorocarbon-115 (CFC-115)	0.6
chlorofluorocarbon-211 (CFC-211)	1.0
chlorofluorocarbon-212 (CFC-212)	1.0
chlorofluorocarbon-213 (CFC-213)	1.0
chlorofluorocarbon-214 (CFC-214)	1.0
chlorofluorocarbon-215 (CFC-215)	1.0
chlorofluorocarbon-216 (CFC-216)	1.0
chlorofluorocarbon-217 (CFC-217)	1.0
halon-1211	3.0

TABLE 1—Continued

Substance	Ozone-depletion potential
halon-1301	10.0
halon-2402	6.0
carbon tetrachloride	1.1
methyl chloroform	0.1
hydrochlorofluorocarbon-22 (HCFC-22)	0.05
hydrochlorofluorocarbon-123 (HCFC-123)	0.02
hydrochlorofluorocarbon-124 (HCFC-124)	0.02
hydrochlorofluorocarbon-141(b) (HCFC-141(b))	0.1
hydrochlorofluorocarbon-142(b) (HCFC-142(b))	0.06

Where the ozone-depletion potential of a substance is specified in the Montreal Protocol, the ozone-depletion potential specified for that substance under this section shall be consistent with the Montreal Protocol.

(July 14, 1955, ch. 360, title VI, §602, as added Pub. L. 101-549, title VI, §602(a), Nov. 15, 1990, 104 Stat. 2650.)

§ 7671b. Monitoring and reporting requirements

(a) Regulations

Within 270 days after November 15, 1990, the Administrator shall amend the regulations of the Administrator in effect on such date regarding monitoring and reporting of class I and class II substances. Such amendments shall conform to the requirements of this section. The amended regulations shall include requirements with respect to the time and manner of monitoring and reporting as required under this section.

(b) Production, import, and export level reports

On a quarterly basis, or such other basis (not less than annually) as determined by the Administrator, each person who produced, imported, or exported a class I or class II substance shall file a report with the Administrator setting forth the amount of the substance that such person produced, imported, and exported during the preceding reporting period. Each such report shall be signed and attested by a responsible officer. No such report shall be required from a person after April 1 of the calendar year after such person permanently ceases production, importation, and exportation of the substance and so notifies the Administrator in writing.

(c) Baseline reports for class I substances

Unless such information has previously been reported to the Administrator, on the date on which the first report under subsection (b) of this section is required to be filed, each person who produced, imported, or exported a class I substance (other than a substance added to the list of class I substances after the publication of the initial list of such substances under this section) shall file a report with the Administrator setting forth the amount of such substance that such person produced, imported, and exported during the baseline year. In the case of a substance added to the list of class I substances after publication of the initial list of such substances under this section, the regulations shall require that each person who produced, imported, or exported such substance shall file a