



DEPARTMENT OF
ECOLOGY
State of Washington

**Emergency Rule Implementation Plan
Chapter 173-443 WAC
Hydrofluorocarbons (HFCs)**

July 2019

Publication 19-02-016

Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1902016.html>

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Emergency Rule Implementation Plan

Chapter 173-433 WAC

Hydrofluorocarbons (HFCs)

Air Quality Program

Washington State Department of Ecology

Olympia, Washington

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On July 29, 2019, Ecology adopted a new Chapter 173-443 WAC – Hydrofluorocarbons (HFCs) (AO # 19-04). This rulemaking implements and enforces Chapter 284, Laws of 2019 (Engrossed Second Substitute House Bill 1112, Hydrofluorocarbon Greenhouse Gas Emissions), an act relating to reducing greenhouse gas emissions from hydrofluorocarbons (HFCs). This act amends RCW 70.235.010, 70.94.430, 70.94.431, and 70.94.015; adds a new section to Chapter 70.235 RCW; adds a new section to Chapter 19.27 RCW; adds a new section to Chapter 39.26 RCW; creates new sections; and prescribes penalties.

This emergency rulemaking establishes the means in which manufacturers, importers, and distributors need to submit to Ecology notifications on the use of products and equipment in covered product classes that use restricted HFCs or other restricted substitutes for products and equipment sold, leased, rented, or installed in Washington. This initial notification is due to Ecology by December 31, 2019.

The rulemaking also establishes the means in which manufacturers, importers, and distributors need to submit required status update notifications for the restriction taking effect on January 1, 2020. The notification will indicate that an affected party has met the requirements of the law for a class of products. This status update notification is due within 120 days after the restriction date.

The rulemaking will also modify the restriction deadline for new and existing vending machine end-use category from January 1, 2020, to January 1, 2022.

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-443 WAC about how Ecology intends to:

- Implement the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

This rule applies globally to all manufacturers, importers, and distributors with a presence in Washington, and it will be implemented by the Ecology Headquarters in Lacey, Washington. Affected parties will be able to submit the required notifications electronically or by mail.

Initial notifications for all manufacturers, importers, and distributors and all covered products must be submitted to Ecology by December 31, 2019. A status update notification is due to Ecology within 120 days after a restriction deadline. The first restriction deadline is January 1, 2020.

Affected parties can submit the notification forms electronically. We will provide information on electronic submittals on our [HFC webpage](#) and in a webinar on September 11, 2019.

Implementation

Ecology designed a notification form for the initial notification and the subsequent status updates, Washington HFC Reduction Program: Product Manufacturer Notification. The HFC web application is under development, and affected parties should check the [HFC webpage](#) for information on how to obtain the form. For the initial notification in WAC 173-443-040, each manufacturer, importer, or distributor, or its representative must complete and return the form by December 31, 2019.

Manufacturers, importers, and distributors that offer in Washington products for sale, lease, install, or rent that contain restricted HFCs or restricted substitutes, must comply with the December 31, 2019 notification requirement. Ecology is maintaining a list of stakeholders and trade associations. Ecology will send the stakeholders and trade associations a web link to access the notification form and will provide guidance on completing and submitting the notification form in a webinar on September 11, 2019.

For the status update requirements in WAC 173-443-050, manufacturers, importers, and distributors need to provide Ecology with a status update notification within 120 days after a product restriction becomes effective. Ecology will send stakeholders affected by each subsequent restriction a web link to access the notification form to complete and submit. Ecology will extract data from completed notification forms within a web application currently under development.

Promoting and Assisting Voluntary Compliance

Ecology will promote voluntary compliance through technical assistance when manufacturers, importers, distributors, or their representatives need help.

The Climate Policy Section (CPS) is providing technical assistance. CPS has identified key staff to respond to technical questions until they hire additional, permanent staff. CPS is engaged in the hiring process and intends to have the position filled by September 2019.

The actions mentioned above to inform and educate affected parties on the program also help to promote voluntary compliance. Program staff are available to respond to stakeholder inquiries.

Evaluating the Rule

Ecology will monitor the rule impacts and will continue discussions at agency staff meetings throughout development of the permanent rule. We will evaluate the changes and make rule revisions if necessary. Multiple emergency rules may be required; therefore, there will be opportunities to make changes to the rule in a relatively short period if necessary.

The Air Quality Program maintains a file with comments and suggestions for improving our regulations that come from Ecology staff, the public, clean air agencies, and the regulated community. We consider all input received about how to improve our regulations.

We intend to track the number of late notifications as an indicator of the effectiveness of the rule. Excessive late reporting will suggest that we need programmatic changes in the near future.

We may need to change the form and other sections of the rule during the permanent rulemaking, depending on comments from stakeholders.

Ecology is developing a permanent web application to record and monitor HFC transition compliance. We anticipate the initial build of this application to be completed in August.

Training and Informing Ecology Staff

Ecology staff responsible for implementing this rule work directly with the affected sources and are already familiar with the nuances of the rule. These staff are available to coach other Ecology staff on the best way to implement the rule.

List of Supporting Documents that May Need to be Written or Revised

Ecology developed a form, Washington HFC Reduction Program: Product Manufacturer Notification, for the initial and the status update notifications in this emergency rulemaking. We may revise the notification form during the permanent rulemaking, depending on comments from stakeholders.

More Information

More information on this rulemaking (Chapter 173-443 WAC):

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>

More information on hydrofluorocarbons:

- EPA Significant New Alternatives Policy (SNAP) Program
<https://www.epa.gov/snap>

- Ecology Hydrofluorocarbon (HFC) Transition
<https://ecology.wa.gov/Air-Climate/Climate-change/Carbon-reduction-targets/Hydrofluorocarbons>

More information on the Air Quality Program:
<https://ecology.wa.gov/Air-Climate/Air-quality>

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