



DEPARTMENT OF
ECOLOGY
State of Washington

Emergency Rule Implementation Plan Chapter 173-443 WAC

Hydrofluorocarbons (HFCs) Second Emergency Rulemaking

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1902025.html>

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To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or email ecyadacoordinator@ecy.wa.gov. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Second 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 30, 2019, Ecology adopted an emergency rule, Chapter 173-443 WAC Hydrofluorocarbons (HFCs) to establish a program to implement and enforce the requirements of chapters 70.235, 70.94, 19.27, and 39.26 RCW (see Chapter 284, Laws of 2019 - Engrossed Second Substitute House Bill 1112). This relates to reducing greenhouse gasses by transitioning to the use of less damaging HFCs or suitable substitutes. Emergency rules are effective for 120 days, and Ecology needs to keep adopting subsequent emergency rules until the permanent rule goes into effect by the end of 2020. This second emergency rule supersedes the one filed on July 30, 2019, WSR 19-16-059 and will be effective through March 20, 2020.

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

The rulemaking also establishes the means in which manufacturers, importers, and distributors submit required status updates for restrictions 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 also modifies the restriction deadline for new and existing vending machine end-use category from January 1, 2020, to January 1, 2022.

This rule implementation plan informs 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 with 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

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

Initial notifications on the use of HFCs 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. Information on electronic submittals can be found on our [HFC webpage](#).

Implementation

Ecology created a form for the initial notification and the subsequent status updates, the “Washington HFC Reduction Program: Product Manufacturer Notification”. Affected parties should check the [HFC webpage](#) for instructions. For the initial notification in WAC 173-443-040, each manufacturer, importer, 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, installation, or rent that contain restricted HFCs or restricted substitutes, must comply with the December 31, 2019 notification requirement. Ecology is maintaining a stakeholder list. Ecology send the stakeholders and trade associations a web link to access the notification form and Ecology held a webinar on September 11, to inform stakeholders on how to fill out the form and how to submit it electronically. Instructions are available on the [HFC webpage](#).

For 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, and will post a list of manufacturers, importers, and distributors that have submitted their notifications on the HFC website.

Promoting and Assisting Voluntary Compliance

Ecology continues to 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 (see contact information below) to respond to technical questions.

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 rule impacts. We will evaluate implementation and make rule revisions if necessary. There will be several opportunities to make changes to the rule in a relatively short period of time. There are no changes to the rule in this second emergency rulemaking.

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

We will track the number of late notifications as an indicator of the effectiveness of the rule. Excessive late reporting will result in programmatic changes for greater compliance.

Changes to the form and other sections of the rule may happen during the permanent rulemaking process, depending on comments from stakeholders.

Ecology is developing a permanent web application to record and monitor HFC transition compliance.

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. We are available to coach other Ecology staff on rule implement.

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>

Contact Information

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