



DEPARTMENT OF
ECOLOGY
State of Washington

Emergency Rule Implementation Plan Chapter 173-443 WAC

Hydrofluorocarbons (HFCs) Third 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/2002007.html>

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Third 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) (AO # 19-04) to establish a program to implement and enforce the requirements of Chapters 70.235 and 70.94 RCW (see Chapter 284, Laws of 2019 – ESSHB 1112). This law 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 adopt subsequent emergency rules until the permanent rule goes into effect by the end of 2020. This third emergency rule supersedes the one filed on November 21, 2019 (WSR 19-24-005) and will be effective from March 16 through July 14, 2020.

The emergency rulemakings established the means by which manufacturers, importers, and distributors must submit initial notifications on the use of various products and equipment in covered end-use categories that use HFCs or other restricted substitutes. It applies to products and equipment sold, leased, rented, or installed in Washington. Initial notification was due to Ecology by December 31, 2019.

The emergency rulemakings also established the means by which manufacturers, importers, and distributors must submit status update notifications for restrictions taking effect on January 1, 2020. The notification will indicate that an affected party has or has not met the requirements of the law for their covered products. This status update notification is due within 120 days after an applicable restriction date.

The emergency rulemakings also modified the restriction deadline for the 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.

Initial notifications on the use of HFCs for all manufacturers, importers, and distributors, and all covered products were due to Ecology by December 31, 2019. A status update notification is due to Ecology within 120 days after an applicable restriction date takes effect. The first restriction deadline was January 1, 2020, and the first status update notifications are due by April 30, 2020.

Affected parties must submit the notification forms electronically. Information on electronic submittals can be found on our [HFC webpage](#).

Informing and Educating Persons Affected by the Rule

Ecology created a form for the initial notification and the subsequent status update notification, 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 have completed and returned the form by December 31, 2019.

Manufacturers, importers, and distributors that offer, in Washington, products for sale, lease, rent or install that contain HFCs or other restricted substitutes must comply with the December 31, 2019 initial notification requirement. Ecology is maintaining a stakeholder list, and we recently established a Listserv. Ecology sent the stakeholders and trade associations a web link to access the notification form and held a webinar on September 11, 2019, to inform stakeholders on how to complete 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 must provide to Ecology a status update notification within 120 days after an applicable product restriction date. Ecology will send stakeholders affected by each subsequent restriction a web link to access the notification form. Ecology has extracted data from completed initial notification forms and has posted a list of manufacturers, importers, and distributors that

submitted their initial notification on the [HFC webpage](#). Ecology is currently working on a permanent web application to record and monitor HFC compliance data.

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 third emergency rulemaking.

The Air Quality Program maintains comments and suggestions for improving our regulations. These come from Ecology staff, the public, local 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.

Training and Informing Ecology Staff

Ecology staff responsible for implementing this rule work directly with the affected persons and are already familiar with the nuances of the rule. We are available to coach other Ecology staff on rule implementation.

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. We may revise the notification form during the permanent rulemaking, depending on comments from stakeholders.

More Information

- Ecology [HFC rulemaking webpage](#) for rulemaking activities
- Ecology [HFC webpage](#) for information on our HFC transition
- Sign up for the Ecology [HFC distribution list](#) to receive updates on this rulemaking
- EPA [Significant New Alternatives Program \(SNAP\) webpage](#)

Contact Information

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