



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan Chapter 173-443 WAC, Hydrofluorocarbons (HFC)

New Permanent Rulemaking

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Rule Implementation Plan

Chapter 173-443 WAC Hydrofluorocarbons (HFCs)

New Permanent Rulemaking

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 December 10, 2020, Ecology adopted a new permanent rule, Chapter 173-443 WAC, Hydrofluorocarbons (HFCs) (AO # 19-04). 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 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 Ecology may need to write or revise because of the new 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; however, only one person or entity needs to satisfy the notification and labeling requirements for each covered product. The rule includes a hierarchy for determining the order in which Ecology will hold these entities responsible. Ecology implements this rule through staff in the HFC Program, Climate Policy Section in the Air Quality Program in Lacey, Washington.

Initial notifications on the use of HFCs for all manufacturers were due to Ecology by December 31, 2019. A status update notification is due to Ecology within 120 days after an applicable prohibition date takes effect. The next prohibition date is January 1, 2021. For products affected by this prohibition, status update notifications are due by May 1, 2021.

Affected parties must submit the notification forms electronically. Our [HFC transition webpage](#)¹ contains information on the electronic submittal process. Prior to each prohibition date, Ecology will send a reminder email with a link to access the online notification form and instructions on how to use the online system to affected manufacturers.

Enforcement will be implemented through authority under the Clean Air Act, [Chapter 70A.15 RCW](#)². Ecology will provide technical assistance before issuing formal enforcement action.

Informing and Educating Persons Affected by the Rule

Ecology created an online 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 transition webpage](#)³ for instructions.

Ecology sent the stakeholders and trade associations a link to access the online notification form and held a webinar on September 11, 2019. The webinar informed affected parties on how to complete the form and submit it electronically. After the initial notification deadline, Ecology posted on the [HFC transition webpage](#)⁴ a list of manufacturers that submitted their initial notification. This list informs importers and distributors whether they may be responsible if the original manufacturer did not report for a particular product.

To inform and educate persons affected by the rule, Ecology is maintaining an [HFC Listserv](#)⁵ (email notification list) for HFC rule updates and a Frequently Asked Questions section on the [HFC transition webpage](#).⁶ Additionally, we are issuing a news release with adoption of this rule to announce the new requirements.

For status update requirements in WAC 173-443-100, Ecology will send manufacturers affected by each subsequent prohibition a reminder email with a link to access the online notification form and instructions on how to use the online system to submit their status update notification.

For product disclosure and labeling requirements in WAC 173-443-070, Ecology held a series of three workshops with manufacturers and trade organization representatives to discuss their current labeling practices. The final rule contains labeling options specific to each end-use category based on these discussions. To help manufacturers comply with the labeling

¹ <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Hydrofluorocarbons>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.15>

³ <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Hydrofluorocarbons>

⁴ Ibid., p. 2

⁵ <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=HYDROFLUOROCARBONS-HFCS>

⁶ <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Hydrofluorocarbons>

requirements, Ecology added new Frequently Asked Questions on labeling to our [HFC transition webpage](#).⁷

One manufacturer indicated that industry intends to develop a standardized training program for technicians, contractors, wholesalers, and trainers working in the field. Ecology will follow the development of any such training and guidance material at the national level and will evaluate how to support the effort in Washington.

Promoting and Assisting Voluntary Compliance

The HFC Program continues to promote voluntary compliance through technical assistance when manufacturers, importers, distributors, or their representatives need help.

Key staff in the HFC program (see [Contact Information](#) below) are available to respond to technical questions. Ecology established a dedicated email for answering technical questions. Manufacturers with labeling or notification questions should contact HFC@ecy.wa.gov.

The actions described above to inform and educate affected parties on the program also help to promote voluntary compliance.

Evaluating the Rule

Ecology will monitor the impacts of the rule. We will track the number of late notifications as an indicator of the rule's effectiveness and evaluate the resources available for providing additional compliance assistance if necessary.

We will also evaluate the rule and revise as necessary should external events trigger the need to do so. One such trigger would be the adoption of EPA SNAP Rule 23 as proposed by EPA in May 2020. This new SNAP Rule 23 rule would allow as acceptable the use of certain low Global Warming Potential (GWP) substitutes for specific products in the foam and refrigeration end-use categories. RCW 70A.45.080 directs Ecology to update the rule to be consistent with any new federal rule that changes the approval status of these new substitutes.

Training and Informing Ecology Staff

HFC program staff responsible for implementing this rule work directly with the affected parties and are already familiar with the nuances of the rule. Additionally, there are external resources available should the need arise. Staff can reach out to the U.S. Climate Alliance and its member states who have adopted similar HFC regulations, or to EPA's SNAP program directly.

⁷ <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Hydrofluorocarbons>

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

Ecology developed the notification form, “Washington HFC Reduction Program: Product Manufacturer Notification.” The form has been in use since Fall 2019. We have received positive feedback on the form and do not plan to revise it at this time.

Depending on developments for standardized technician training material at the national level, staff may develop new guidance documents to support the national training effort.

More Information

- [HFC Listserv](#)⁸ to receive updates on this and the permanent rulemaking
- [HFC rulemaking webpage](#)⁹ for rulemaking activities and documents
- [HFC transition webpage](#)¹⁰ for information on our HFC transition
- [Significant New Alternatives Policy \(SNAP\) Program](#)¹¹ for information on EPA’s program
- [Washington HFC Reduction Program: Product Manufacturer Notification](#)¹² for the online notification form
- [Chapter 70A.45 RCW](#)¹³ Limiting Greenhouse Gas Emissions

⁸ <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=HYDROFLUOROCARBONS-HFCS>

⁹ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>

¹⁰ <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Hydrofluorocarbons>

¹¹ <https://www.epa.gov/snap>

¹² <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070608.html>

¹³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.45>

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