



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Rule Implementation Plan  
Chapter 173-443 WAC, Hydrofluorocarbons (HFCs)  
and Other Fluorinated Greenhouse Gases and  
Chapter 173-455, Air Quality Fee Rule**

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# Publication and Contact Information

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For more information contact:

Climate Pollution Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: 360-407-7600

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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**Rule Implementation Plan**  
**Chapters 173-443 and 173-455 WAC**  
**Hydrofluorocarbons (HFCs) and Other Fluorinated**  
**Greenhouse Gases and Air Quality Fee Rule**

Climate Pollution Reduction 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 November 30, 2023, Ecology adopted amendments to Chapter 173-443 WAC, Hydrofluorocarbons (HFCs) and Other Fluorinated Greenhouse Gases, and Chapter 173-455 WAC, Air Quality Fee Rule (AO # 21-02). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-443 WAC and Chapter 173-455 WAC about how Ecology intends to:

- Implement and enforce the rules.
- Inform and educate persons affected by the rules.
- Promote and assist voluntary compliance with the rules.
- Evaluate the rules.
- Train and inform Ecology staff about the amended rules.

Also included in this plan is information about:

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

## Implementation and Enforcement

This rule applies to manufacturers, distributors, wholesalers, and retailers of new refrigeration and air conditioning equipment; owners of facilities with large refrigeration or air conditioning systems; refrigeration and air conditioning technicians; and refrigerant wholesalers, distributors, and reclaimers. The rule also includes requirements established in the authorizing statute that prohibit the sale and purchase of small cans of refrigerant and certain nonessential consumer products that contain HFCs, or other ozone depleting substances, with a global warming potential (GWP) greater than 150.

Ecology staff in the Greenhouse Gas Inventory and Transportation Section within the Climate Pollution Reduction (CPR) Program, a newly created program within the agency, will implement this rule. Prior to the establishment of the CPR Program, Ecology's climate-related work, including the HFC program, was implemented as part of the Air Quality (AQ) Program.

Ecology will enforce restrictions within this rule through verification and periodic audits of refrigeration, air conditioning equipment, and other regulated products sold within Washington by manufacturers, distributors, wholesalers, and retailers. This includes online sales. Ecology will enforce refrigerant management requirements through the review and verification of annual reports and leak rate exceedance notifications submitted through the Refrigerant Management Program (RMP) data reporting system. The RMP will also include onsite inspections conducted by program inspectors located in each of Ecology's regions. Program headquarters staff will coordinate with regional inspectors to prioritize inspections based on analysis of data reporting system records and provide detailed technical assistance.

Ecology will provide technical assistance, when requested, to the following agencies to implement other parts of the law:

- Washington Department of Enterprise Services to establish state procurement preferences for lower GWP refrigerants; and
- Washington Department of Commerce to address the consideration of the GWP of refrigerants used in equipment incentivized under utility conservation programs.

By December 1, 2029, and every five years after, Ecology will evaluate the greenhouse gas emission reductions from implementing the RMP and will determine whether to continue to implement the RMP. Ecology will report the results of these evaluations to the appropriate committees of the Washington State Legislature.



# Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has done the following to help inform affected parties and other interested persons.

- Emailed rulemaking announcement, proposal, and adoption notices to the Air Quality general email list and WACTrack email list;
- Emailed the above rulemaking notices plus draft rule language and other meeting material to the Hydrofluorocarbons (HFC) email list;
- Issued press releases for the proposal and adoption of the rule;
- Posted on social media;
- Presented the rulemaking at conferences, trade association meetings, and other events;
- Posted information on Ecology's [HFCs rulemaking webpage](#)<sup>1</sup> and the general [HFC webpage](#)<sup>2</sup>;
- Developed and distributed [informational factsheets](#)<sup>3</sup> about HFCs and [small cans of refrigerant](#)<sup>4</sup>;
- Held seven stakeholder meetings and a public hearing via webinar, and held meetings with industry as requested; and
- Held an informational webinar sharing results of Ecology's 2022 report to the legislature on estimated leak rates for refrigeration and air conditioning equipment in Washington.

Ecology will continue to notify interested persons about the adopted rules through the Hydrofluorocarbons (HFCs) email list. The program will issue specific guidance documents for aspects of the rule as they are developed, and when additional trainings are developed and ready to offer.

Ecology will provide trainings on how to register and report using the Washington RMP data reporting system. Program staff will send notice of these trainings to the Hydrofluorocarbons email list and post details on the Hydrofluorocarbons webpage.

Ecology will also continue to present information about the program at relevant conferences and other industry events as schedules allow. This will provide additional opportunities for the regulated community and other interested parties to interact with program staff, learn about the requirements, and clarify questions they may have to ensure they achieve compliance.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-443-455>

<sup>2</sup> <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/hydrofluorocarbons>

<sup>3</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2202036.html>

<sup>4</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2302009.html>

## Promoting and Assisting Voluntary Compliance

The actions that inform and educate stakeholders will also help promote voluntary compliance. Several other activities have proven useful in promoting voluntary compliance, such as:

- Posting the regulations and guidance documents on Ecology's website;
- Targeted outreach informing affected parties of the regulations and guidance documents;
- Training Ecology staff on new and amended regulations so they can answer questions; and
- Maintaining a file for comments and suggestions for improving regulations to be reviewed during subsequent rulemaking. These suggestions can come from Ecology staff, the regulated community, and other interested stakeholders.

Ecology has established a dedicated email address to answer technical questions related to the HFC program ([HFC@ecy.wa.gov](mailto:HFC@ecy.wa.gov)). Ecology will also establish a dedicated email address to answer questions related to the refrigerant and air-conditioning reporting system (RAMPSAdmin@ecy.wa.gov). Technical staff will be available to respond to questions submitted to these email addresses and by phone.<sup>33</sup>

## Evaluating the Rule

Ecology will monitor the impacts of the rule. To evaluate the effectiveness of the rule, the HFC program will:

- Work closely with manufacturers, distributors, wholesalers, and retailers that are required to comply with refrigerant GWP thresholds for new refrigeration and air conditioning equipment;
- Work closely with owners and operators of existing stationary refrigeration and air conditioning equipment; refrigeration and HVAC technicians; and wholesalers, distributors, and reclaimers of refrigerant that are required to comply with the RMP;
- Consider future rulemaking to add policy provisions, as authorized by Chapter 70A.60 RCW, to achieve program greenhouse gas reduction goals;
- Conduct periodic audits of refrigeration and air conditioning equipment available for sale, lease, or rent in Washington;
- Review and conduct periodic audits of data provided by equipment owners through the RMP data platform;
- Analyze the effectiveness and equitability of current compliance and enforcement policies to determine if changes are needed to ensure regulated entities comply with the rule; and
- Report to the Washington State House Environment & Energy and Senate Environment, Energy & Technology committees, beginning December 1, 2029, and every five years after, regarding the effectiveness of HFC emission reductions and the practicality of continuing the RMP.

## **Training and Informing Ecology Staff**

HFC program staff involved in the development of the rule will also be responsible for rule implementation. Staff presented rule development progress at Ecology all-staff meetings, as well as monthly meetings for sections within the AQ and CPR programs. The HFC Unit Supervisor worked with regional business administrators and regional directors to logistically plan for the establishment of inspectors operating from regional offices. The HFC program will continue to utilize staff meetings, the agency website, the agency intranet, and email to educate staff. Rulemaking requires broad outreach to Ecology staff and management involved with implementing and enforcing the new rule requirements. After the rule is adopted, program staff will contact all agency staff who may work with stakeholders who are regulated under the new rule. Staff brought on to conduct inspections for the RMP will be provided with training, outlining the requirements of the rule.

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

Ecology is developing or revising guidance documents. These documents include, but are not limited to, the following topics:

- Guidebook to help readers understand how to comply with rule requirements
- Frequently Asked Questions (FAQ) documents
- GWP thresholds factsheet
- Small cans of refrigerant factsheet
- Leak rate calculation methodology
- RMP registration and reporting guidance
- RMP reporting templates
- Information Technology platform user guides

Additional guidance documents and other resources will be developed as needed.

The [HFC program webpage](#)<sup>5</sup> also houses many technical assistance documents and resources including focus sheets and slides from stakeholder meetings as well as the public hearing. The HFC program will continue to update this website as needed.

The [HFC rulemaking webpage](#)<sup>6</sup> contains all of the material from the stakeholder meetings held during rule development. This includes draft rule language, presentations, information from the public hearing, and other documents.

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<sup>5</sup> <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/hydrofluorocarbons>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-443-455>

## More Information

- [Rulemaking website](#)<sup>7</sup>
- [Hydrofluorocarbons website](#)<sup>8</sup>
- [Chapter 70A.60 RCW](#)<sup>9</sup>
- [Hydrofluorocarbons email list](#)<sup>10</sup>

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-443-455>

<sup>8</sup> <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/hydrofluorocarbons>

<sup>9</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.60>

<sup>10</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_96](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_96)

## **Contact Information**

### **Greenhouse Gas Inventory Reduction and Transportation Section Manager**

Leonard Machut  
Climate Pollution Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
(360) 890-6381  
leonard.machut@ecy.wa.gov

### **HFC Program Technical Lead**

Tamara Dumitrescu  
Climate Pollution Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
tamara.dumitrescu@ecy.wa.gov

### **Rulemaking Lead**

Linda Kildahl  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
(360) 706-3038  
linda.kildahl@ecy.wa.gov