



# Interpretive Statement on the Sell-through Provisions in WAC 173-443-065 and -075

## Policy number

## Program name

Climate Pollution Reduction Program, Fluorinated Gases Section

## Date issued

April 24, 2025

## Purpose

In November 2024, Ecology opened rulemaking to make amendments to Chapter 173-443 WAC (the rule) including, but not limited to, revisions to WAC 173-443-065 and -075 to modify the sell-through provision.

Ecology wishes to clarify our interpretation of the current sell-through rule language provision while the rulemaking process proceeds.

## Application

This interpretive statement applies to affected entities that sell, purchase, lease, rent, install, or manufacture equipment subject to WAC 173-443-040 restrictions in Tables 2 and 3 and the corresponding sell-through provisions listed in -065(2) and -075(2).

## Limitations

This Interpretive Statement is not a regulation. It is advisory only and not intended to include or address every circumstance.

## Background

The sell-through provision, as currently written in WAC 173-443-065(2) and -075(2), contains specific dates that conflict with certain prohibition dates in WAC 173-443-040, Tables 2 and 3 to which the provision applies. On October 2, 2024, Ecology opened the rule to, in part, amend the sell-through provision for equipment manufactured prior to the prohibition dates listed in Chapter 173-443-040 WAC, Tables 2 and 3. The sell-through provision corresponding to the restrictions in this chapter is:

WAC 173-443-065 Prohibitions and additional requirements for new or retrofit refrigeration equipment listed in Table 2.

(2) Sell-through provision. Refrigeration equipment that is manufactured prior to January 1, 2024, may be sold, leased, rented, installed, or otherwise introduced into Washington commerce until January 1, 2026.

WAC 173-443-075 Prohibitions and additional requirements for new or retrofit air conditioning equipment listed in Table 3.

(2) Sell-through provision. Air conditioning equipment that is manufactured prior to January 1, 2024, may be sold, leased, rented, installed, or otherwise introduced into Washington commerce until January 1, 2026.

Ecology's intent was to provide a limited sell-through period beginning on the applicable effective date for equipment listed in Chapter 173-443-040, Tables 2 and 3, for equipment manufactured prior to the restriction date. However, as currently written, certain restriction dates in Tables 2 and 3 are out of alignment with the specific sell-through provision dates. For example, some restrictions do not take effect until January 1, 2025. A sell-through provision stating that only products manufactured before January 1, 2024 are eligible for the sell-through provision is inconsistent with the intent of the sell through provision. In other cases, the end date of the sell-through provision, January 1, 2026, is the same as the date the restriction begins, effectively removing any sell-through period for those categories.

To rectify these conflicts, Ecology has opened the rule to, in part, amend the sell-through provision to better align with the applicable prohibition dates in Tables 2 and 3.

## Conclusion

Ecology's interpretation of current WAC 173-443-065 and -075 rules is to provide a limited sell-through provision from the date of each prohibition listed in Chapter 173-443-040, Tables 2 and 3, for equipment manufactured prior to the prohibition date. This is a working interpretation to provide clarification only until current rulemaking for Chapter 173-443 WAC is completed and updated rules are adopted.



### Contacts us

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### ADA Accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6800 or email at [Heather.Curtis@ecy.wa.gov](mailto:Heather.Curtis@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341