



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 20, 2020

TIME: 9:28 AM

WSR 20-21-087

Agency: Department of Ecology AO# 19-04

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Ecology is adopting the fifth emergency rule – Chapter 173-443 WAC, Hydrofluorocarbons (HFCs) – to establish requirements to reduce greenhouse gases in Washington by moving to the phased use of less damaging HFCs or acceptable substitutes.

The emergency rule requires manufacturers, importers, and distributors to notify Ecology about their products and equipment containing HFCs and other substitutes. The initial deadline was December 31, 2019. More notifications are due when new restrictions apply between 2020 and 2024.

We changed the restriction deadline for vending machines from January 1, 2020, to January 1, 2022, in the first emergency rule. We continue to adopt the 2022 date because we determined that the new date reduces the overall risk to human health or the environment. It also reflects the earliest date that a lower risk substitute is potentially available as allowed by RCW 70A.45.080 (3)(a).

The emergency rule will be in effect for up to 120 days starting October 20, 2020, replacing the one adopted on June 25, 2020. The rule will expire when the permanent rule, Chapter 173-443 WAC, becomes effective.

We updated the rule to reflect the new chapter number of the law as directed by legislation in 2020.

Ecology adopted the following emergency rules:

- First emergency rule: July 30, 2019 (WSR 19-16-059)
- Second emergency rule: Nov. 21, 2019 (WSR 19-24-005)
- Third emergency rule: March 16, 2020 (WSR 20-07-076)
- Fourth emergency rule: June 25, 2020 (WSR 20-14-041)

Ecology began a rulemaking process for the permanent adoption of the rule when we filed the first emergency rule. We will continue to adopt an emergency rule until the permanent rule takes effect.

Please visit our website for information and to participate in the rulemaking process: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>

Citation of rules affected by this order:

New: Chapter 173-443 WAC, Hydrofluorocarbons (HFCs)
Repealed:
Amended:
Suspended:

Statutory authority for adoption: Chapter 284, Laws of 2019 (ESSHB 1112); and Chapter 70A.45 RCW, Limiting Greenhouse Gas Emissions.

Other authority: N/A

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Chapter 284, Laws of 2019 (ESSHB 1112) was signed into law on May 7, 2019. The law amends Chapter 70A.45 RCW. It establishes a deadline of December 31, 2019, for manufacturers, importers, and distributors of products and equipment containing HFCs to submit an initial report to Ecology. It also sets restriction deadlines for specific end-use categories. This rule establishes the method to notify Ecology by the deadlines.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>7</u>	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: October 20, 2020

Name: Laura Watson

Title: Director

Signature:

