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DATE: June 16, 2020

WSR 20-13-089

TIME: 3:31 PM

PROPOSED RULE MAKING
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Date:

## **CR-102 (December 2017)** (Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 19-04 ☑ Original Notice Supplemental Notice to WSR Continuance of WSR ☑ Preproposal Statement of Inquiry was filed as WSR 19-16-060 ; or Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_; or □ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or Proposal is exempt under RCW Title of rule and other identifying information: (describe subject) Ecology is proposing a new permanent rule for Chapter 173-443 WAC, Hydrofluorocarbons (HFCs), to reduce greenhouse gases in Washington by transitioning to the use of less damaging HFCs or suitable substitutes. For more information on this rulemaking visit: https://ecology.wa.gov/Regulations-Permits/Laws-rulesrulemaking/Rulemaking/WAC173-443 Hearing location(s): Time: Location: (be specific) Comment: July 21, 2020 9:30 a.m. Webinar only Presentation, guestion and answer session followed by PDT the hearing. We are holding this hearing via webinar. This is an using internet access. Join online and see instructions:

online meeting that you can attend from any computer https://watech.webex.com/watech/onstage/g.php?MTID =e2dea34b45e060fd36c5f76c6ab8aa601 For audio call US Toll number 1-855-929-3239 and enter access code 284 632 939. Or to receive a free call back, provide your phone number when you join the event. Date of intended adoption: November 17, 2020 (Note: This is NOT the effective date) Submit written comments to: Name: Linda Kildahl Address: Send US mail at: [Department of Ecology [Air Quality Program ] PO Box 47600, Olympia, WA 98504-7600 (US mail). Or. Send parcel delivery services to: Department of Ecology [Air Quality Program] 300 Desmond Dr. SE, Lacey, WA 98503 Email: Submit comments by mail, online, or at the hearing(s). Fax: N/A

Other: Online: http://aq.ecology.commentinput.com/?id=q7B9h By (date) July 28, 2020 Assistance for persons with disabilities: Contact Ecology ADA Coordinator Phone: 360-407-6831 Fax: N/A TTY: For Washington Relay Service or TTY call 711 or 877-833-6341. Email: ecyADAcoordinator@ecy.wa.gov Other: Visit https://ecology.wa.gov/accessibility for more information. By (date) July 17, 2020 Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule prohibits the use of HFCs and other substitutes in various products and equipment in the air conditioning and refrigeration, aerosol propellant, and foam end-use categories. This will occur in a phased approach, similar to rules adopted under EPA's Significant New Alternatives Policy (SNAP) program and HFC rules adopted or proposed for adoption by other states around the country. The proposed rule defines requirements for manufacturers, importers, and distributors of covered products and equipment to: Notify Ecology about the use of HFCs and other prohibited substitutes. Disclose HFCs and other substitutes used in an on-product label or other designated format. Ecology modified the prohibition date for the new and existing vending machine end-use category from January 1, 2020, to January 1, 2022 Reasons supporting proposal: The Washington Legislature specifically directed Ecology to engage in rulemaking to implement a program for transitioning away from HFCs. The proposed rule implements the prohibitions in the same end-use categories as in SNAP Rules 20 and 21 that were in effect on January 3, 2017, but with a new timeline for the prohibitions to take effect. Consistent with RCW 70.235.080(3)(a), Ecology determined that the modified effective date for new and existing vending machines from January 1, 2020, to January 1, 2022, reduces the overall risk to human health or the environment and reflects the earliest date that a lower risk substitute is currently or potentially available. Statutory authority for adoption: Chapter 70.235 RCW, Limiting Greenhouse Gas Emissions Statute being implemented: Chapter 70.235 RCW Is rule necessary because of a: Federal Law? Yes 🖂 No Federal Court Decision? □ Yes 🖂 No State Court Decision? □ Yes ⊠ No If yes, CITATION: Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: To meet statutory deadlines in the law, Ecology adopted three emergency rules while working on the permanent rule. Ecology plans to adopt two more emergency rules before the permanent rule goes into effect by the end of 2020. The emergency rules were adopted as follows: The first emergency rule on July 30, 2019 (WSR 19-16-059) The second emergency rule on November 21, 2019 (WSR 19-24-005) The third emergency rule on March 16, 2020 (WSR 20-07-076 Name of proponent: (person or organization) Department of Ecology □ Private □ Public ⊠ Governmental Name of agency personnel responsible for: Name Office Location Phone Drafting: Linda Kildahl 300 Desmond Drive, Lacey, WA 98503 360-407-7655

Is a school district fiscal impact statement required under RCW 28A.305.135? □ Yes ○ No If yes, insert statement here: The public may obtain a copy of the school district fiscal impact statement by contacting: Name: NA Address: N/A Phone: N/A Fax: N/A Cher: N/A Emai: N/A Other: N/A Emai: N/A Other: N/A Emai: N/A Other: N/A Emai: N/A Cher: N/A Is a cost-benefit analysis required under RCW 34.05.328? ◎ Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: NA Address: SNA Phone: N/A Fax: N/A Cher: N/A Emai: N/A Other: N/A Emai: N/A Other: N/A Is a cost-benefit analysis required under RCW 34.05.328? ◎ Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Unda Kildahl Address: 300 Desmond Drive, Lacey, WA 98503 Phone: 360-407-7655 Fax: N/A TTY: For Washington Relay Service or TTY call 711 or 877-833-6341 Emai: Inda.kildahl@ec.ywa.gov Other: No: Please explain: Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement: This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s): Dim trule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule main is being adopted solely to conform and/or comply with deard statute or regulation. Please citcle taspecific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted by RCW 34.05.310 (4)(b) Christing proposal, or portions of the proposal, is exempt under RCW 19.85.02(3). Check all that apply: RCW 34.05.310 (4)(b) RCW 34.05.310 (4)(c) R	Implementation:	Abbey Brown	300 Desmond Dr	ive, Lacey, WA 98503	360-407-6826			
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Name: N/A Address: NA Phone: N/A Fax: N/A TTY: NA Email: N/A Other: N/A Star: N/A TTY: NA Email: N/A Other: N/A Star: N/A TTY: NA Email: N/A Cther: N/A Email: N/A Cther: N/A Star: N/A TTY: NA Email: N/A Cther: N/A Star: N/A TTY: For Washington Relay Service or TTY call 711 or 877-833-6341 Email: Inda Kildahl Address: 300 Desmond Drive, Lacey, WA 98503 Phone: 380-407-7655 Fax: N/A TTY: For Washington Relay Service or TTY call 711 or 877-833-6341 Email: Inda Kildahl@evy wa.gov Other: No: Please explain: Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement: This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s): This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with dearal statute or regulation. Please cite the specific federal statute or regulation. Ib rule is being adopted to conform or comply with, and describe the consequences to the state If the rule is not adopted. Citation and description: This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply: This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply: RCW 34.05.310 (4)(b) RCW 34.05.310 (4)(c) RC		•	nent required under RCW	28A.305.135?	🗆 Yes 🛛 No			
Address: N/A Phone: N/A Fax: N/A Fax: N/A TTY: N/A Email: N/A Other: N/A  is a cost-benefit analysis required under RCW 34.05.328?  is A cost-benefit analysis required under RCW 34.05.326.341 Email: Inda.kidahi@ecy.wa.gov Other:  No: Please explain:  Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:  This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):  This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulation this rule is not adopted. Citation and description: This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply: Citation and description: This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply: Citated by RCW 34.05.310 (4)(b) (Internal government operations) (Dictated by statute) RCW 34.05.310 (4)(b) (Internal government operations) (Dictated by statute) (RCW 34.05.310 (4)(c) (RCW 34.05.310 (4)(d) (RCW 34.05.310 (4)(			chool district fiscal impact st	atement by contacting:				
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Email: N/A Chter: N/A Chter: N/A Sta cost-benefit analysis required under RCW 34.05.328?  Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Linda Kitdahl Address: 300 Desmond Drive, Lacey, WA 98503 Phone: 360-407-7655 Fax: N/A TTY: For Washington Relay Service or TTY call 711 or 877-833-6341 Email: linda.kitdahl@ecy.wa.gov Other: No: Please explain: Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement: This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 18.85 RCW). Please check the box for any applicable exemption(s): This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted. Citation and description: This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because the state if the rule is not adopted. Citation and description: This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.310 (4)(b) (Internal government operations) (Dictated by statute) (RCW 34.05.310 (4)(c) (Incorporation by reference) (Set or adjust fees) (Incorporation by reference) (Set or adjust fees) (I) RCW 34.05.310 (4)(c) (I) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) This rule proposal, or portions of the proposal, is exempt under RCW 19.85.020(1), 19.85.020(1								
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Address: 300 Desmond Drive, Lacey, WA 98503         Phone: 360-407-7655         Fax: N/A         TTY: For Washington Relay Service or TTY call 711 or 877-833-6341         Email: linda.klidahl@cc.ywa.gov         Other:         No:       Please explain:         Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:         This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or tregulation this rule is not adopted.         Citation and description:       This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.310 before filing the notice of this proposed rule.         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:         This rule proposal, or portions of the proposal, is exempt under RCW 34.05.310 (4)(6)       RCW 34.05.310 (4)(6)         RCW 34.05.310 (4)(c)       RCW 34.05.310 (4)(6)       RCW 34.05.310 (4)(6)         RCW 34.05.310 (4)(c)       RCW 34.05.310 (4)(6)       RCW 34.05.310 (4)(7)         (Correct or clarify language)       ((i) Relating to agency hearings; or (ii) process		-	alysis may be obtained by	contacting:				
Phone: 360-407-7655         Fax: N/A         TTY: For Vashington Relay Service or TTY call 711 or 877-833-6341         Email: linda.kildahl@ecy.wa.gov         Oter:         No:       Please explain:         Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:         This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(5):         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.         Citation and description:       This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by a referendum.         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.0310 (4)(e)         (Internal government operations)       (Dictated by statute)         RCW 34.05.310 (4)(c)       RCW 34.05.310 (4)(g)         (Correct or clarify language)       ((I) Reliating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.020(1), 1								
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Email: linda.kildahl@ecy.wa.gov Other: No: Please explain: Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement: This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s): This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted. Citation and description: This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.310 before filing the notice of this proposed rule. This rule proposal, or portions of the proposal, is exempt under RCW 19.85.026(3). Check all that apply: RCW 34.05.310 (4)(b) RCW 34.05.310 (4)(b) RCW 34.05.310 (4)(c) RCW 34.05.310 (4)(c) RCW 34.05.310 (4)(c) RCW 34.05.310 (4)(d) RCW 34.05.3								
Other:       No:       Please explain:         Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:         This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.         Citation and description:       This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:         RCW 34.05.310 (4)(b)       RCW 34.05.310 (4)(e)         (Internal government operations)       (Dictated by statute)         RCW 34.05.310 (4)(c)       RCW 34.05.310 (4)(f)         (Incorporation by reference)       (Set or adjust fees)         RCW 34.05.310 (4)(d)       RCW 34.05.301 (4)(g)         (Correct or clarify language)       ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)         This rule proposal, or portions of the proposal, is exempt under RCW 19.85.0201(1), 19.85.0201(1), 19.85.025(4). <td< td=""><td>TTY: F</td><td>For Washington Relay Ser</td><td>rvice or TTY call 711 or 877</td><td>-833-6341</td><td></td></td<>	TTY: F	For Washington Relay Ser	rvice or TTY call 711 or 877	-833-6341				
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Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:         This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):         □ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.         Citation and description:       □ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.         □ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.         □ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:         □ RCW 34.05.310 (4)(b)       □ RCW 34.05.310 (4)(e)         □ (Incorporation by reference)       (Set or adjust fees)         □ RCW 34.05.310 (4)(d)       □ RCW 19.85.020(1), 19.85.030(1), 19.85.025(4).         Explanation of exemptions, if necessary: The Regulatory Fairness Act (RFA; RCW 19.85.070) requires Ecology to perform a set of analyses and make certain determinations regarding proposed rules, if they impose more than minor compliance costs on businesses in an industry.         We analyzed the compliance costs of the proposed rule								
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COMPLETE THIS SECTION ONLY IF	NO EXEMPTION APPLIES				
If the proposed rule is <b>not exempt</b> , does it impose more-than-minor	costs (as defined by RCW 19.85.020(2)) on businesses?				
$\square$ No Briefly summarize the agency's analysis showing how costs were calculated					
Yes Calculations show the rule proposal likely imposes mor economic impact statement is required. Insert statement here:	e-than-minor cost to businesses, and a small business				
The public may obtain a copy of the small business economic contacting:	impact statement or the detailed cost calculations by				
Name:					
Address: Phone:					
Fione. Fax:					
TTY:.					
Email:					
Other: Signat					
Date: June 16, 2020					
Name: Heather Bartlett	1 ball Protott				
Title: Deputy Director	Stanner & Charley				