

Chapter 173-443 WAC

**HYDROFLUOROCARBONS (HFCs) AND OTHER FLUORINATED
GREENHOUSE GASES**

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WAC 173-443-010 Policy and purpose.

- (1) Ecology's policy under chapters 70A.15 and 43.21A RCW is to provide for the systematic control of air pollution from air contaminant sources. Ecology's policy under chapter 70A.60 RCW is to reduce the emissions of HFCs and other fluorinated greenhouse gases.
- (2) This chapter establishes requirements for the transition to less damaging refrigerants in the air conditioning and refrigeration, aerosol propellant, and foam end-use categories in Washington in a manner similar to rules adopted by EPA under 40 CFR Parts 82 and 84 and HFC rules adopted by other states around the country (RCW 70A.60.005).

WAC 173-443-020 Applicability.

- (1) The requirements of this chapter apply to:
 - (a) Any person who offers for sale, leases, rents, installs, or otherwise causes to enter into Washington commerce any product or equipment that contains or uses a regulated refrigerant, HFC or other substitute for an end-use listed in WAC 173-443-040.
 - (b) Any person who owns or operates a stationary refrigeration or air conditioning system, as defined in WAC 173-443-030.
 - (c) Any person who installs, repairs, maintains, services, replaces, or disposes of a stationary refrigeration or air conditioning system, as defined in WAC 173-443-030.
 - (d) Any person who distributes, reclaims, or recycles a refrigerant with a high global warming potential (GWP).

WAC 173-443-030 Definitions and acronyms. [Placeholder]

WAC 173-443-040 List of prohibited substances.

- (1) Table 1 in this section lists substances prohibited in the refrigeration, air conditioning, aerosol propellant and foam end-uses and the effective date of prohibition, unless an exemption is provided for in WAC 173-443-050.

TABLE 1. Refrigeration and air conditioning, aerosol propellants, and foams

End-Use Category: Aerosol Propellants		
End-Use	Prohibited Substances	Effective Date
Aerosol propellants	HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and HFC-134a	January 1, 2020

End-Use Category: Aerosol Propellants		
End-Use	Prohibited Substances	Effective Date
End-Use Category: Air Conditioning		
End-Use	Prohibited Substances	Effective Date
Centrifugal chillers (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC-245fa, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-423A, R-424A, R-434A, R-438A, R-507A, RS-44 (2003 composition), THR-03	January 1, 2024
Positive displacement chillers (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E, THR-03	January 1, 2024
End-Use Category: Refrigeration		
End-Use	Prohibited Substances	Effective Date
Cold storage warehouses (new)	HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-423A, R-424A, R-428A, R-434A, R-438A, R-507A, RS-44 (2003 composition)	January 1, 2023
Household refrigerators and freezers (new)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	January 1, 2022
Household refrigerators and freezers - Compact (new)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	January 1, 2021

End-Use Category: Aerosol Propellants		
End-Use	Prohibited Substances	Effective Date
Household refrigerators and freezers - Built-in appliances (new)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	January 1, 2023
Supermarket systems (retrofit)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	January 1, 2020
Supermarket systems (new)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	January 1, 2020
Remote condensing units (retrofit)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	January 1, 2020
Remote condensing units (new)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	January 1, 2020
Stand-alone units (retrofit)	R-404A, R-507A	January 1, 2020
Stand-alone medium-temperature units (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	January 1, 2020
Stand-alone low-temperature units (new)	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 formulation)	January 1, 2020
Refrigerated food processing and dispensing equipment (new)	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 formulation)	January 1, 2021
Vending machines (retrofit)	R-404A, R-507A	January 1, 2022

End-Use Category: Aerosol Propellants		
End-Use	Prohibited Substances	Effective Date
Vending machines (new)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), SP34E	January 1, 2022
End-Use Category: Foams		
End-Use	Prohibited Substitutes	Effective Date
Rigid polyurethane and polyisocyanurate laminated boardstock	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2020
Flexible polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2020
Integral skin polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Polystyrene extruded sheet	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Phenolic insulation board and bunstock	HFC-143a, HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2020
Rigid polyurethane slabstock and other	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Rigid polyurethane appliance foam	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Rigid polyurethane commercial refrigeration and sandwich panels	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Polyolefin	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Rigid polyurethane marine flotation foam	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2020
Polystyrene extruded boardstock and billet (XPS)	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel B, Formacel Z-6	January 1, 2021

End-Use Category: Aerosol Propellants		
End-Use	Prohibited Substances	Effective Date
Rigid polyurethane high-pressure two-component spray foam	HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least 4 percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; Formacel TI	January 1, 2020
Rigid polyurethane low-pressure two-component spray foam	HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least 4 percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; Formacel TI	January 1, 2021
Rigid polyurethane one-component foam sealants	HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least 4 percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; Formacel TI	January 1, 2020

- (2) Table 2 in this section lists additional prohibitions for new stationary refrigeration equipment containing more than 50 pounds of refrigerant, unless an exemption is provided for in WAC 173-443-050.

TABLE 2. Stationary refrigeration equipment

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Refrigeration equipment	Retail food refrigeration containing more than 50 pounds of refrigerant	Refrigerants with a GWP of 150 or more	January 1, 2024
Industrial process refrigeration excluding chillers	Industrial process refrigeration that does not use a chiller containing more than 50 pounds of refrigerant	Refrigerants with a GWP of 150 or more	January 1, 2024 for new facilities; January 1, 202-- for existing facilities
Chillers used for industrial process refrigeration purposes	Industrial process refrigeration containing more than 50 pounds of refrigerant	Refrigerants with a GWP of 150 or more	January 1, 2024 for new facilities; January 1, 202-- for existing facilities
Cold storage warehouses	Cold storage warehouses containing more than 50 pounds of refrigerant	Refrigerants with a GWP of 150 or more	January 1, 2024 for new facilities; January 1, 202-- for existing facilities

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Ice rinks (new facilities)	Refrigeration equipment containing more than 50 pounds of refrigerant installed in a new facility	Refrigerants with a GWP of 150 or more	January 1, 2024
Ice rinks (existing facilities)	Refrigeration equipment containing more than 50 pounds of refrigerant installed in an existing facility	Refrigerants with a GWP of 750 or more	January 1, 2024

- (3) Table 3 in this section lists additional prohibitions for new stationary air conditioning equipment and the effective date of prohibition, unless an exemption is provided for in WAC 173-443-050.

TABLE 3. Stationary air conditioning equipment

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Air conditioning equipment	Room/wall/window air conditioning equipment, PTACs, PTHPs, portable air conditioning equipment, and residential dehumidifiers	Refrigerants with a GWP of 750 or more	January 1, 2024
Air conditioning equipment	Variable refrigerant flow (VRF) or volume system	Refrigerants with a GWP of 750 or more	January 1, 2026
Air conditioning equipment	Other types of air conditioning equipment used in residential and nonresidential applications	Refrigerants with a GWP of 750 or more	January 1, 2025

WAC 173-443-050 Exemptions applicable to WAC 173-443-040.

- (1) Table 1 in this section lists exemptions to the prohibitions in WAC 173-443-040, Table 1.

TABLE 1. Refrigeration and air conditioning, aerosol propellants, and foams

End-Use Category	Prohibited Substances	Exemptions
Aerosol propellants	HFC-134a	Cleaning products for removal of grease, flux and other soils from electrical equipment; refrigerant flushes; products for sensitivity testing of smoke detectors; lubricants and freeze sprays for electrical equipment or electronics; sprays for

End-Use Category	Prohibited Substances	Exemptions
		aircraft maintenance; sprays containing corrosion preventive compounds used in the maintenance of aircraft, electrical equipment or electronics, or military equipment; pesticides for use near electrical wires, in aircraft, in total release insecticide foggers, or in certified organic use pesticides for which EPA has specifically disallowed all other lower-GWP propellants; mold release agents and mold cleaners; lubricants and cleaners for spinnerettes for synthetic fabrics; duster sprays specifically for removal of dust from photographic negatives, semiconductor chips, specimens under electron microscopes, and energized electrical equipment; adhesives and sealants in large canisters; document preservation sprays; FDA-approved MDIs for medical purposes; wound care sprays; topical coolant sprays for pain relief; products for removing bandage adhesives from skin; bear spray; and pepper spray.
Aerosol propellants	HFC-227ea and blends of HFC-227ea and HFC-134a	FDA-approved MDIs for medical purposes.
Air conditioning	HFC-134a	Military marine vessels where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.
Air conditioning	HFC-134a and R-404A	Human-rated spacecraft and related support equipment where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.
Foams - Except rigid polyurethane spray foam	All substitutes	Military applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2022.
Foams - Except rigid polyurethane spray foam	All substitutes	Space- and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2025.
Rigid polyurethane two-component spray foam	All substitutes	Military or space- and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2025.

(2) Table 2 in this section lists exemptions to the stationary refrigeration end-use prohibitions in WAC 173-443-040, Table 2.

TABLE 2. Stationary refrigeration equipment

End-Use Category	Prohibited Substances	Exemptions
Retail refrigeration equipment	Refrigerants with a GWP of 150 or more	Equipment with 50 pounds or less of refrigerant.
Industrial process refrigeration, excluding chillers	Refrigerants with a GWP of 150 or more	Equipment with 50 pounds or less of refrigerant.
Chillers used for industrial process refrigeration	Refrigerants with a GWP of 150 or more	Equipment with 50 pounds or less of refrigerant.
Cold storage warehouses	Refrigerants with a GWP of 150 or more	Equipment with 50 pounds or less of refrigerant.

- (3) Table 3 in this section lists exemptions to the stationary air conditioning end-use prohibitions in WAC 173-443-040, Table 3.

TABLE 3. Stationary air conditioning equipment

End-Use Category	Prohibited Substances	Exemptions
Room/wall/window air conditioning equipment, PTACs, PTHPs, portable air conditioning equipment, and residential dehumidifiers (new)	Refrigerants with a GWP of 750 or more	
Variable refrigerant flow (VRF) or volume system (new)	Refrigerants with a GWP of 750 or more	
Other types of air conditioning equipment (new) used in residential and nonresidential applications	Refrigerants with a GWP of 750 or more	

WAC 173-443-060 Requirements applicable to refrigeration and air conditioning, aerosol propellants, and foam end-uses listed in WAC 173-443-040, Table 1.

- (1) Prohibitions. No person may offer for sale, lease, rent, install, or otherwise cause to enter into Washington commerce any product or equipment that contains or uses HFCs or other substitutes prohibited for an end-use in WAC 173-443-040 unless an exemption is provided for in WAC 173-443-050.

- (2) Sell through provisions. Products and equipment manufactured prior to the applicable effective date of a prohibition in WAC 173-443-040 may be sold, leased, rented, imported, exported, distributed, installed, used, or otherwise introduced into Washington commerce after the date of prohibition.
 - (a) For products and equipment imported from outside the United States, the date of import may be considered the date of manufacture.
 - (b) For refrigeration equipment and chillers, the date the manufacturer affixed an equipment label indicating the equipment's date of manufacture is the date of manufacture.
 - (c) Polyurethane foam systems manufactured (blended) before an applicable prohibition date and not yet applied on site may be used after the prohibition date.
- (3) Other allowances. Except where an existing system is retrofit, nothing in this chapter requires a person that acquired a product or equipment containing or using a prohibited substitute prior to the effective date of a prohibition in WAC 173-443-040 to cease use of that product or equipment.
- (4) Product labeling and disclosure.
 - (a) Except for products and equipment that use prohibited substitutes for an exempt use listed in WAC 173-443-050, a manufacturer must disclose the substitutes contained or used in its products or equipment applicable to the end-uses listed in WAC 173-443-040, Table 1.
 - (b) This disclosure must occur no later than one year following an applicable prohibition date, or no later than January 10, 2021, whichever is later.
 - (c) A manufacturer of aerosol propellant products must disclose the substitutes through one of following methods:
 - (i) For aerosol products regulated by the U.S. Consumer Product Safety Commission, the U.S. Food and Drug Administration excluding prescription drug products, or products that are not covered by subsection (ii) of this section:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) On-packaging label;
 - (D) A label required by another jurisdiction that discloses the compliance status of the product;
 - (E) On-product symbol or code; and online disclosure; or

- (F) On-packaging symbol or code; and online disclosure.
- (ii) For aerosol products regulated by EPA under the Federal Insecticide Fungicide and Rodenticide Act, aerosol products regulated by the Occupational Safety and Health Administration, or aerosol prescription drug products regulated by the U.S. Food and Drug Administration:
 - (A) Any option in (i)(A) through (F) of this subsection; or
 - (B) A product document, such as a Safety Data Sheet (SDS), that complies with the 29 C.F.R. 1910.1200; and online disclosure if the SDS is not posted online.
- (d) A manufacturer of refrigeration products and equipment (including refrigeration products and equipment that contain foam) must disclose the substitutes through one of following methods:
 - (i) For the refrigerant used in household refrigerators and freezers, household refrigerators and freezers - Compact, and household refrigerators and freezers - Built-in:
 - (A) New dedicated label;
 - (B) Underwriters Laboratories or equivalent safety label;
 - (C) A label required by another jurisdiction that discloses the compliance status of the product; or
 - (D) On-product or on-equipment symbol or code; and online disclosure.
 - (ii) For the foam blown in or installed by the manufacturer of household refrigerators and freezers, household refrigerators and freezers - compact, and household refrigerators and freezers - Built-in:
 - (A) New dedicated label;
 - (B) Underwriters Laboratories or equivalent safety label;
 - (C) Owner's manual; or
 - (D) On-product or on-equipment symbol or code; and online disclosure.
 - (iii) For the refrigerant used in commercial refrigeration equipment:
 - (A) New dedicated label;
 - (B) Existing product label;

- (C) Underwriters Laboratories or equivalent safety label;
 - (D) A label required by another jurisdiction that discloses the compliance status of the product or equipment; or
 - (E) On-product or on-equipment symbol or code; and online disclosure.
- (iv) For the foam blown in or installed by the manufacturer of commercial refrigeration equipment:
- (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - (D) Owner's manual; or
 - (E) On-product or on-equipment symbol or code; and online disclosure.
- (e) A manufacturer of centrifugal or positive displacement chillers must disclose the substitutes through one of following methods:
- (i) For the refrigerant used in centrifugal and positive displacement chillers:
- (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - (D) A label required by another jurisdiction that discloses the compliance status of the product or equipment; or
 - (E) On-product or on-equipment symbol or code; and online disclosure.
- (ii) For the foam blown in or installed by the manufacturer of centrifugal and positive displacement chillers:
- (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - (D) Owner's manual;

- (E) A label required by another jurisdiction that discloses the compliance status of the product; or
 - (F) On-product or on-equipment symbol or code; and online disclosure.
- (f) A manufacturer of foam products must disclose the substitutes through one of following methods:
 - (i) For nonretail foam products:
 - (A) Unit label; or
 - (B) One of the following methods for each individual product within a unit:
 - (I) New dedicated label;
 - (II) Existing product label;
 - (III) A label required by another jurisdiction that discloses the compliance status of the product; or
 - (IV) On-product symbol or code; and online disclosure.
 - (ii) For retail foam products:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) On-packaging label;
 - (D) A label required by another jurisdiction that discloses the compliance status of the product or equipment;
 - (E) On-product symbol or code; and online disclosure; or
 - (F) On-packaging symbol or code; and online disclosure.
 - (iii) For the foam blowing agent used in polyurethane foam systems, including spray foam systems:
 - (A) New dedicated label on the canister or cylinders;
 - (B) Existing product label on the canister or cylinders;
 - (C) On-packaging label;

- (D) A label required by another jurisdiction that discloses the compliance status of the product; or
 - (E) On-packaging symbol or code; and online disclosure.
 - (g) Ecology must approve in advance the use of a symbol or code.
 - (h) Ecology must approve in advance the use of another jurisdiction's disclosure label.
 - (i) Online disclosure may occur through online publication of an owner's manual, safety data sheet, or other documentation that provides information about the product to the end-user of the product.
 - (j) The requirements of this section do not apply to aircraft and aircraft components subject to certification requirements of the Federal Aviation Administration.
- (5) Alternative disclosure.
- (a) A manufacturer may use an alternative disclosure method to an on-product label described in WAC 173-443-060(4) provided the conditions in subsections (i) and (ii) and (iii) of this subsection are met.
 - (i) A manufacturer submits a written statement to ecology describing the condition that prevents use of an on-product label and proposing an alternative disclosure method for the particular product or equipment.
 - (ii) Ecology determines that use of an alternative disclosure method is warranted and that the proposed disclosure method satisfactorily communicates the substitutes used or the compliance status of the particular product or equipment.
 - (iii) The manufacturer receives written confirmation from ecology that the proposed disclosure method may be used to satisfy WAC 173-443-060(4) for the particular product or equipment.
 - (iv) Ecology will provide a written response to a request for use of an alternative disclosure method by approving or denying the request, or requesting additional information, within [xxx] days of receipt.
- (6) Manufacturer reporting.
- (a) A manufacturer of a product or equipment that contains or uses HFCs or other substitutes as of July 28, 2020, prohibited for an end-use listed in WAC 173-443-040, Table 1, or a representative on behalf of the manufacturer, must report to ecology consistent with WAC 173-443-060(7) and (8).

- (b) It is only necessary for one person or entity to report with respect to a particular product or equipment.
 - (c) In the event of a failure by at least one person to provide a complete, accurate, and timely report for a product or equipment within a specific end-use, ecology will require information from the manufacturer associated with the product or equipment in the following order of precedence:
 - (i) The person or entity that manufactured, produced, or assembled the product or equipment, unless it has no presence in the United States.
 - (ii) The person or entity that marketed the product or equipment under its name or trademark, unless it has no presence in the United States.
 - (iii) The first person or entity, whether an importer or a distributor, that owned the product or equipment in the United States.
 - (d) This section in no way limits the liability of any manufacturer as defined in WAC 173-443-030 associated with a product or equipment from enforcement under chapter 70A.15 RCW.
- (7) Initial notification.
- (a) By December 31, 2019, a manufacturer or its representative must provide ecology an initial status notification of the status of all products and equipment within each applicable end-use that contains or uses HFCs or other substitutes prohibited in WAC 173-443-040, Table 1.
 - (b) An initial status notification must include all covered products and equipment that the manufacturer offers for sale, leases, rents, installs, or otherwise causes to enter into Washington commerce.
 - (c) A manufacturer must submit an initial status notification using ecology's notification form. The current form is available on ecology's website. This initial status notification must provide:
 - (i) Contact information on the manufacturer.
 - (ii) The name of the party authorized to represent the manufacturer for purposes of providing initial status notifications and status updates.
 - (iii) All products and equipment within an end-use that are applicable to the manufacturer.
 - (iv) Which HFCs or other prohibited substitutes are being used by products or equipment within each applicable end-use.

- (v) Signature and certification by the authorized representative for the manufacturer.
- (8) Status update notification.
- (a) Within one hundred twenty days after the date of a prohibition in WAC 173-443-040, a manufacturer affected by the prohibition or its representative must provide ecology with an updated status notification using ecology's form. This updated status notification must include:
 - (i) Whether the manufacturer has ceased the use of HFCs or other substitutes prohibited in WAC 173-443-040 within each applicable end-use.
 - (ii) What, if any, HFCs or other prohibited substitutes remain in use.
 - (iii) Updated responses on all information requested in the initial status notification required in WAC 173-443-060(7).

WAC 173-443-065 Requirements applicable to stationary refrigeration end-uses listed in WAC 173-443-040, Table 2.

- (1) Prohibitions. No person shall offer for sale, lease, rent, install, or other entry into Washington commerce any equipment manufactured after the effective date that does not comply with the requirements of WAC-443-040, Table 2, unless an exemption is provided for in WAC 173-443-050.
- (2) Product labeling and disclosure. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 2, intended for sale or other entry into Washington commerce, must disclose the refrigerants contained or used in its equipment. The disclosure must be in the form of an on-product label that displays the following information:
 - (a) The type of refrigerant;
 - (b) Where available, the refrigerant charge size in either ounces, pounds, or kilograms;
 - (c) The date of manufacture; and
 - (d) Existing labels meeting the above requirements may be used.
- (3) Record-keeping. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 2, must maintain for a minimum of five years, and make available upon request by ecology, a copy of the following records:

WAC 173-443-070 Requirements applicable to stationary air conditioning end-uses listed in WAC 173-443-040, Table 3.

- (1) Prohibitions. No person shall offer for sale, lease, rent, install, or other entry into Washington commerce any equipment manufactured after the effective date that does not comply with the requirements of WAC-443-040, Table 3, unless an exemption is provided for in WAC 173-443-050.
- (2) Product labeling and disclosure. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 3, intended for sale or other entry into Washington commerce, must disclose the refrigerants contained or used in its equipment. The disclosure must be in the form of an on-product label that displays the following information:
 - (a) The type of refrigerant;
 - (b) Where available, the refrigerant charge size in either ounces, pounds, or kilograms;
 - (c) The date of manufacture; and
 - (d) Existing labels meeting the above requirements may be used.
- (3) Record-keeping. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 3, must maintain for a minimum of five years, and make available upon request by ecology, a copy of the following records:

WAC 173-443-075 Small containers of automotive refrigerant and nonessential consumer products. [Placeholder]

WAC 173-443-080 Petition for variance.

- (1) An applicant may submit a request to the ecology HFC program for a variance from the requirements of WAC 173-443-040, Table 2 or Table 3. Ecology may grant a variance if it determines that the request meets the conditions identified in subsection (2) of this section and the applicant has complied with all requirements identified in subsection (3) this section.
- (2) Types of variances. Ecology may grant a variance for any of the following:
 - (a) Impossibility. The applicant cannot comply with the requirements, and the applicant can demonstrate all of the following:
 - (i) A lower risk substitute is not currently or potentially available; and
 - (ii) A variance will not increase the overall risk to human health or the environment; and

- (iii) The applicant has made a good faith effort to anticipate and address any potential noncompliance.
 - (b) Force Majeure. The applicant cannot comply with the requirements, and the applicant can demonstrate all of the following:
 - (i) Noncompliance is due to a force majeure event; and
 - (ii) The applicant has made a good faith effort to anticipate and address any force majeure event.
- (3) Application process. To apply for a variance, the applicant must submit an application that addresses (a) through (k) of this subsection:
 - (a) Applicant name, ownership status, address, telephone number, and email address;
 - (b) Description of business activity or product description;
 - (c) Relationship to the product;
 - (d) The specific section(s) for which a variance is requested;
 - (e) An explanation and description of the reasons for seeking a variance;
 - (f) Evidence demonstrating how the variance request meets the criteria identified in (2)(a) or (2)(b) of this section;
 - (g) Length of variance requested and the earliest date when compliance will be achieved;
 - (h) A description of the damage or harm that will result from having to comply with the requirements within the required timeframe; and
 - (i) A compliance plan describing in detail how, if a variance is granted, compliance will be achieved as soon as possible, including all of the following:
 - (i) The method by which compliance will be achieved;
 - (ii) Milestone achievements; and
 - (iii) Milestone dates.
 - (j) A mitigation plan to demonstrate how the applicant will reduce greenhouse gas emissions equal to or greater than would be emitted from granting the variant. The mitigation plan must include all calculations used to determine emissions estimates.
 - (k) The application may be submitted in writing to one of the following addresses:

Ecology Air Quality Program
Attention: HFC Unit Supervisor
P.O. Box 47600
Olympia, WA 98504-7600; or

By email to:
HFC@ecology.wa.gov
Attention: HFC Unit Supervisor

- (4) Approval and disapproval process.
- (a) Ecology will determine whether the application is complete and will notify the applicant within thirty (30) days of receipt of the application. Only complete applications will be considered.
 - (b) Within forty five days of a determination that the application is complete, ecology will post a notice of the variance application on ecology's HFC webpage and ecology's public events and input webpage; and, will invite the public to comment on the application for thirty (30) days from the date information about the application is posted.
 - (c) When making a decision on the application, ecology will consider all comments submitted within thirty (30) days of the date the information was made publically available.
 - (d) Ecology will approve or disapprove the variance application within sixty (60) days after close of the public comment period.
 - (e) Ecology will notify the applicant of the decision in writing, and if approved, will specify the terms and conditions of the variance in a letter to the applicant.
 - (f) Ecology will grant a variance only to the applicant, and the variance is nontransferable.
 - (g) Ecology will not approve a variance retroactively to any date prior to receipt of the application.
 - (h) Ecology may expeditiously approve a variance application prior to the close of the public comment period for a force majeure event meeting the criteria identified in (2)(b) of this section.
- (5) Failure to comply with the terms of an approved variance.

WAC 173-443-090 Service and repair of equipment. [Placeholder]

WAC 173-443-100 through XXX Refrigerant management program. [Placeholder]

WAC 173-443-XXX Enforcement. [Placeholder]

WAC 173-443-XXX Severability.

If any provision of this chapter or its application is held invalid, the remainder of the chapter or application of the provision is not affected.