



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: August 16, 2021

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WSR 21-17-110

Agency: Department of Ecology AO #21-02

Subject of possible rule making: Implementation of Hydrofluorocarbons – Emissions Reduction (Engrossed Second Substitute House Bill 1050), Chapter 315, Laws of 2021

Ecology is beginning rulemaking to amend two existing rules:

- Chapter 173-443 WAC, Hydrofluorocarbons (HFCs)
- Chapter 173-455 WAC, Air Quality Fee Rule

This rulemaking may:

- Establish maximum global warming potential (GWP) thresholds for HFCs used in new stationary refrigeration and air conditioning equipment.
- Establish a refrigerant management program with registration, leak detection, and reporting requirements for certain stationary refrigeration and air conditioning systems.
- Amend product labeling and disclosure requirements.
- Establish fees to support the refrigerant management program.
- Update Chapter 173-443 WAC to reflect other changes in the law.

Statutes authorizing the agency to adopt rules on this subject: Hydrofluorocarbons – Emissions Reduction (Engrossed Second Substitute House Bill 1050), Chapter 315, Laws of 2021

Reasons why rules on this subject may be needed and what they might accomplish: The legislation requires Ecology to adopt rules that:

- Implement a maximum GWP threshold for HFCs used in new equipment in ice rinks.
- Establish a refrigerant management program for large stationary refrigeration and air conditioning systems.
- Amend product labeling and disclosure requirements.
- Update Chapter 173-443 WAC to reflect other changes in the law.

The legislation authorizes Ecology to adopt rules that:

- Implement maximum GWP thresholds for new stationary refrigeration and air conditioning equipment.
- Establish reporting, labeling, and recordkeeping requirements.
- Establish service practices for stationary refrigeration and air conditioning systems.
- Establish fees to support the refrigerant management program.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: California regulates existing non-residential refrigeration systems through its Refrigerant Management Program. EPA regulates existing non-residential refrigeration and air conditioning systems through its refrigerant management regulations under Section 608 of the Clean Air Act. Ecology will coordinate with both entities as needed throughout the rulemaking process.

California is adopting regulations that limit the global warming potential of refrigerants used in new stationary refrigeration and air conditioning equipment. Ecology will coordinate with California and any other states that are considering adding similar restrictions throughout the rulemaking process.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Linda Kildahl	(If necessary) Name:
Address: Department of Ecology Air Quality Program P.O. Box 47600 Olympia, WA 98504-7600	Address:
Phone: 360-407-7655	Phone:
Fax: N/A	Fax:
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.	TTY:
Email: linda.kildahl@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-443-455	Web site:
Other: Hydrofluorocarbons-HFCs@listserv.wa.gov	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Date: August 16, 2021	Signature: 
Name: Kathy Taylor	
Title: Air Quality Program Manager	