



# 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: July 30, 2019

TIME: 2:19 PM

WSR 19-16-059

**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:** The Department of Ecology (Ecology) is adopting an emergency rule - Chapter 173-443 WAC Hydrofluorocarbons (HFCs) to establish a program to implement and enforce the requirements of Chapter 284, Laws of 2019 (Engrossed Second Substitute House Bill 1112) related to reducing greenhouse gasses by transitioning to the use of less damaging HFCs or suitable substitutes.

The emergency rule will be effective through November 27, 2019. If needed, Ecology may adopt subsequent emergency rules until we adopt a permanent rule.

The emergency rulemaking establishes Chapter 173-443 WAC, Hydrofluorocarbons (HFCs) and will establish the means by which manufacturers, importers, and distributors of various products and equipment containing HFCs need to submit to Ecology an initial notification by December 31, 2019, and to submit status update notifications when additional restrictions take effect. The restriction deadline for the new and existing vending machine end-use category is modified from January 1, 2020, to January 1, 2022.

We are beginning a rulemaking process for the permanent adoption of the rule. 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- Repealed: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 (Engrossed Second Substitute House Bill 1112) Hydrofluorocarbons Greenhouse Gas Emissions, Chapter 70.235 RCW Limiting Greenhouse Gas Emissions, Chapter 70.94 RCW Washington Clean Air Act.

**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 (Engrossed Second Substitute House Bill 1112) was signed into law on May 7, 2019, and it amends RCW 70.235 and RCW 70.94. It established a deadline of December 31, 2019, for manufacturers, importers, and distributors of various products and equipment containing HFCs to submit initial reports to Ecology, and sets restriction deadlines for specific end-use categories. This rule establishes the method for providing notice to Ecology by the deadlines. Additionally, the rule modifies the restriction deadline for the new and existing vending machine end-use category from January 1, 2020, to January 1, 2022.

**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	7	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:** July 30, 2019

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

*Maia Bellon by Abby Zehm*