

**Chapter 173-443 WAC
HYDROFLUOROCARBONS (HFCs)**

NEW SECTION

WAC 173-443-010 Policy and purpose. (1) It is the policy of the department of ecology (ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and for the proper development of the state's natural resources.

(2) As authorized by chapter 284, Laws of 2019 (E2SHB 1112, Hydrofluorocarbon greenhouse gas emissions), it is the purpose of this chapter to establish the requirements for the transition to the use of less damaging hydrofluorocarbons or suitable substitutes in various applications in Washington in a manner similar to regulations adopted by the Environmental Protection Agency, and that have been subsequently adopted or will be adopted in other states.

NEW SECTION

WAC 173-443-020 Definitions. "Manufacturer" means the same as defined in chapter 284, Laws of 2019: Any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

"Product class" means the same as end-use, as defined in Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017: Processes or classes of specific applications within major industrial sectors where a substitute is used to replace an ozone-depleting substance.

NEW SECTION

WAC 173-443-030 Manufacturer notification. (1) The manufacturer of products that contain or use hydrofluorocarbons or other restricted substitutes under chapter 284, Laws of 2019, or a trade organization on behalf of its member manufacturers, must report to the department consistent with WAC 173-443-040 and 173-443-050.

(2) It is only necessary for one person or entity to report with respect to a particular product that contains or uses hydrofluorocarbons or other restricted substitutes under chapter 284, Laws of 2019.

(3) In the event of a failure by at least one person to provide a complete, accurate and timely report for a product within a product class, ecology will require information from manufacturers associated with a product in the following order of precedence:

(a) The person or entity that had the product manufactured, unless it has no presence in the United States.

(b) The person or entity that marketed the product under its name or trademark, unless it has no presence in the United States.

(c) The first person or entity, whether an importer or a distributor, that owned the product in the United States.

(d) This hierarchy in no way limits the liability of any manufacturer as defined in subsection (2) of this section associated with a product from enforcement under chapter 284, Laws of 2019, or rules promulgated thereunder.

NEW SECTION

WAC 173-443-040 Initial notification. (1) By December 31, 2019, each manufacturer or its representative must provide ecology an initial status notification of the status of products within each product class using hydrofluorocarbons or other substitutes covered under chapter 284, Laws of 2019. This must include all covered products that the manufacturer offers for sale, leases, rents, or installs in Washington. All manufacturers must notify ecology by completing and submitting ecology's notification form. The current version of the form may be obtained at ecology's web site.

(2) Using a form provided by ecology, this initial status notification must include:

(a) Contact information on the manufacturer.

(b) The name of the party authorized to represent the manufacturer for purposes of providing initial status notifications and status updates.

(c) All product classes that are applicable to the manufacturer.

(d) Which hydrofluorocarbons or other substitutes are being used by products within each product class applicable to the manufacturer.

(e) Signature and certification by the authorized representative for the manufacturer.

NEW SECTION

WAC 173-443-050 Status update notification. Within one hundred twenty days after the date of a restriction put in place by chapter 284, Laws of 2019, each manufacturer affected by the restriction or its representative must provide ecology with an updated status notification using ecology's form. This notification must include:

(1) Whether the manufacturer has ceased the use of hydrofluorocarbons or substitutes restricted under chapter 284, Laws of 2019 within each product class.

(2) What, if any, hydrofluorocarbons or other restricted substitutes remain in use.

(3) Updated responses on all information requested in the initial status notification under WAC 173-443-040.

NEW SECTION

WAC 173-443-060 Restriction modification. The product class restriction for new and existing vending machines is modified to January 1, 2022, based on ecology's determination, in accordance with RCW 70A.45.080 (3) (a).

NEW SECTION

WAC 173-443-070 Severability. If any provision of the rule or its application to any covered party, person, or circumstance is held invalid, the remainder of the rule or application of the provision to other covered parties, persons, or circumstances is not affected.