

Stakeholder Meeting Summary
Hydrofluorocarbons (HFCs), Chapter 173-443 WAC
November 13 - 14, 2019
Marriott Residence Inn, SeaTac, WA & Webinar

Ecology held a series of three meetings to address industries affected by Washington's 2019 HFC law. Ecology provided a brief overview of the new law, the product restriction dates contained in the law, Ecology's rulemaking process, and the estimated rulemaking timeline. Ecology staff then facilitated a discussion on the law's product labeling requirement, seeking input from stakeholders on their current labeling requirements and their questions and concerns for meeting the labeling requirement.

Through this feedback, Ecology ascertained that existing labeling requirements for these industries include, among others, the FDA, EPA, OSHA, Consumer Product Safety Commission (CPSC), Underwriters Laboratories (UL), and other state and local requirements.

Each meeting concluded with an open discussion of other information relevant to the rulemaking.

The following is our best attempt to capture the essence of these conversations.

Common Questions:

- Whether the restriction date applies to the product's **manufacture date** or **the date on which it enters the market in Washington**?
- How do manufacturers notify businesses/installers that they are in compliance with the rule?
- How will Ecology define what qualifies as a "retrofit"? Same as EPA, or different?
- What is the difference between the emergency rule currently in effect and the permanent rule under development?

Common Suggestions:

- Use existing label, owner's manual, safety data sheet (SDS), other similar information sheets wherever possible; there is limited space (especially on smaller products like aerosol cans) and there are many requirements from different regulators on what must be displayed on the label.
- Coordinate with other states.
- Adapt rule to **product groups**, not overall industries.
- Expand the existing communication plan to provide materials to associations to spread to their members.

Summary of key notes, specific questions, and concerns:

- **Will the rule utilize existing labels wherever possible? For many products there is limited space available due to the size of the product and label text requirements. Many stakeholders have concerns about the cost and time required to re-print labels to meet new requirements.**

Ecology: Yes, the law requires Ecology to consider existing labeling requirements (including state building codes and safety standards) but the law also requires the label to disclose the substitutes used. Stakeholders discussed their existing requirements (table below). For the UL label in particular, there are concerns about changing the label and potentially triggering re-certification for the product. Stakeholders noted that in some (or potentially all) cases the UL label should satisfy the WA rule without modification.

- **Is Ecology working with other states considering HFC rules in order to coordinate requirements on affected businesses?**

Ecology: Yes, Ecology is working with other states currently considering or developing HFC rules and aims to coordinate wherever possible to minimize the burden on affected manufacturers and other entities.

- **What is the difference between the emergency rule and the regular rule?**

Ecology: The emergency rule, which expires after 120 days, covers initial and status update notification (reporting) requirements, whereas the permanent rule will add the requirement to label covered products and equipment. Ecology will continue to adopt emergency rules until the permanent rule is adopted and effective. The law's initial and status update reporting requirements will also be contained in the permanent rule. The deadline for meeting the initial reporting requirement is **December 31, 2019** and status update notifications must be submitted within 120 days of an applicable product restriction date.

- **Does the restriction date apply to the product's manufacture date or the date on which it enters the market in Washington? The EPA and DOE typically use the manufacture date.**

Ecology: The restriction date applies to the date upon which affected products manufactured after the restriction date can no longer enter Washington commerce. So it applies to both. Products that are manufactured prior to the restriction date may be sold in Washington after the restriction date.

- **When does the labeling requirement kick in?**

Ecology: The labeling requirement is not tied to the restriction date in the law, but we have not yet determined when the labeling requirement will start. We will address that in the rule based on the feedback we receive from stakeholders. We are considering options that potentially minimize the burden to affected businesses.

- **How do the manufacturers notify the businesses/installers that they are in compliance with the rule?**

Ecology: We will post the names of manufacturers who submit initial notifications on our website in early 2020.

- **How will the rule work with retrofits?**

Ecology: By law, we are required to use the EPA definitions for this term: a *retrofit* occurs only when the type of refrigerant used in the product is changed.

- **Given the complexity of these industries, it would be better to adapt the rule to product groups or individual products, not overall industries.**

Ecology: We will take this into consideration.

Labeling Discussion

Below are some existing labels requirements and suggestions provided by stakeholders.

Aerosol Propellants

| Proposed Option | Details |
|-------------------------|--|
| Existing label | Labels currently required for entities including: OSHA, EPA, FDA, and others. |
| Safety Data Sheet (SDS) | SDSs are available to the public and required in the workplace as part of the hazardous communication program. The suggestion was to look at Section III of the SDS for potential inclusion of HFC language. |
| Online/digital labeling | For example, the <i>WERCSmart</i> site. |

Foam

| Proposed Option | Details |
|-------------------------|---|
| Unit label | Label on a group of products. Available to the distributor or retailer, not necessarily the end user. |
| Product label | Label on each individual product. Reaches the end user. |
| User manual | Suggested option for the foam used in refrigerators. |
| Online/digital labeling | |
| "HFC free" label | IF not HFC free, then list GWP of the blowing agent. |
| Safety Data Sheet (SDS) | |
| UL Label | Some foams embedded in other products use UL label, even if not required. Some do not. |

Refrigerants

| Proposed Option | Details |
|----------------------------|--|
| UL label (or "data plate") | Lists serial number, refrigerant type, refrigerant amount. Stakeholders suggest that it likely meets the requirement of the WA rule without needing to be changed for many products. |
| Online/digital labeling | |