

Stakeholder Meeting Summary
Hydrofluorocarbons (HFCs) Rulemaking, Chapter 173-443 WAC
December 17, 2019
Ecology, Lacey, WA & Webinar

Ecology staff presented an overview of the regulatory (economic) analysis that is part of the rulemaking process and then walked through draft proposed labeling options that will form the basis of the labeling requirement in the rule.

Regulatory Analysis Process Overview

Ecology will analyze costs and benefits directly resulting from the proposed rule language. To accomplish this, we appreciate stakeholders letting us know:

- How would the proposed rule affect you?
- What specific costs or benefits do you expect as a result of the proposed rule?
- In what ways could we achieve the goals of the proposed rule while mitigating costs to you?

Sam Wilson will reach out to stakeholders during the March/April 2020 time period. Stakeholders with questions or other relevant information to share can contact Sam at the address below:

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 Ecology Governmental Relations
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The Preliminary Regulatory Analyses document will be available for public comment along with the proposed rule language. The expected time frame for proposal is late May/early June 2020.

Labeling Options Discussion

Ecology staff presented labeling options (detailed below) based on input provided during the November 13 and 14, 2019 stakeholder meetings. Ecology is talking with other states, primarily through the U.S. Climate Alliance, that are in the process of HFC rulemaking. These states are also considering a “menu of options” approach.

Industry representatives from the aerosol propellants, foams, and A/C and refrigeration industries discussed the feasibility of the proposed options.

Aerosol Propellants	
Consumer products	1) Substitute listed on product label, or, 2) Substitute listed on box or packaging label, or, 3) An on-product symbol plus online substitute disclosure, or, 4) An on-box or on-packaging symbol plus online substitute disclosure.
Other products (with demonstrable regulatory label format limitations)	1) Any of the options above (1-4), or, 2) A product insert (SDS or paper disclosure) and online disclosure.

Foams		
	Labeling and Disclosure Requirement(s)	Foam Application Description
Rigid polyurethane: Appliances	Unit label In addition, see refrigeration requirements related to disclosure of foam to end users of refrigeration products.	insulation foam in domestic refrigerators and freezers
Rigid polyurethane: Commercial Refrigeration		insulation for pipes, walls and metal doors in commercial refrigeration equipment, vending machines, coolers, buoyancy, and refrigerated transport vehicles
Flexible polyurethane	For manufacturer end-use products: Substitute disclosed on unit label and/or any of the consumer product options below. For consumer end-user products: 1) Substitute listed on product label, or, 2) Substitute listed on box or packaging label, or, 3) An on-product symbol plus online substitute disclosure, or, 4) An on-box or on-packaging symbol plus online substitute disclosure.	foam furniture, bedding, chair cushions, and shoe soles
Rigid polyurethane: Marine Floation	Substitute disclosed on unit label, or, In lieu of or in addition to unit labels, either: 1) Substitute listed on product label, or, 2) Substitute listed on packaging label, or, 3) An on-product symbol plus online substitute disclosure, or, 4) On-packaging symbol plus online substitute disclosure.	used in boat manufacturing for both structural and flotation purposes
Polystyrene extruded sheet		foam for packaging and buoyancy or flotation
Integral skin polyurethane		car steering wheels, dashboards, and shoe soles
Polyolefin		foam sheets and tubes
Polystyrene extruded boardstock and billet		insulation for roofing, walls, flooring, and pipes
Rigid polyurethane: Sandwich Panels		insulation for walls and metal doors
Phenolic insulation board		insulation for roofing and walls
Bunstock		
Rigid polyurethane: Spray	Substitute disclosed on 1) A label on the canister or cylinders, or, 2) On a box or packaging label, or, 3) On an on-box or on-packaging symbol plus online substitute disclosure.	

Air Conditioning and Refrigeration		
	Refrigerant(s)	Foam Installed or Blown in Product at Manufacturer
Built-in residential consumer refrigeration products	Applicable substitute listed on safety label (UL or equivalent) on product.	Substitute disclosed: 1) On UL Label, or, 2) On dedicated label, or, 3) In owner's manual.
Compact residential consumer refrigeration products		
Residential consumer refrigeration products other than compact and built-in residential consumer refrigeration products		
Vending machines		
Stand-alone units	1) Applicable substitute(s) listed on safety label (UL or equivalent) on refrigeration equipment, or, 2) On dedicated label.	Substitute disclosed: 4) On dedicated label, or, 5) In owner's manual, or, 6) Through an on-equipment symbol (approved by Ecology) plus online substitute disclosure.
Centrifugal chillers		
Positive displacement chillers		
Refrigerated food processing and dispensing equipment		
Remote condensing units		
Supermarket systems		
Cold storage warehouses		

The following is a summary of key notes, questions, and concerns shared at the meeting:

- What is the applicability for the aerosol industry? There is concern for how many aerosol products are impacted. If Ecology uses the SNAP definition of “substitute,” all aerosol products going back to the 1970’s would have to be re-labeled.**
Ecology is working to clarify how to apply these terms in the rule and will discuss further with key stakeholders.
- Applying the SNAP definition of “substitute” to the labeling requirement is not consistent with Maryland. Manufacturers are not going to know how to comply with this rule.**
Washington’s HFC law defines the term “substitute.” Ecology is working to clarify how to apply this term in the rule to meet the law’s intent without creating undue burden on manufacturers.
- How will Ecology regulate covered products within covered products (e.g., foam in refrigerators), and covered products used in non-covered products (e.g., foam in shoes).**
Ecology is working to clarify this topic.
- Depending on the definition of “substitute” and “manufacturer,” the affected product class may be different. Under the definition of “manufacturer,” if a company manufacturers products that don’t currently contain HFCs, they are not covered products. How will Ecology clarify this?**
Both of these terms are defined in Washington’s HFC law (RCW 70.235.010). Ecology is working to clarify how to apply these terms in the rule.

Next Steps

- **December 31, 2019: Initial notifications due.**
- Ecology will finalize a date in the coming days for another stakeholder meeting in late January or early February 2020. The tentative date is January 28, 2020. We may need to address the propellant industry separately to accommodate scheduling conflicts.