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~~f8~~ L 57 L U V Y ` · f Y e i] f Y X · V m · U W c h g Y g · h i Y] g
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- (ii) For the foam blown in or installed by the manufacturer of household refrigerators and freezers, household refrigerators and freezers - ~~Compactcompact~~, and household refrigerators and freezers - Built-in:
 - (A) New dedicated label;
 - (B) Underwriters Laboratories or equivalent safety label;
 - (C) Owner's manual; or
 - (D) On-product or on-equipment symbol or code; and online disclosure.

- (iii) For the refrigerant used in commercial refrigeration equipment:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - ~~(D) i A label required by another jurisdiction with sufficient disclosure requirements;~~
 - ~~(E)(D) (v) A label required by another jurisdiction that does not disclose the compliance status of the product or equipment the substitute; and online disclosure;~~ or
 - ~~(F)(E)~~ On-product or on-equipment symbol or code; and online disclosure.

- (iv) For the foam blown in or installed by the manufacturer of commercial refrigeration equipment:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - (D) Owner's manual; or
 - (E) On-product or on-equipment symbol or code; and online disclosure.

- (e) A manufacturer of centrifugal or positive displacement chillers must disclose the substitutes through one of following methods:

- (i) For the refrigerant used in centrifugal and positive displacement chillers:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - ~~(D) A label required by another jurisdiction with sufficient disclosure requirements;~~
 - ~~(E)(D) (v) A label required by another jurisdiction that does not disclosees the compliance status of the product or equipment; substitute; and online disclosure; or~~
 - ~~(F)(E) On-product or on-equipment symbol or code; and online disclosure.~~
- (ii) For the foam blown in or installed by the manufacturer of centrifugal and positive displacement chillers:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) Underwriters Laboratories or equivalent safety label;
 - (D) Owner's manual; ~~or~~
 - ~~(E) A label required by another jurisdiction that discloses the compliance status of the product; or~~
 - ~~(F)(E) On-product or on-equipment symbol or code; and online disclosure.~~
- (f) A manufacturer of foam products must disclose the substitutes through one of following methods:
 - (i) For nonretail foam products:
 - (A) Unit label; or
 - (B) One of the following methods for each individual product within a unit:
 - (I) New dedicated label;
 - ~~(H) Existing product label;~~

~~(H)(II)(C)~~ A label required by another jurisdiction with sufficient disclosure requirements;

~~(V)(III)~~ A label required by another jurisdiction that discloses ~~does not disclose~~ the compliance status of the product~~substitute; and online disclosure~~; or

~~(V)(IV)~~ On-product symbol or code; and online disclosure.

- (ii) For retail foam products:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) On-packaging label;
 - (D) A label required by another jurisdiction that discloses the compliance status of the product or equipment~~does not disclose the substitute; and online disclosure~~;
 - (E) On-product symbol or code; and online disclosure; or
 - (F) On-packaging symbol or code; and online disclosure.
- (iii) For the foam blowing agent used in polyurethane foam systems, including spray foam systems:
 - (A) New dedicated label on the canister or cylinders;
 - (B) Existing product label on the canister or cylinders;
 - (C) On-packaging label;
 - (D) A label required by another jurisdiction that discloses ~~does not disclose~~ the compliance status of the product~~substitute; and online disclosure~~; or
 - (E) On-packaging symbol or code; and online disclosure.
- (g) Ecology must approve in advance the use of a symbol or code.
- (h) Ecology must approve in advance the use of another jurisdiction's disclosure label.
- (i) Online disclosure may occur through online publication of an owner's manual, safety data sheet, or other documentation that provides information about the product to the end-user of the product.

- (j) The requirements of this section do not apply to aircraft and aircraft components subject to certification requirements of the Federal Aviation Administration.

~~(4)~~(5) Alternative disclosure.

- (a) A manufacturer may use an alternative disclosure method to an on-product label described in WAC 173-443-060(4) provided the conditions in subsections (i) and (ii) and (iii) of this subsection are met.
 - (i) A manufacturer submits a written statement to ecology describing the condition that prevents use of an on-product label and proposing an alternative disclosure method for the particular product or equipment.
 - (ii) Ecology determines that use of an alternative disclosure method is warranted and that the proposed disclosure method satisfactorily communicates the substitutes used or the compliance status of the particular product or equipment.
 - ~~(iii)~~(iii) The manufacturer receives written confirmation from ecology that the proposed disclosure method may be used to satisfy WAC 173-443-060(4) for the particular product or equipment.
 - (iv) Ecology will provide a written response to a request for use of an alternative disclosure method by approving or denying the request, or requesting additional information, within thirty (30) days of receipt.

~~(5)~~(6) WAC 173-443-080–Manufacturer reporting notification.

- (a) A manufacturer of a product or equipment that contains or, ~~uses, or will use~~ HFCs or other substitutes as of July 28, 2020, prohibited for an end-use listed in WAC 173-443-040, Table 1, ~~-~~or a representative on behalf of the manufacturer, must report to ecology consistent with WAC 173-443-~~090-060(7) and (8) and 173-443-100~~.
- (b) It is only necessary for one person or entity to report with respect to a particular product or equipment.
- (c) In the event of a failure by at least one person to provide a complete, accurate, and timely report for a product or equipment within a specific end-use, ecology will require information from the manufacturer associated with the product or equipment in the following order of precedence:
 - (i) The person or entity that manufactured, produced, or assembled the product or equipment, unless it has no presence in the United States.
 - (ii) The person or entity that marketed the product or equipment under its name or trademark, unless it has no presence in the United States.

- (iii) The first person or entity, whether an importer or a distributor, that owned the product or equipment in the United States.
- (d) This section in no way limits the liability of any manufacturer as defined in WAC 173-443-030 associated with a product or equipment from enforcement under chapter 70A.15 RCW.

~~(6)(7)~~ ~~WAC 173-443-090~~ Initial notification.

- (a) By December 31, 2019, a manufacturer or its representative must provide ecology an initial status notification of the status of all products and equipment within each applicable end-use that contains ~~uses~~ or will-uses HFCs or other substitutes prohibited in WAC 173-443-040, Table 1.
- (b) An initial status notification must include all covered products and equipment that the manufacturer offers for sale, leases, rents, installs, or otherwise causes to enter into Washington commerce.
- (c) A manufacturer must submit an initial status notification using ecology's notification form. The current form is available on ecology's website. This initial status notification must provide:
 - (i) Contact information on the manufacturer.
 - (ii) The name of the party authorized to represent the manufacturer for purposes of providing initial status notifications and status updates.
 - (iii) All products and equipment within an end-use that are applicable to the manufacturer.
 - (iv) Which HFCs or other prohibited substitutes are being used by products or equipment within each applicable end-use.
 - (v) Signature and certification by the authorized representative for the manufacturer.

~~(7)(8)~~ ~~WAC 173-443-100~~ Status update notification.

- (a) Within one hundred twenty days after the date of a prohibition in WAC 173-443-040, a manufacturer affected by the prohibition or its representative must provide ecology with an updated status notification using ecology's form. This updated status notification must include:
 - (i) Whether the manufacturer has ceased the use of HFCs or other substitutes prohibited in WAC 173-443-040 within each applicable end-use.
 - (ii) What, if any, HFCs or other prohibited substitutes remain in use.

- (iii) Updated responses on all information requested in the initial status notification required in WAC 173-443-060(7).

WAC 173-443-065 Requirements applicable to new stationary refrigeration end-uses listed in WAC 173-443-040, Table 2.

- (1) Prohibitions. No person shall offer for sale, lease, rent, install, or other entry into Washington commerce any refrigeration equipment manufactured after the effective date that does not comply with the requirements of WAC-443-040, Table 2, unless an exemption is provided for in WAC 173-443-050.
- (2) Product labeling and disclosure. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 2, intended for sale or other entry into Washington commerce, must disclose the refrigerants contained or used in its equipment. The disclosure must be in the form of an on-product label that displays the following information:
 - (a) The type of refrigerant;
 - (b) Where available, the refrigerant charge size in either ounces, pounds, or kilograms;
 - (c) The date of manufacture; and
 - (d) Existing labels meeting the above requirements may be used.
- (3) Record keeping. As of the effective date of this chapter, a manufacturer of any refrigeration equipment listed in WAC 173-443-040, Table 2, must maintain for a minimum of five years, and make available upon request by ecology, a copy of the following records:
 - (a) Name and address of the person purchasing the equipment;
 - (b) Telephone number and email address of the person purchasing the equipment, if provided to the manufacturer;
 - (c) Model and serial number of the equipment;
 - (d) Date of manufacturer of the equipment;
 - (e) Refrigerant type the equipment is designed to use; and
 - (f) Refrigerant and full capacity of the equipment, where available.

WAC 173-443-070 Requirements applicable to new stationary air conditioning end-uses listed in WAC 173-443-040, Table 3.

- (1) Prohibitions. No person shall offer for sale, lease, rent, install, or other entry into Washington commerce any air conditioning equipment manufactured after the effective date that does not comply with the requirements of WAC-443-040, Table 3, unless an exemption is provided for in WAC 173-443-050.
- (2) Product labeling and disclosure. As of the effective date of this chapter, a manufacturer of any air conditioning equipment listed in WAC 173-443-040, Table 3, intended for sale or other entry into Washington commerce, must disclose the refrigerants contained or used in its equipment. The disclosure must be in the form of an on-product label that displays the following information:

 - (a) The type of refrigerant;
 - (b) Where available, the refrigerant charge size in either ounces, pounds, or kilograms;
 - (c) The date of manufacture; and
 - (d) Existing labels meeting the above requirements may be used.
- (3) Record keeping. As of the effective date of this chapter, a manufacturer of any air conditioning equipment listed in WAC 173-443-040, Table 3, must maintain for a minimum of five years, and make available upon request by ecology, a copy of the following records:

 - (a) Name and address of the person purchasing the equipment;
 - (b) Telephone number and email address of the person purchasing the equipment, if provided to the manufacturer;
 - (c) Model and serial number of the equipment;
 - (d) Date of manufacture of the equipment;
 - (e) Date of sale of the equipment;
 - (f) Refrigerant type the equipment is designed to use; and
 - ~~(g)~~ Refrigerant and full capacity of the equipment, where available.

WAC 173-443-075 Requirements applicable to small containers of automotive refrigerant and nonessential consumer products end uses listed in WAC 173-443-040, Table 4.

- (1) Prohibitions. No person shall sell, offer for sale, or purchase any product after the effective date that does not comply with the requirements of WAC 173-443-040, Table 4, unless an exemption of provided for in WAC 173-443-050.

WAC 173-443-080 Petition for variance.

- (1) An applicant may submit a request to the ecology HFC program for a variance from the requirements of WAC 173-443-040, Table 2 or Table 3. Ecology may grant a variance if it determines that the request meets the conditions identified in subsection (2) of this section and the applicant has complied with all requirements identified in subsection (3) this section.
- (2) Types of variances. Ecology may grant a variance for any of the following:

 - (a) Impossibility. The applicant cannot comply with the requirements, and the applicant can demonstrate all of the following:

 - (i) A lower risk substitute is not currently or potentially available;
 - (ii) A variance will not increase the overall risk to human health or the environment; and
 - (iii) The applicant has made a good faith effort to anticipate and address any potential noncompliance.
 - (b) Force Majeure. The applicant cannot comply with the requirements, and the applicant can demonstrate all of the following:

 - (i) Noncompliance is due to a force majeure event; and
 - (ii) The applicant has made a good faith effort to anticipate and address any force majeure event.
- (3) Application process. To apply for a variance, the applicant must submit an application that addresses (a) through (k) of this subsection:

 - (a) Applicant name, ownership status, address, telephone number, and email address;
 - (b) Description of business activity or product description;
 - (c) Relationship to the product;
 - (d) The specific section(s) for which a variance is requested;
 - (e) An explanation and description of the reasons for seeking a variance;
 - (f) Evidence demonstrating how the variance request meets the criteria identified in (2)(a) or (2)(b) of this section;
 - (g) Length of variance requested and the earliest date when compliance will be achieved;

- (h) A description of the damage or harm that will result from having to comply with the requirements within the required timeframe;
- (i) A compliance plan describing in detail how, if a variance is granted, compliance will be achieved as soon as possible, including all of the following:

 - (i) The method by which compliance will be achieved;
 - (ii) Milestone achievements; and
 - (iii) Milestone dates.
- (j) A mitigation plan to demonstrate how the applicant will reduce greenhouse gas emissions equal to or greater than would be emitted from granting the variant. The mitigation plan must include all calculations used to determine emissions estimates.
- (k) The application may be submitted in writing to either of the following addresses:

Ecology Air Quality Program
Attention: HFC Unit Supervisor
PO Box 47600
Olympia, WA 98504-7600; or

By email to:
HFC@ecology.wa.gov
Attention: HFC Unit Supervisor

(+)(4) Approval and disapproval process.

- (a) Ecology will determine whether the application is complete and will notify the applicant within thirty (30) days of receipt of the application. Only complete applications will be considered.
- (b) Within forty five days of determining that the application is complete, ecology will post a notice of the variance application on ecology's HFC webpage and ecology's public events and input webpage; and, will invite the public to comment on the application for thirty (30) days from the date information about the application is posted.
- (c) When making a decision on the application, ecology will consider all comments submitted during the public comment period.
- (d) Ecology will approve or disapprove the variance application within sixty (60) days after close of the public comment period.
- (e) Ecology will notify the applicant of the decision in writing, and if approved, will specify the terms and conditions of the variance in a letter to the applicant.

- (f) Ecology will grant a variance only to the applicant, and the variance is nontransferable.
- (g) Ecology will not approve a variance retroactively to any date prior to receipt of the application.
- (h) Ecology may expeditiously approve a variance application prior to the close of the public comment period for a force majeure event meeting the criteria identified in (2)(b) of this section.
- (5) Failure to comply with the terms of an approved variance.

 - (a) An applicant must comply with the terms of an approved variance in order to maintain its approved status.
 - (b) Ecology may revoke or modify the variance approval if it determines that an applicant no longer meets the criteria specified in the variance approval letter.
 - (c) An applicant adversely affected by an ecology decision to revoke or modify an approved variance may seek review of ecology's decision by the pollution control hearings board in accordance with chapter 43.21B RCW and chapter 371-08 WAC.

WAC 173-443-085 Service and repair of equipment.

- (1) A person who services, repairs, or disposes of a motor vehicle air conditioning system, commercial or industrial air conditioning, heating, or refrigeration system, or consumer appliance identified in WAC 173-443-040 must use refrigeration extraction equipment that meets the requirements of 40 CFR 82.158 to recover refrigerants that would otherwise be released into the atmosphere.

WAC 173-443-100 through XXX Refrigerant management program.

[Placeholder]

WAC 173-443-XXX Enforcement.

[Placeholder]

WAC 173-443-~~110~~ ~~XXX~~ Severability. If any provision of this chapter or its application is held invalid, the remainder of the chapter or application of the provision is not affected.