



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 20, 2025

TIME: 7:29 AM

WSR 25-11-068

Agency: Department of Ecology

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

☒ Preproposal Statement of Inquiry was filed as WSR 24-20-137 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR ; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 173-443 WAC, Hydrofluorocarbon (HFC) and Other Fluorinated Greenhouse Gases Rule

For more information on this rulemaking, please visit: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-443-hydrofluorocarbons>

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 9, 2025	1:00 p.m.	Hearing via webinar. Join online and see instructions: https://waecy-wa.gov.zoom.us/meeting/register/VNMOHMIaS7K5vS1t0LCUfw	Presentation, followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access.
July 10, 2025	9:00 a.m.	Hearing via webinar. Join online and see instructions: https://waecy-wa.gov.zoom.us/meeting/register/S1qtOgzVRe6e2-dy2J73vw	Presentation, followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access.]

Date of intended adoption: October 29, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Gopika Patwa
Address Send US mail to:
Department of Ecology
Climate Pollution Reduction Program
PO Box 47600, Olympia, WA 98504-7600
Or
Department of Ecology
Climate Pollution Reduction Program
300 Desmond Dr. SE, Lacey, WA 98503
Email gopika.patwa@ecy.wa.gov
Fax N/A

Other <https://ecology.commentinput.com?id=Gd7ePVHhc>

Beginning (date and time) May 20, 2025, 12:00 a.m.

By (date and time) July 22, 2025, 11:59 p.m.

Assistance for persons with disabilities:

Contact Ecology ADA Coordinator
Phone 360-407-6831

Fax N/A

TTY People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711

Email ecyADACoordinator@ecy.wa.gov

Other N/A

By (date) July 1, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In October 2024, Ecology announced rulemaking to amend Chapter 173-443 WAC, the Hydrofluorocarbons (HFCs) and Other Fluorinated Greenhouse Gases rule. This rulemaking supports the transition away from using some HFCs and similar gases in certain products such as aerosol propellants and foams, as well as in refrigeration and air conditioning equipment. These greenhouse gases can be thousands of times more powerful than carbon dioxide. By restricting the use of the most potent

HFCs in new equipment and properly maintaining existing equipment that contain those HFCs, Washington will prevent roughly four million metric tons of greenhouse gas emissions each year by 2035.

Ecology has identified parts of the rule that could be amended to improve clarity, facilitate more consistent implementation, and reduce unintended impacts on businesses. Specifically, Ecology proposes to amend existing sell-through provisions in WAC 173-443-065 and -075, which allow equipment with prohibited refrigerants that was manufactured before a certain date to be sold for a limited period of time after the prohibition effective dates in WAC 173-443-040, Tables 2 and 3.

Ecology also plans to modify WAC 173-443-040 to align the list of prohibited substances and effective dates for Automatic Commercial Ice Machines (ACIMs) with the U.S. Environmental Protection Agency's (EPA's) Technology Transitions Rule adopted in October 2023.

Lastly, this rulemaking will address necessary technical and administrative changes such as adding or amending definitions, fixing typos and grammar issues and clarifying language where needed. These changes will not change any requirements in the rule.

These amendments are responsive to industry needs and better harmonize the rule with requirements in other jurisdictions.

Reasons supporting proposal: This rule was previously adopted after Chapter 70A.60 RCW was enacted into law in 2019 and amended in 2021. Amendments to Chapter 173-443 WAC are necessary to improve implementation of the statute.

Statutory authority for adoption: Chapter 70A.60 RCW (Hydrofluorocarbons – Emissions Reduction)

Statute being implemented: Chapter 70A.60 RCW (Hydrofluorocarbons – Emissions Reduction)

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No

Federal Court Decision? ☐ Yes ☒ No

State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization)

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Tamara Dumitrescu	Lacey	360 338-2606
Implementation	Leonard Machut	Lacey	360-890-6381
Enforcement	Leonard Machut	Lacey	360-890-6381

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name N/A

Address N/A

Phone N/A

Fax N/A

TTY N/A

Email N/A

Other N/A

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☒ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name Gopika Patwa

Address Department of Ecology
Climate Pollution Reduction Program
PO Box 47600, Olympia, WA 98504-7600

Phone 360-338-2419

Fax N/A

TTY People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711

Email gopika.patwa@ecy.wa.gov

Other

☐ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW [19.85.030\(1\)\(a\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: We analyzed the costs of the proposed rule amendments in the Preliminary Regulatory Analyses for this rulemaking (Ecology publication no. 25-14-024). We determined that the proposed rule amendments would not result in costs compared to the baseline.

The Regulatory Fairness Act (RFA) requires Ecology to prepare a Small Business Economic Impact Statement if the proposed rule will impose more than minor costs on businesses in an industry (RCW 19.85.030(1)(a)). As the proposed rule amendments would not impose any costs, Ecology is not required to complete the additional analyses required under the Regulatory Fairness Act and complete a Small Business Economic Impact Statement.

The RFA also states that it does not apply to the adoption of a rule if Ecology is able to demonstrate that the proposed rule does not affect small businesses (RCW 19.85.025(4)). As the proposed rule amendments would not impose any costs, Ecology is exempt from performing additional analyses under the Regulatory Fairness Act.

(2) Scope of exemptions: *Check one.*

- ☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name

Address

Phone
Fax
TTY
Email
Other

Date: May 20, 2025

Name: Heather Bartlett

Title: Deputy Director

Signature:

A handwritten signature in black ink, reading "Heather R. Bartlett". The signature is written in a cursive style with a large, stylized "H" and "B".