



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 30, 2023

TIME: 8:47 AM

WSR 23-24-041

Agency: Department of Ecology AO #21-02

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To implement Hydrofluorocarbons (HFCs) Emissions Reduction (Chapter 70A.60 RCW), Ecology is adopting amendments to two rules:

- Chapter 173-443 WAC - Hydrofluorocarbons (HFCs)
- Chapter 173-455 WAC – Air Quality Fee Rule

The adopted rules:

- Establish maximum global warming potential (GWP) thresholds for HFCs used in new stationary refrigeration and air conditioning equipment, small cans of refrigerant primarily used for automotive air conditioner recharge, and certain nonessential consumer aerosol product such as party streamers, air horns, and noisemakers.
- Establish a refrigerant management program (RMP) with registration, leak inspection, leak repair, recordkeeping, and reporting requirements for owners or operators of large stationary refrigeration and air conditioning systems.
- Establish required service practices for technicians who service stationary refrigeration and air conditioning systems.
- Amend product labeling and disclosure requirements.
- Establish new labeling and recordkeeping requirements.
- Update Chapter 173-443 to reflect other changes in the law.
- Revise the title of the chapter.
- Establish fees and a process for fee updates to cover the costs of implementing and enforcing the RMP.

Citation of rules affected by this order:

New: WAC 173-443-065; -075; -085; -095; -105; 115; -125; -135; -145;-155; -165; -175; -185; -195; -205; -215; -225; -235; -245; -255; -265
 Repealed: WAC 173-443-070; -080; 090; -100; -110
 Amended: WAC 173-443-010; -020; -030; -040; -050; -060
 Suspended:

Statutory authority for adoption: Chapter 70A.60 RCW

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-15-048 on July 13, 2023 (date).

Describe any changes other than editing from proposed to adopted version: Refer to the Concise Explanatory Statement for changes from the proposed rule to the adopted rule in the following sections:

WAC 173-443-020 Appliability

- Subsections (4) and (6)

WAC 173-443-030 Definitions

WAC 173-443-040 List of Prohibited Substances

- Subsections (1), (2), and (3)

WAC 173-443-050 Exemptions Applicable to WAC 173-443-040, Tables 1 through 3

- Subsections (1), (2), and (3)

WAC 173-443-065 Prohibitions and Additional Requirements for New or Retrofit Refrigeration Equipment Listed in Table 2

- Subsections (2) and (3)

WAC 173-443-075 Prohibitions and Additional Requirements for New or Retrofit Air Conditioning Equipment Listed in Table 3

- Subsection (2)

WAC 173-443-105 Refrigerant Management Program (RMP) Purpose and Applicability

- Subsections (1), (2), and (3)

WAC 173-443-115 Registration Requirements for Facilities with Refrigeration or Air Conditioning Systems.

- Subsections (1), (2), (3), and (6)

WAC 173-443-125 Registration Requirements for Refrigerant Wholesalers, Distributors, and Reclaimers

- Subsections (1) and (2)

WAC 173-443-135 Implementation Fees for facilities with Refrigeration or Air Conditioning Systems

- Subsections (1), (2), (3), and (4)

WAC 173-443-145 Leak Detection and Monitoring Requirements

- Subsections (1), (2), (3), (4), and (7)

WAC 173-443-155 Leak Rate Thresholds and Notification Requirements

- Subsection (3)

WAC 173-443-165 Leak Repair Requirements

- Subsection (7)

WAC 173-443-175 Requirements to Prepare and Implement a Retrofit or Retirement Plan

- Subsection (1)

WAC 173-443-185 Reporting Requirements

- Subsection (3)

WAC 173-443-195 Recordkeeping Requirements

- Subsection (1)

WAC 173-443-205 Required Service Practices

- Introductory sentence

WAC 173-443-215 Reporting Requirements for Refrigerant Wholesalers, Distributors, and Reclaimers

- Subsections (1) and (2)

WAC 173-443-225 Recordkeeping Requirements for Refrigerant Wholesalers, Distributors, and Reclaimers

- Subsections (1) and (2)

:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>21</u>	Amended	<u>6</u>	Repealed	5

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: November 30, 2023

Name: Laura Watson

Title: Director

Signature:

