



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: October 02, 2024

TIME: 7:31 AM

WSR 24-20-137

Agency: Department of Ecology AO #24-06

Subject of possible rule making: Ecology is announcing a rulemaking to make amendments to Chapter 173-443 WAC. These will include, but are not limited to: revisions to WAC 173-443-075 to modify the sell-through provision, revisions to WAC 173-443-040 to modify the prohibitions for Automatic Commercial Ice Machines (ACIMs), and other necessary technical and administrative changes throughout the chapter.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70A.60 RCW (Hydrofluorocarbons – Emissions Reduction)

Reasons why rules on this subject may be needed and what they might accomplish: Chapter 173-443 WAC is a rule that supports the transition away from using potent greenhouse gases known as hydrofluorocarbons (HFCs) in products and equipment. This chapter establishes requirements for the transition to more climate-friendly refrigerants and refrigerant substitutes in air conditioning and refrigeration, aerosol propellants, and foam in Washington. Chapter 173-443 WAC also establishes a refrigerant management program to address refrigerants leaking from existing large equipment in Washington. 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.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United States Environmental Protection Agency and the California Air Resources Board regulate HFCs; Ecology will align select portions of our program to align with the federal and California rules as appropriate.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Gopika Patwa	Name:
Address: Department of Ecology Climate Pollution Reduction Program P.O. Box 47600 Olympia, WA 98504-7600	Address:
Phone: 360-338-2419	Phone:
Fax: N/A	Fax:
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.	TTY:
Email: Gopika.patwa@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-443-hydrofluorocarbons	Web site:
Other: N/A	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for Government-to-Government consultation with Tribal governments during each phase of rule development.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

Date: October 2, 2024

Name: Joel Creswell

Title: Climate Pollution Reduction Program Manager

Signature:

A handwritten signature in black ink, appearing to read "Joel Creswell", written in a cursive style.