

HOUSE BILL REPORT

SHB 1135

As Amended by the Senate

Title: An act relating to refrigerants for motor vehicles.

Brief Description: Regarding refrigerants for motor vehicles.

Sponsors: House Committee on Environment (originally sponsored by Representatives Finn, Armstrong and Upthegrove).

Brief History:

Committee Activity:

Environment: 1/20/11, 1/25/11 [DPS].

Floor Activity:

Passed House: 3/5/11, 93-4.

Senate Amended.

Passed Senate: 4/12/11, 44-4.

Brief Summary of Substitute Bill

- Prohibits motor vehicle air conditioning equipment from containing any refrigerant that is toxic or flammable, unless the refrigerant is allowed under rules adopted by the Department of Ecology.
- Removes the authority of the Washington State Patrol to adopt safety requirements and regulations applicable to motor vehicle air conditioning equipment.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Crouse, Fitzgibbon, Jacks, Jinkins, Morris, Moscoso, Takko and Tharinger.

Minority Report: Do not pass. Signed by 4 members: Representatives Harris, Assistant Ranking Minority Member; Nealey, Pearson and Taylor.

Staff: Courtney Barnes (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Federal Significant New Alternatives Policy.

The Significant New Alternatives Policy (SNAP) program is the United States Environmental Protection Agency's (EPA) program to evaluate and regulate substitutes for ozone-depleting chemicals that are being phased out under the stratospheric ozone protection provisions of the federal Clean Air Act. Under the federal Clean Air Act, the EPA is authorized to identify and publish lists of acceptable and unacceptable substitutes for class I or class II ozone-depleting substances. Pursuant to its authority under the SNAP, the EPA has published a list of safe alternative motor vehicle air conditioning substances that are non ozone-depleting chemicals.

Motor Vehicle Air Conditioning Equipment.

"Air conditioning equipment" is defined in statute as mechanical vapor compression refrigeration equipment that is used to cool the driver or passenger compartment of any motor vehicle. Currently, it is illegal for air conditioning equipment to contain any refrigerant that is toxic or flammable, unless the refrigerant is included in the list published by the EPA as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12. The Washington State Patrol (WSP) may adopt and enforce safety requirements and regulations (applicable to motor vehicle air conditioning equipment) which must correlate with and conform to the current recommended practice or standard approved by the Society of Automotive Engineers.

The Department of Ecology.

Under the federal Clean Air Act, the states have the option to implement either federal motor vehicle emission standards or California motor vehicle emissions standards for passenger cars, light duty trucks, and medium duty passenger vehicles. The Legislature has adopted California motor vehicle emissions standards and authorized the Department of Ecology (Department) to adopt rules to implement these emissions standards.

Summary of Substitute Bill:

Air conditioning equipment may not contain any refrigerant that is toxic or flammable, unless the refrigerant is allowed under motor vehicle emission standards rules adopted by the Department (instead of the list published by the EPA for safe alternative motor vehicle air conditioning substitutes for chlorofluorocarbon-12).

The provision allowing the WSP to adopt safety requirements and regulations applicable to motor vehicle air conditioning equipment is removed.

EFFECT OF SENATE AMENDMENT(S):

Current law prohibits a person from operating on any highway a motor vehicle equipped with air conditioning equipment, unless the equipment complies with state law. The Senate amendment modifies this provision in the following ways:

- changes the prohibition from operating a motor vehicle on any highway to registering or licensing for use on any highway; and
- limits the prohibition to new motor vehicles.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is essentially a housekeeping measure. The alternative substances list adopted by the EPA changes periodically, and the statute currently refers to an older list. Instead of coming back to the Legislature every time the list changes, the bill allows the Department to establish standards by rule. Newer refrigerants cannot be used unless the statute is changed to incorporate the most current list. The Department would not adopt rules that are more stringent than the EPA and California clean car standards. The Department would not need to do any additional rule making under this bill. There may be a technical issue and amendment to assure that the bill does not impact used vehicles.

(Opposed) None.

Persons Testifying: Representative Finn, prime sponsor; Sandi Swarthout, Alliance of Automobile Manufactures; and Marshal Taylor, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.