

WAC 173-443-070 Product labeling and disclosure requirements.

(1) Except for products and equipment that use prohibited substitutes for an acceptable use listed in WAC 173-443-050, a manufacturer must disclose the substitutes contained, used, or to be used in its products or equipment applicable to the end-uses listed in WAC 173-443-040.

(2) This disclosure must occur no later than one year following an applicable prohibition date, or no later than one year following the effective date of this chapter.

(3) A manufacturer of aerosol propellant products must disclose the substitutes through one of following methods:

(a) For aerosol products regulated by the U.S. Consumer Product Safety Commission, the U.S. Food and Drug Administration excluding prescription drug products, or products that are not covered by (b) of this subsection:

- (i) New dedicated label;
- (ii) Existing product label;
- (iii) On-packaging label;
- (iv) On-product symbol or code; and online disclosure; or
- (v) On-packaging symbol or code; and online disclosure.

(b) For aerosol products regulated by EPA under the Federal Insecticide Fungicide and Rodenticide Act, aerosol products regulated by the Occupational Safety and Health Administration, or aerosol prescription drug products regulated by the U.S. Food and Drug Administration:

- (i) Any option in (a) (i) through (v) of this subsection; or
- (ii) A product document, such as a Safety Data Sheet (SDS), that complies with the 29 C.F.R. 1910.1200; and online disclosure if the SDS is not posted online.

(4) A manufacturer of refrigeration products and equipment (including refrigeration products and equipment that contain foam) must disclose the substitutes through one of following methods:

(a) For the refrigerant used in household refrigerators and freezers, household refrigerators and freezers - Compact, and household refrigerators and freezers - Built-in:

- (i) New dedicated label;
- (ii) Underwriters Laboratories or equivalent safety label;
- (iii) A label required by another jurisdiction with sufficient disclosure requirements;

(iv) A label required by another jurisdiction that does not disclose the substitute; and online disclosure; or

(v) On-product or on-equipment symbol or code; and online disclosure.

(b) For the foam blown in or installed by the manufacturer of household refrigerators and freezers, household refrigerators and freezers - Compact, and household refrigerators and freezers - Built-in:

- (i) New dedicated label;
- (ii) Underwriters Laboratories or equivalent safety label;
- (iii) Owner's manual; or
- (iv) On-product or on-equipment symbol or code; and online disclosure.

(c) For the refrigerant used in commercial refrigeration equipment:

- (i) New dedicated label;
- (ii) Existing product label;
- (iii) Underwriters Laboratories or equivalent safety label;

- (iv) A label required by another jurisdiction with sufficient disclosure requirements;
 - (v) A label required by another jurisdiction that does not disclose the substitute; and online disclosure; or
 - (vi) On-product or on-equipment symbol or code; and online disclosure.
- (d) For the foam blown in or installed by the manufacturer of commercial refrigeration equipment:
- (i) New dedicated label;
 - (ii) Existing product label;
 - (iii) Underwriters Laboratories or equivalent safety label;
 - (iv) Owner's manual; or
 - (v) On-product or on-equipment symbol or code; and online disclosure.
- (5) A manufacturer of centrifugal or positive displacement chillers must disclose the substitutes through one of following methods:
- (a) For the refrigerant used in centrifugal and positive displacement chillers:
- (i) New dedicated label;
 - (ii) Existing product label;
 - (iii) Underwriters Laboratories or equivalent safety label;
 - (iv) A label required by another jurisdiction with sufficient disclosure requirements;
 - (v) A label required by another jurisdiction that does not disclose the substitute; and online disclosure; or
 - (vi) On-product or on-equipment symbol or code; and online disclosure.
- (b) For the foam blown in or installed by the manufacturer of centrifugal and positive displacement chillers:
- (i) New dedicated label;
 - (ii) Existing product label;
 - (iii) Underwriters Laboratories or equivalent safety label;
 - (iv) Owner's manual; or
 - (v) On-product or on-equipment symbol or code; and online disclosure.
- (6) A manufacturer of foam products must disclose the substitutes through one of following methods:
- (a) For nonretail foam products:
- (i) Unit label; or
 - (ii) One of the following methods for each individual product within a unit:
 - (A) New dedicated label;
 - (B) Existing product label;
 - (C) A label required by another jurisdiction with sufficient disclosure requirements;
 - (D) A label required by another jurisdiction that does not disclose the substitute; and online disclosure; or
 - (E) On-product symbol or code; and online disclosure.
- (b) For retail foam products:
- (i) New dedicated label;
 - (ii) Existing product label;
 - (iii) On-packaging label;
 - (iv) A label required by another jurisdiction with sufficient disclosure requirements;
 - (v) A label required by another jurisdiction that does not disclose the substitute; and online disclosure;
 - (vi) On-product symbol or code; and online disclosure; or

- (vii) On-packaging symbol or code; and online disclosure.
- (c) For the foam blowing agent used in polyurethane foam systems, including spray foam systems:
 - (i) New dedicated label on the canister or cylinders;
 - (ii) Existing product label on the canister or cylinders;
 - (iii) On-packaging label;
 - (iv) A label required by another jurisdiction with sufficient disclosure requirements;
 - (v) A label required by another jurisdiction that does not disclose the substitute; and online disclosure; or
 - (vi) On-packaging symbol or code; and online disclosure.
- (7) Ecology must approve in advance the use of a symbol or code.
- (8) Ecology must approve in advance the use of another jurisdiction's disclosure label.
- (9) 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.
- (10) The requirements of this section do not apply to aircraft and aircraft components subject to certification requirements of the Federal Aviation Administration.

[Statutory Authority: Chapters 70A.45 and 70A.15 RCW. WSR 21-01-085 (Order 19-04), § 173-443-070, filed 12/10/20, effective 1/10/21.]