

SENATE BILL REPORT

SB 5579

As of February 14, 2023

Title: An act relating to expanding the Department of Ecology's authority to refrain from enforcing chapter 70A.60 RCW to mitigate the effects of supply chain problems or other similar disruptions.

Brief Description: Expanding the Department of Ecology's authority to refrain from enforcing chapter 70A.60 RCW to mitigate the effects of supply chain problems or other similar disruptions.

Sponsors: Senators Braun and Wilson, L..

Brief History:

Committee Activity: Environment, Energy & Technology: 2/14/23.

Brief Summary of Bill

- Allows the Department of Ecology to elect to refrain from or cease administering or enforcing a requirement related to the use of hydrofluorocarbons and other ozone-depleting substance substitutes if it determines that supply chain problems or other similar disruptions threaten to impair businesses or consumers in Washington, and that suspending enforcement of a requirement would mitigate the problem.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Gregory Vogel (786-7413)

Background: Hydrofluorocarbons (HFCs) are a category of gases used primarily as refrigerants in a variety of commercial and industrial applications. HFCs are among the greenhouse gases (GHGs) identified by the United States Environmental Protection Agency and the Department of Ecology (Ecology) as a result of their capacity to trap heat in the Earth's atmosphere.

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

In 2019, the Legislature enacted restrictions on the use of HFCs and other ozone-depleting substance (ODS) substitutes in products and equipment. In 2021, the Legislature authorized Ecology to establish a maximum global warming potential (GWP) threshold for ODS substitutes in new stationary air conditioning and stationary refrigeration, and directed Ecology to establish a maximum GWP threshold for new equipment used in ice rinks. The 2021 legislation also directed Ecology to establish a refrigerant management program to address refrigerant emissions from large air conditioning and refrigeration systems, and established other measures to reduce GHG emissions from ODS substitutes.

Summary of Bill: Ecology may elect to refrain from or cease administering or enforcing a requirement related to the use of HFCs and other ODS substitutes if it determines that supply chain problems or other similar disruptions threaten to impair businesses or consumers in Washington, and that suspending enforcement of a requirement would mitigate the problem.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill came out of situations that arose during the pandemic with supply chain issues that occurred. A company that builds insulated pipe used in research facilities and hospitals couldn't get the product they needed built to the customer due to HFC restrictions. Ecology worked with them to provide flexibility to produce the product for a while but they reached a point where they said they had no more statutory flexibility. The bill gives Ecology a little more flexibility to accommodate product manufacturers when supply chain issues occur.

OTHER: We have recommendations for a small amendment to address some issues. We think the intent of the bill is to give Ecology new authority to grant variances for product prohibitions. However, as written it allows a variance for any of the HFC programs, including the refrigerant management program. The amendment would narrow this to the product restrictions.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor; Mark Johnson, Washington Retail Association; Carolyn Logue, WA Air Conditioning Contractors Association.

OTHER: Joel Creswell, Washington Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.