
SENATE BILL 5579

State of Washington

68th Legislature

2023 Regular Session

By Senators Braun and L. Wilson

Read first time 01/26/23. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to expanding the department of ecology's
2 authority to refrain from enforcing chapter 70A.60 RCW to mitigate
3 the effects of supply chain problems or other similar disruptions;
4 amending RCW 70A.60.040; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that recent supply
7 chain problems have made it difficult for Washington businesses to
8 access products that comply with the standards established in chapter
9 70A.60 RCW, relating to hydrofluorocarbons and refrigerants. The
10 legislature further finds that providing additional enforcement
11 flexibility to the department of ecology is a solution that will help
12 keep businesses from experiencing supply chain problems when
13 compliant products are unavailable. The legislature concludes that
14 this additional flexibility will benefit businesses and consumers
15 alike.

16 **Sec. 2.** RCW 70A.60.040 and 2021 c 315 s 11 are each amended to
17 read as follows:

18 (1) The authority granted by this chapter to the department for
19 restricting the use of substitutes is supplementary to the
20 department's authority to control air pollution pursuant to chapter

1 70A.15 RCW. Nothing in this chapter limits the authority of the
2 department under chapter 70A.15 RCW.

3 (2) The department, in enforcing the requirements of this
4 chapter, must adhere to the provisions applicable to the department
5 under chapter 43.05 RCW regarding site inspections, technical
6 assistance visits, notices of correction, and the issuance of civil
7 penalties, to the extent that these provisions are not in conflict
8 with federal requirements described in RCW 43.05.901.

9 (3) The department may elect to refrain from or cease
10 administering or enforcing a requirement of this chapter if the
11 United States environmental protection agency adopts requirements
12 that:

13 (a) Are substantially duplicative of the requirements of this
14 chapter and that negate the additional emission reduction benefits of
15 state implementation of any requirement of this chapter; or

16 (b) Preempt state authority under this chapter.

17 (4) The department may elect to refrain from or cease
18 administering or enforcing a requirement of this chapter if the
19 department determines that supply chain problems or other similar
20 disruptions threaten to impair businesses or consumers in Washington
21 and that suspending enforcement of a requirement of this chapter
22 would mitigate the problem.

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