

WSR 24-20-137

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-06—Filed October 2, 2024, 7:31 a.m.]

Subject of Possible Rule Making: Department of ecology (ecology) is announcing a rule making 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.

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: 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 Gopika Patwa, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-338-2419, Washington relay service or TTY call 711 or 877-833-6341, email Gopika.patwa@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-443-hydrofluorocarbons>.

Additional comments: Interested parties can stay informed about the rule making 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 rule making.

October 2, 2024

Joel Creswell

Climate Pollution Reduction Program Manager