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**SENATE BILL 5579**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Braun and L. Wilson

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; amending RCW 70A.60.040; and creating a new section.

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

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

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

(1) The authority granted by this chapter to the department for restricting the use of substitutes is supplementary to the department's authority to control air pollution pursuant to chapter 70A.15 RCW. Nothing in this chapter limits the authority of the department under chapter 70A.15 RCW.

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

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

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

(b) Preempt state authority under this chapter.

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

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