



March 25, 2020

Ms. Linda Kildahl  
Washington State Department of Ecology  
300 Desmond Dr SE  
Lacey, WA 98503

**Re: ITW Comments to Washington: Chapter 173-443 WAC, Hydrofluorocarbons**

Submitted via <http://ac.ecology.commentinput.com/?id=Ypx2G>

Dear Ms. Kildahl:

Thank you for the opportunity to provide written comments on Chapter 173-443 WAC, Hydrofluorocarbons draft regulations. ITW applauds the state's efforts to adopt regulations in line with the erstwhile 2015 US Environmental Protection Agency (EPA) regulation that governed the transition away from higher global warming potential substances such as hydrofluorocarbons (HFCs).

Illinois Tools Works Inc. (ITW) is a U.S. manufacturer of value-added commercial and industrial-use products, components and systems. ITW is a Fortune 200 company operating a diverse global portfolio of 84 manufacturing divisions, including commercial foodservice refrigeration equipment that comprises our the ITW Food Equipment Group, LLC (ITW FEG) business segment. Our equipment is manufactured in the US and sold across North America; our refrigeration division is one of the world's largest manufacturers. FEG has introduced environmentally sustainable marketplace options to promote responsible resource usage, energy savings and overall good stewardship practices, while meeting the needs of the diverse North American commercial kitchen appliance market.

ITW FEG was deeply involved in the EPA's 2015 rule prohibiting and transitioning HFCs for use as refrigerant and foam-blowing agents in commercial foodservice refrigeration equipment. Once the regulation was finalized, ITW FEG immediately re-imagined its products to comply with EPA's new effective dates; in point of fact, our refrigeration equipment division completed its HFC transition of over 500 product models ahead of schedule to show our commitment to the issue as a market leader.

Given that record of participation, we offer the following comments to specific provisions below.

General.

We support the language change, to distinguish between "products" and "equipment," for more heavily engineered items.

WAC 173-443-060 Prohibitions.

We also support the language changes made to this section, particularly section 2(c) and (d), that provide a sell-through opportunity for equipment containing HFC-based "refrigerant and spray foam systems in the possession of a manufacturer before an applicable prohibition date where the blowing agent has not yet been applied on site may be used after the prohibition date." These provisions help protect supply

chains from interruption considering the multi-step distribution of commercial equipment to end-use customers.

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

We understand here the distinction between refrigerant and blown foam, the two elements of application for HFCs or substitutes used in commercial stand-alone and remote foodservice equipment.

In Section 2(c) for refrigerant, we agree with the alternative display requirements offered. In Section 2(d) for foam blown into equipment, we want to confirm, from Department of Ecology explanations during previous public meetings, that the Department understands that UL and equivalent safety labels do not include declarations specifically for foam blowing agents. Thus, declarations for the blowing agent can be provided via a separate mechanism – a label, or a declaration on-product or in a product’s owners’ manual – to call out an HFC-using product’s blowing agent used to insert foam. Again, confirming this posture is correct, we agree with the disclosure options offered.

WAC 173-443-080 Manufacturer notification.

Understanding that this notification is based on HFCs used in equipment prior to July 28, 2019, we agree with the notification and reporting requirement. In addition, we would especially agree if, in line with the Department’s previous comments, a non-HFC product manufactured after July 28, 2019, does not need to be reported on to the Department. We appreciate the Department’s position of wanting to ensure consumer awareness, while avoiding additional regulatory burden for manufacturers.

WAC 173-443-100 Status update notification.

We further agree with this section’s update notice requirements, particularly subsection 1(a) that allows a manufacturer to submit a single notification to the Department once a previously reported product entered into commerce in the state no longer uses HFCs.

Thank you again for the opportunity to provide comments to the draft regulations for Chapter 173-443 WAC, Hydrofluorocarbons. We appreciate your regulatory aims, including efforts to align with other states to establish a more uniform regulatory construct for product compliance. Please do not hesitate to contact us as we can further support your efforts as your process moves forward.

Respectfully submitted,

Kevin Washington  
Head of Government Affairs  
Illinois Tool Works Inc.