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July 28, 2020

Linda Kildahl
Washington Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: AHRI Comments Regarding Washington Proposed Permanent Rule - Chapter 173-443 WAC, Hydrofluorocarbons (HFCs).

Dear Ms. Kildahl,

On behalf of the Air-Conditioning, Heating and Refrigeration Institute (AHRI) I respectfully submit the following comments in response to the Washington Department of Ecology Proposed Permanent Rule - Chapter 173-443 WAC, Hydrofluorocarbons (HFCs).

AHRI is the trade association representing manufacturers of heating, cooling, water heating, and commercial refrigeration equipment. More than 300 members strong, AHRI is an advocate for the industry and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR and water heating industry is worth more than \$44 billion. In the United States, the industry supports 1.3 million jobs and \$256 billion in economic activity annually.

For more than a decade, AHRI worked to support regulations to reduce the consumption and production of HFCs. Our members strongly supported the agreement to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to phase down HFC production and consumption as a proven, predictable, and practical approach. We demonstrated that support in our work with state regulators and environmental non-governmental organizations (E-NGOs). Our industry has worked closely with local governments both foreign and domestic to prepare and successfully execute the safe and orderly transition to low-GWP refrigerants. We thank the Department of Ecology staff for working with AHRI throughout this rulemaking process and for addressing many of our concerns. AHRI appreciates the Department of Ecology staff's modifications to the proposed rule to lessen regulatory burden on manufacturers and allow our members to harmonize with other state regulations. However, AHRI still has a few suggested changes to the language regarding labeling and disclosure.

We recognize Washington's efforts to allow for additional flexibility in using electronic disclosures and appreciate the opportunity to comment on the regulation.

AHRI and members are concerned with the practicality of the current labeling provisions as written. AHRI respectfully requests the following modifications to the proposed regulation:

Include the ability to include the disclosure via the owner's manual in every section applying to HVACR equipment and "non-retail foams".

Modify the language on online disclosure from "On-product or on-equipment symbol or code; and online disclosure" to "On-product or on-equipment symbol or code or online disclosure"

Labeling and Disclosure

AHRI previously recommended including a provision in the regulation that expressly permits the use of internet disclosures in lieu of physical labels as a means for compliance. Many states are considering a range of administrative requirements related to disclosure to end-users and to regulatory agencies. AHRI greatly appreciates the allowance of the use of an electronic disclosure to ease the burden on manufacturers and to allow for a more effective means of communicating compliance with consumers and regulators.

Most manufacturers sell units through distributors, meaning final point of sale or state of usage of the product is not known to the manufacturer at the time they ship the equipment. State requirements such as this could mean that manufacturers are required to include labels or symbols for each state that passes hydrofluorocarbon regulations on every unit. With twenty-four states currently in the U.S. Climate Alliance, this could easily become an impractical regulatory burden for manufacturers if different on-unit labeling requirements are enacted in each state.

From a practical perspective, specific physical on-unit labels do not benefit consumers more than clear electronic disclosure. Physical labels are not an effective means of communicating compliance with consumers or regulators because HVACR equipment is rarely on display, rather, it is stored in a warehouse until after it is contracted for, sold, and installed. Internet disclosures are acceptable and a more cost effective and practical means of communicating important compliance, especially for equipment that is installed in place such as commercial refrigeration.

AHRI requests additional flexibility in administrative requirements by including allowance of internet or electronic only disclosures in lieu of physical labels.

In addition, AHRI notes that currently several sub-sections of the proposed rule include the option to include disclosures in the owner's manual for the product, however this option is missing from several sections, including section (4) sub-section (c), section (5) sub-section (a), and section (6) sub-section (a).

AHRI requests owner's manuals be included as a disclosure option for all covered products under the proposed rule.

Thank you for providing the opportunity to address these areas of concern throughout the process. With federal action still under consideration, additional flexibility in administrative controls compliance will ensure a positive outcome for the environment and consumers while

minimizing regulatory burden for industry. AHRI looks forward to continuing to work with you in the future. If you have any questions regarding this submission, please do not hesitate to contact me.

Sincerely,

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