



July 28, 2020

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

**Re: Rulemaking - Chapter 173-443 WAC**

*Submitted Electronically*

Dear Ms. Kildahl:

On behalf of the Window and Door Manufacturers Association (WDMA), we respectfully submit the following comments on the Washington State hydrofluorocarbons (HFCs) rule (chapter 173-443 WAC; the “rule”), currently being considered by the Department of Ecology (Ecology).

WDMA is a national trade association representing the leading producers of commercial and residential doors, windows, and skylights for domestic and export markets. Our members sell to distributors, dealers, builders, remodelers, homeowners, architects, contractors, and other specifiers in the residential, commercial, and institutional construction markets. WDMA members manufacture high quality products designed and constructed to performance-based standards that provide for improved safety, comfort, and energy efficiency, especially in the renovation of older homes and residential buildings.

WDMA appreciates Ecology’s efforts to transparently implement HB1112 through rulemaking and is ready to assist Ecology on behalf of the window, door and skylight industry. After reviewing the proposed regulation, WDMA is seeking additional clarity regarding the applicability of the labeling requirements when considering the definitions of “retail foam products” and “nonretail foam products” contained in the proposed rule. Specifically, Ecology should clarify that a manufacturer utilizing a foam product as an input into another product, but is not the manufacturer of the foam itself, is not subject to the labeling requirements of the proposed rule.

To provide more detail to the question we are asking, some WDMA member companies manufacture residential exterior doors that utilize a form core which is blown into the door. This foam is encased inside the door and is not manufactured by the company manufacturing the exterior door. The definition of “retail foam products” and “nonretail foam products” seem to exclude the door manufacturer from any product labeling because they don’t manufacture the foam. However, Ecology should clarify this distinction in the final rule.

WDMA recommends the following amendment of the proposed rule, noted in red text, to provide the appropriate clarity to this question:

***“WAC 173-443-020 Applicability. (1) The requirements of this chapter apply to any person who offers for sale, leases, rents, installs, or otherwise causes to enter into Washington commerce any product or equipment that contains, uses, or will use HFCs or other substitutes for an end-use listed in WAC 173-443-040.***

*(2) Labeling requirements.*

*(a) The labeling requirements in WAC 173-443-070 apply to manufacturers of products or equipment that contains, uses, or will use HFCs as of July 28, 2019, or to manufacturers that introduce such products or equipment into Washington commerce after that date.*

***(b) The labeling requirements in WAC 173-443-070 shall not apply to product manufacturers utilizing nonretail foam products or foam systems as a component of a finished product.***

*(~~b~~c) A manufacturer may apply the applicability determination in (a) of this subsection to separate divisions or similar segments of its business based on the end-use that products associated with each division or similar segmentation are intended to serve.”*

This alteration would clarify and reconcile with statements made by Ecology staff regarding their goals for product labeling and ensuring the scope of the rule remains focused on manufacturers of HFCs.

Thank you for the opportunity to provide comment on this proposed regulation. Please contact Kevin McKenney at [kmckenney@wdma.com](mailto:kmckenney@wdma.com) with any questions or concerns.

Sincerely,



Michael O'Brien  
President & CEO  
Window and Door Manufacturers Association