

**Margaret:** Thank you. Next, we have Stephen Wieroniey. Stephen.

**Stephen Wieroniey:** Thank you. The American Chemistry Council Center for the Polyurethane Industry appreciates the opportunity to comment on the Washington State Department of Ecology's proposed HFC regulations. We appreciate DLE's efforts to respond to the issues raised in our March 25th, 2020 comments in the pre-regulatory draft regulations. CPI believes that additional changes are needed to fully respond to our comments and improve the clarity intent of the final rule.

CPI supports consistency across all states that are regulating the use of HFC foam blowing agents in the polyurethane foam sector. CPI advocates for consistency in four areas; definitions, disclosure, record keeping, and sell-through periods. CPI believes our recommendations will further align the draft regulations with other state rules prohibiting the use of HFC foam blowing agents and provide manufacturers with enough clarity to ensure they are compliant with the final rule.

On definition, CPI highlighted inconsistencies in the definitions for the polyurethane end-uses in the draft regulations. The polyurethane end-uses reference various terms such as polymers, polyurethane polymers, polyurethane, urethane, and the raw materials used to form polyurethane polymers. In our comments on the pre-rulemaking draft, CPI suggested adopting a new definition for polyurethane and then referencing this term and the definitions of the different end-uses. Ecology adopted the new definition for polyurethane but did not correct the technical issues with the polyurethane end-use definitions. Amending these definitions per the suggestions and our written comments will improve the technical accuracy of the final regulations.

CPI supports strong and explosive sell-through periods. CPI appreciates DLE including a sell-through period in the draft regulations. However, the sell-through period does not explicitly allow products to be used after they're manufactured. While use of a product is likely included in the term "otherwise introduced into Washington commerce" inserting language to clearly state that a product manufactured before the date of restriction can be used after the date of restriction will further align the draft regulations with other states regulating or proposing to regulate HFC foam blowing agents.

Additionally, CPI appreciates Ecology's inclusion of a specific sell-through period for Spray Polyurethane Foam systems. However, it's logical to extend this to all polyurethane foam systems, as many different types of polyurethane foam systems are available on the market.

On the labeling, CPI believes the applicability section needs additional clarity to ensure it provides a functional exemption for the labeling of polyurethane products. The regulations imply that the requirements of the labeling provision only applied to product manufacturers, not to specific products. This exemption is not counting for all scenarios that will likely not reduce the burden on polyurethane product manufacturers. For example, before the date of restriction for HFC foam blowing agents in the polyurethane end-use categories, some polyurethane manufacturers had multiple formulas in the

market. During this transition, manufacturers may have been promoting low GWP products and alternatives based on HFC technology in Washington.

Further, like most manufacturers, we have-

**Melanie:** Hi. I'm sorry, you just came to the time limit. I'm going to ask you to summarize your comments so that we can go to the next person.

**Stephen:** Thanks. Ecology should simply exempt all low GWP products on the labeling requirements. Doing that would significantly reduce the regulatory burden and make a very clear final rule. Thank you.