August 31, 2023

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

Re: Copeland LP Comments on Rulemaking - Chapter 173-433 WAC, Hydrofluorocarbons (HFCs)

To Whom It May Concern:

On behalf of Copeland LP, including its subsidiaries and affiliated entities (collectively, "Copeland"), I appreciate the opportunity to comment on the proposed revisions to Chapter 173-433 WAC, Hydrofluorocarbons (HFCs). Copeland is a leading provider of heating, air conditioning, and refrigeration solutions for residential, industrial, and commercial applications. The group combines best-in-class leading technology with proven engineering, design, distribution, educational, and monitoring services to provide customized, integrated climate-control solutions for customers worldwide. Copeland's businesses include industry-leading brands such as Copeland™, Vilter™ and White-Rodgers™, that work to improve human comfort, safeguard food, and protect the environment.

In general, we have two significant concerns:

1. The Department of Ecology has proposed GWP limits, timing, and labeling for Washington that differ from those proposed by Environmental Protection Agency (EPA) in their Technology Transitions Rule. This rule is expected to be published as final no later than October 7, per requirements in the American Innovation and Manufacturing (AIM) Act of 2020. We encourage the Department to align with the final Global Warming Potential (GWP) limits, labeling, and transition timing specified in the final EPA Technology Transition Rule as this would lead to the most cost effective, seamless transition to lower GWP products. To have fragmented state and federal regulation adds complexity for manufacturers, retailers doing business in multiple states, end users, and wholesalers and distributors who now potentially are forced to deal with different state specific regulations and potentially unique product lines.

An example of this patchwork of regulation, as proposed, exists for retail food refrigeration - Remote Condensing Units. The current EPA proposal allows for a GWP less than 300 for systems 200 lbs of charge or less and 150 GWP for systems larger than 200lb of charge. The WA proposal requires a 150 GWP for systems greater than 50 lbs. It is our understanding that the strictest requirement would apply, so effectively remote condensing units under 50lbs would follow the federal regulation and could contain a refrigerant up to 300 GWP. Units greater than 50 lbs but less than 200 lb would follow the WA regulation where the refrigerant would need to be less than 150 GWP (even though most of the rest of the country could use up to 300 GWP. For large systems greater than 200lbs the state and federal proposals are aligned at less than 150 GWP.

The EPA Technology Transition rule is anticipated to significantly reduce emissions relative to new equipment. By following the federal approach, we believe WA could significantly reduce emissions while taking the simplest most aligned regulatory framework.

2. The definition of “New refrigeration equipment” includes two parts that could prohibit retailers and end users from being able to retrofit to lower GWP refrigerants: item b) “a system in an existing facility that undergoes retrofit” and item c) "An addition or modification that increases the nominal compressor capacity of a system in an existing facility." These provisions are problematic in that they would eliminate the ability to retrofit existing systems greater than 50 lbs containing 404A / 507A to a lower GWP fluid such as 448 / 449 because it has a higher GWP than 150. The refrigerants less

than 150GWP are not enabled (or proposed) by EPA for use in retrofits due to a change in refrigerant classification (mildly flammable A2L) or significant pressure differences, so we believe this proposal would eliminate the option to retrofit these systems entirely leaving them stranded.

> "New refrigeration equipment" means any refrigeration equipment or system manufactured for an end-use listed in WAC 173-443-040, Table 2, that is first installed using new components, used components, or a [7] OTS-4615.4 combination of new and used components, and that is one of the following: (a) New construction in a new facility; (b) A system in an existing facility that undergoes a retrofit; (c) An addition or modification that increases the nominal compressor capacity of a system in an existing facility; (d) New construction in an existing facility not previously used for cold storage, retail food refrigeration, commercial refrigeration, industrial process refrigeration, or ice rinks; or (e) A system in an existing facility used for commercial refrigeration or industrial process refrigeration that is modified such that the system undergoes cumulative replacement of 75 percent or more of its evaporators (by number) and 100 percent of its compressor racks, condensers, and connected evaporator loads.

We appreciate the opportunity provide these comments and to further engage with the Washington Department of Ecology to help identify opportunities for collaboration between the agency and manufacturers regarding the transition to lower GWP solutions. We hope that these comments are useful and look forward to engaging with the Department on future rulemakings.

If you have any questions regarding this submission, please do not hesitate to contact me at jennifer.butsch@copeland.com.

Sincerely,

Jennifer Butsch

Jennifer Butsch
Director, Regulatory Affairs