



Washington Air Conditioning Contractors Association
5727 Baker Way NW, Suite 200
Gig Harbor WA 98332

August 31, 2023

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

RE: Hydrofluorocarbon (HFC) – Chapter 173-443 WAC
Air Quality Fee Rule – Chapter 173-455

On behalf of the Washington Air Conditioning Contractors Association, an association of HVAC/R contractors, distributors and wholesalers in Washington State, I would like to provide the following comments on the proposed HFC and Air quality rules (WSR 23-15-048).

We appreciate the Department's stakeholder process on this rulemaking. We know that implementation of these laws and rules are going to be difficult and costly based on what we have learned from other laws and rules governing refrigerants and changeouts.

WA ACCA would like to make the following comments/recommendations for the rule before it goes into effect:

1) Availability and costs of refrigerant supply. The broadening of the refrigerant requirements to residential air conditioning systems, combined with requirements under the new state energy code regarding heat pumps and cooling, is going to create significant supply barriers for our state. If we are unable to get the needed refrigerants for changeouts or to repair/retrofit systems for residents and the small commercial businesses we work with, costs will skyrocket and businesses/jobs will be at risk. This is backed up by the Regulatory Fairness Analysis done by the Department as part of this rulemaking.

WA ACCA recommend that there be exemptions added for "economic hardship" related to supply and a measurement of the cost of supply for smaller entities compared to larger entities. Often smaller entities must pay more for supplies because the size of their purchases is smaller. Since a reduced overall of refrigerant supply will result in higher costs, this must be a clear standard for exemption in the rule.

2) The rule must either be delayed until the EPA rules are finalized, or there must be a mechanism firmly established to open the rules up again in the event that EPA rules on the same subject are different from Washington's rules. This is extremely important since any difference in Washington's rules from EPA standards or requirements could significantly impact the supply of refrigerants in our state. Without adherence to the national standard, Washington could be an outlier and thus find that manufacturers are unwilling and unable to produce the supplies needed specifically for our state – in terms of both refrigerants and equipment that uses refrigerants. As we embark upon a need to be flexible and adaptive to climate



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change scenarios, we also need to ensure this rule is flexible and adaptive to maintain adequate, affordable supply of equipment and products needed to assist with refrigeration and cooling needs in Washington state.

In addition to supply concerns, we are also concerned about the need to be consistent with federal rules on the same subject for training of contractors. This will be a key to ensuring availability of good quality safety training through our manufacturers and distributors.

We appreciate the opportunity to provide these comments and hope you will take them into serious consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Olson".

Craig Olson
President
Washington Air Conditioning Contractors Association,