

August 31, 2023

Linda Kildahl  
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PO Box 47600  
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<https://aq.ecology.commentinput.com/>

Subject: Comments Rule Proposal Phase CR-102; Chapter 173-443 WAC,  
Hydrofluorocarbons (HFCs)

Dear Ms. Kildahl,

The Household & Commercial Products Association<sup>1</sup> (HCPA) appreciates the opportunity to offer comments on the Washington Department of Ecology (Ecology) proposed amendments<sup>2</sup> to Chapter 173-443. Through these proposed amendments, Ecology is implementing the 2021 law which expands the 2019 Hydrofluorocarbon (HFC) restrictions.

HCPA represents the interest of companies that manufacture, formulate, supply, market, and recycle a wide variety of products packaged in an aerosol form as well as small containers of automotive refrigerant.

HCPA realizes that on July 25, 2021, the new law banned the sale and purchase of small containers of refrigerant and nonessential consumer products with a global warming potential (GWP) of 150 or greater.

HCPA supports the restriction of high GWP HFCs in nonessential consumer products, such as string confetti and air horns. HCPA would like to note however that the 2019 HFC restrictions already restricted the use of high GWP HFCs in nonessential consumers products. Products such as asthma inhalers or niche products in which nonflammability is essential. HCPA recommends modifying “TABLE 1. Exemptions for New Products and Equipment” by combining

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<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

<sup>2</sup> <https://ecology.wa.gov/getattachment/47b1efc8-486e-44fa-bbac-27caf42053f8/OTS-4615-4-For-Filing.pdf>

the first two lines into one – “Cleaning products for removal of grease, flux and other soils from electrical equipment” to remain consistent with other state actions.

However, HCPA continues to be disappointed with the ban on the sale and purchase of small containers of refrigerant containing HFC-134a for motorized vehicle air conditioning due to the impacts on disadvantaged communities (DAC). The California Air Resources Board’s (CARB) recent publication<sup>3</sup> on the impact of their proposal to modify their small containers of automotive refrigerant regulation on disadvantaged communities shows a majority of these small containers are purchased by those in DACs. As people in the disadvantaged communities don’t have the means to have their vehicles serviced by professionals, HCPA is concerned that this will further incentivize “unsafe and unapproved” products introduced and used in the California marketplace. According<sup>4</sup> to the EPA:

“While unsafe and not approved under the EPA’s SNAP Program, HC refrigerants for use in MVACs can be purchased online and in stores, often in small cans. These cans can only be sold to certified technicians under CAA Sections 608 or 609, unless the cans have a self-sealing valve. They are sometimes advertised as replacements for refrigerants such as R-134a and R-1234yf. They have been sold under a variety of names, including ZeroR AC Refrigerant and Arctic Air for HFO-1234yf. The advertisements for these products may not mention that the alternative is a HC, such as propane, or a blend of HCs, or clearly state the safety risks associated with use of the product.”

HCPA hopes and recommends that Ecology conducts outreach to disadvantaged communities and works with individuals to ensure that inappropriate products are not used within their motorized vehicle air conditioning systems.

HCPA appreciates the opportunity to offer these comments on Ecology’s proposed amendments. If you have any questions about our letter, please do not hesitate to contact me directly at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org).

Sincerely,



Nicholas B. Georges  
Senior Vice President, Scientific and International Affairs

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<sup>3</sup> [https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2023/small\\_container\\_2023/appc.pdf](https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2023/small_container_2023/appc.pdf)

<sup>4</sup> <https://www.epa.gov/mvac/questions-and-answers-about-safety-risks-using-hydrocarbons-hcs-motor-vehicle-air-conditioners>