

Washington State Passes Climate Bill to Restrict Certain Uses of HFCs



Following California's [lead](#), Washington State has revived, at the state level, federal limits on greenhouse gases known as hydrofluorocarbons (HFCs) and is contemplating additional restrictions in the future. HFCs are synthetic gases that are used in a variety of applications, but mainly to replace ozone-depleting substances in aerosols, foams, refrigeration, and air-conditioning.

In late April, Washington's legislature passed [HB 1112](#). Governor Inslee signed the bill into law on May 7, 2019. The core section of HB 1112 adopts as state law the content of EPA's Significant New Alternatives Policy (SNAP) Rules 20 and 21 (40 CFR Part 82, Appx. U and V) before they were largely vacated by the D.C. Circuit in two decisions. *See Mexichem Fluor, Inc. v. EPA*, 866 F.3d 451 (D.C. Cir. 2017) (vacating Rule 20); *Mexichem Fluor, Inc. v. EPA*, No. 17-1024 (D.C. Cir. Apr. 5, 2019) (vacating Rule 21). EPA's SNAP rules determine what chemicals may be used to replace ozone-depleting substances (ODS) for specific end uses, such as vending machine refrigeration. In 2015 and 2016, EPA determined that specific HFCs (which are not ODS but have high global-warming potential) may no longer be used to substitute ODS for several end uses, such as motor vehicle air conditioning, retail food refrigeration, aerosol propellants, and vending machines. Those federal rules were then [partially vacated in litigation](#); the current Administration subsequently suspended the application of SNAP Rule 20 with respect to HFCs entirely and is expected to do the same with respect to Rule 21.

Companies that produce or use HFCs, HFC-containing products or HFC-based refrigerants should carefully review HB 1112 and EPA's

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SNAP Rules 20 and 21 to determine if their products or equipment use any listed HFC in any of the regulated end uses.

Washington's law also sets the stage for further HFC restrictions. Section 8 of HB 1112 requires the Department of Ecology to complete a report by December 1, 2020, that addresses "how to increase the use of refrigerants with a low global warming potential in mobile sources, utility equipment, and consumer appliances, and how to reduce other uses of hydrofluorocarbons in Washington." Section 9 also requires Ecology to establish purchasing and procurement preferences for non-HFC products. Therefore, even if your specific HFC is not in SNAP Rules 20 or 21, or these rules do not cover your end uses, pay attention to Ecology's report in 2020 to determine if your equipment or products may be affected by future state programs. Full bill history is available [here](#).

Even if your specific HFC is not in SNAP Rules 20 or 21, your equipment may be affected by future state programs.

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