

Executive Order R-21-008

Relating to Proposed Amendments to Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses Regulation

Whereas, on December 10, 2020, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the “Proposed Amendments to Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses Regulation,”¹ as set forth in Appendix A to the Initial Statement of Reasons (Staff Report) released to the public on October 20, 2020;

Whereas, the environmental analysis prepared under CARB’s regulatory program certified under Public Resources Code Section 21080.5 of the California Environmental Quality Act (CEQA; Cal. Code of Regs., tit. 14, § 15251(d)) in the Staff Report concluded that the amendments are exempt from CEQA under the “Class 8” exemption for “Actions Taken by Regulatory Agencies for Protection of the Environment” (Cal. Code Regs, tit. 14 § 15308); “Class 1” exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities involving negligible or no expansion of use (Cal. Code Regs., tit. 14, § 15301); and “Class 2” exemption for replacement or reconstruction of existing structures and facilities (Cal. Code Regs., tit. 14 § 15302). The proposed amendments will not result in any foreseeable possibility of significant adverse environmental impacts and none of the exceptions to these exemptions applies, as described in Chapter VI of the Staff Report;

Whereas, following the public hearing, the Board adopted Resolution 20-37 in which the Board approved for adoption amendments to Sections 95371, 95372, 95373, 95374, 95375, 95376, 95377, 95378,² Article 4, Subarticle 5, Chapter 1, Division 3, Title 17, California Code of Regulations.

Whereas, Resolution 20-37, directed the Executive Officer to make any additional conforming modifications deemed appropriate, with any additional supporting documents and information, available for public comment, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted

¹ As part of the amendments, the title to the regulation was changed to “*Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Stationary Air-conditioning, and Other End-Uses.*”

² Section 95379 was later added during the 15-day public comment periods.

during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

Whereas, modified regulatory language and supporting documentation and information were circulated for two 15-day public comment periods, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, Title 1, Section 44 and Government Code Section 11340.85, from May 13, 2021 to May 28, 2021 and August 3, 2021 to August 18, 2021;

Whereas, written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer;

Whereas, based on substantial evidence in the record there is no possibility the modifications to the regulation made available for both 15-day public comment periods after the Board Hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 20-37 are incorporated herein.

It Is Further Ordered that amendments to Sections 95371, 95372, 95373, 95374, 95375, 95376, 95377, 95378, and the new Section 95379 of Article 4, Subarticle 5, Chapter 1, Division 3, Title 17, California Code of Regulations, which incorporate by reference the following documents: Appendix A to 40 CFR Part 82, Subpart F – Specifications for Refrigerants, effective January 1, 2017, are adopted as set forth in Attachment 1 to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 13th day of October, 2021, at Sacramento, California.



Richard W. Corey
Executive Officer

Attachment(s)

Attachment 1: Final Regulation Order: Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Stationary Air-conditioning, and Other End-Uses, California Code of Regulations Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 5, Sections 95371, 95372, 95373, 95374, 95375, 95376, 95377, 95378, and 95379