

**Request for an Early Effective Date  
Pursuant To Government Code Section 11343.4(B)**

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

The California Air Resources Board (CARB or Board) formally requests, under Government Code section 11343.4(b), that the Office of Administrative Law (OAL) prescribe an early effective date for the amendments to the regulation for *"Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses,"* Title 17, California Code of Regulations, Sections 95371, 95372, 95373, 95374, 95375, 95376, 95377, 95378, and newly added Section 95379 (Proposed Amendments)<sup>1</sup> that were considered by the Board on December 10, 2020, and subsequently adopted. Specifically, CARB requests that the amendments be effective on the date of OAL approval. CARB believes that "good cause" exists for OAL to grant CARB's request that the adopted regulation become effective with OAL's approval and filing of the regulations with the Secretary of State.

In this rulemaking, the Board considered and adopted the Proposed Amendments that prohibits hydrofluorocarbons (HFCs) with a global warming potential (GWP) above certain thresholds that vary based on the end-uses (air-conditioning and stationary refrigeration) as well as compliance "effective" dates; prohibits manufacturers of certain equipment and products from using, selling, or entering into commerce new equipment containing HFC substances above certain GWP thresholds; for existing retail food facilities, it creates GWP-based company-wide standards (retail food facilities can either use the weighted average GWP or an alternative Greenhouse Gas Emission Potential (GHGp) standard); creates an additional compliance pathway (the refrigeration recovery, reclaim, and reuse requirements (R4 Program)); adds a variance process to address impossibility and force majeure events; revises existing definitions and the existing disclosure statement requirements; and adds additional definitions, recordkeeping, reporting, registration, and labelling requirements.

Given the impending compliance deadline of January 1, 2022, for retail food refrigeration, cold storage warehouses, industrial process refrigeration (excluding chillers) and other refrigeration, waiting for the next quarter for the updated law would mean the regulation becomes law after the effective dates pass, which could create confusion for the regulated industry. CARB requests an early effective date to assist the regulated industry in meeting its requirements by providing certainty and clarity to the manufacturers, as well as helping ensure that CARB receives the required recordkeeping and reporting data in a timely manner, and provides notice to consumers on the legality of the equipment.

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<sup>1</sup> The new title to the regulation is *"Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Stationary Air-conditioning, and Other End-Uses."*

For these reasons, CARB believes good cause exists for OAL to grant CARB's request for an early effective date that coincides with its approval of the regulation and filing of the regulation to the Secretary of State pursuant to Government Code section 11343.4(b).

Date: October 19, 2021

*/s/ Shannon Dilley*

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