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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 – AIR POLLUTION CONTROL

PART 53 – Prohibition of Hydrofluorocarbons in Specific End-Uses

53.1 Purpose and Authority

53.1.1 Purpose

The purpose of this Regulation is to reduce hydrofluorocarbon emissions by adopting specific prohibitions for certain substances in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses.

53.1.2 Authority

These Regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

53.2 Application

The terms and provisions of this Regulation shall be liberally construed to permit the Department to effectuate the purposes of State laws, goals, and policies.

53.3 Severability

If any provision of this Regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulation shall not be affected thereby.

53.4 Definitions

A. Unless otherwise expressly defined in this section, the terms used in this Regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this Regulation, the following terms shall, where the context permits, be construed as follows:

1. “Aerosol propellant” means a liquified or compressed gas that is used in whole or part, such as a cosolvent, to expel a liquid or other material from the same self-pressurized container or from a separate container.
2. “Air conditioning equipment” means chillers, both centrifugal chillers and positive displacement chillers, intended for comfort cooling of occupied spaces.
3. “Capital cost” means an expense incurred in the production of goods or in rendering services, including but not limited to the cost of engineering, purchase, and installation of components or systems, and instrumentation, and contractor and construction fees.
4. “Centrifugal chiller” means air conditioning equipment that utilizes a centrifugal compressor in a vapor-compression refrigeration cycle typically used for commercial comfort cooling. Centrifugal chiller does not include chillers used for industrial process cooling and refrigeration.
5. “Cold storage warehouse” means a cooled facility designed to store meat, produce, dairy products, and other products that are delivered to other locations for sale to the ultimate consumer.
6. “Component” means a part of a refrigeration system, including but not limited to condensing units, compressors, condensers, evaporators, and receivers; and all of its connections and subassemblies, without which the refrigeration system will not properly function or will be subject to failures.
7. “Cumulative replacement” means the addition of or change in multiple components within a three (3) year period.
8. “Effective date” or “effective date of prohibition” means the date after which the prohibitions provided in § 53.6 of this Part go into effect.
9. “End-use” means processes or classes of specific applications within industry sectors, including but not limited to those listed in § 53.6 of this Part.
10. “Flexible polyurethane” means a non-rigid polyurethane foam including but not limited to that used in furniture, bedding, and chair cushions.
11. “Foam” means a product with a cellular structure formed via a foaming process in a variety of materials that undergo hardening via a chemical reaction or phase transition.

12. "Foam blowing agent" means a substance that functions as a source of gas to generate bubbles or cells in the mixture during the formation of foam.
13. "Household refrigerators and freezers" means refrigerators, refrigerator-freezers, freezers, and smaller residential refrigeration appliances including coolers, cooler compartments, and combination cooler refrigeration or cooler freezer products intended for residential use. Household refrigerators and freezers does not include "household refrigerators and freezers – compact", or "household refrigerators and freezers – built-in."
14. "Household refrigerators and freezers - compact" means any refrigerator, refrigerator-freezer, or freezer intended for residential use with a total refrigerated volume of less than seven and three quarters (7.75) cubic feet (two hundred twenty (220) liters).
15. "Household refrigerators and freezers - built-in" means any refrigerator, refrigerator-freezer, or freezer intended for residential use with seven and three quarters (7.75) cubic feet or greater total volume and twenty-four inches (24") or less depth not including doors, handles, and custom front panels; with sides which are not finished and not designed to be visible after installation; and that is designed, intended, and marketed exclusively to be: installed totally encased by cabinetry or panels that are attached during installation; securely fastened to adjacent cabinetry, walls or floor; and equipped with an integral factory-finished face or accept a custom front panel.
16. "Hydrofluorocarbon" or "HFC" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.
17. "Integral skin polyurethane" means a self-skinning polyurethane foam, including but not limited to that used in car steering wheels and dashboards.
18. "Metered dose inhaler" or "medical dose inhaler" or "MDI" means a device that delivers a measured amount of medication as a mist that a patient can inhale, typically used for bronchodilation to treat symptoms of asthma, chronic obstructive pulmonary disease (COPD), chronic bronchitis, emphysema, and other respiratory illnesses. An MDI consists of a pressurized canister of medication in a case with a mouthpiece.

19. “New” means products or equipment that are manufactured on or after the effective date of this Part or products or equipment first assembled and installed for an intended purpose with new or used components, products or equipment expanded by the addition of components to increase system capacity, or products or equipment replaced or cumulatively replaced such that the cumulative capital cost of replacement exceeds fifty percent (50%) of the capital cost of replacing the whole system.
20. “Phenolic insulation board” and “bunstock” means phenolic insulation including but not limited to that used for roofing and walls. Bunstock or bunstock is a large solid box-like structure formed during the production of polystyrene insulation.
21. “Polyolefin” means foam sheets and tubes made of polyolefin, a macromolecule formed by the polymerization of olefin monomer units.
22. “Polystyrene extruded boardstock and billet” or “XPS” means a foam formed from polymers of styrene and produced on extruding machines in the form of continuous foam slabs which can be cut and shaped into panels used for roofing, walls, flooring, and pipes.
23. “Polystyrene extruded sheet” means polystyrene foam including but not limited to that used for packaging and buoyancy or floatation. It is also made into food-service items, including but not limited to hinged polystyrene containers (for “take-out” from restaurants); food trays (meat and poultry), plates, bowls, and retail egg containers.
24. “Polyurethane” means a polymer formed principally by the reaction of an isocyanate and a polyol.
25. “Positive displacement chiller” means vapor compression cycle chillers that use positive displacement compressors, typically used for commercial comfort cooling. Positive displacement chiller does not include cooling for industrial process cooling and refrigeration.
26. “Refrigerant” or “refrigerant gas” means any substance, including blends and mixtures, which is used for heat transfer purposes.
27. “Refrigerated food processing and dispensing equipment” means retail food refrigeration equipment that is designed to process food and beverages that are intended for immediate or near-immediate consumption, including but not limited to chilled and frozen beverages, ice cream, and whipped cream. Refrigerated food processing and dispensing equipment does not include water coolers, or units designed solely to cool and dispense water.

28. “Refrigeration equipment” means any stationary device that is designed to contain and use refrigerant to establish or maintain colder than ambient temperatures in a confined space, including but not limited to retail or commercial refrigeration equipment, household refrigeration equipment, and cold storage warehouses.
29. “Remote condensing units” means retail refrigeration equipment or units that have a central condensing portion and may consist of compressor(s), condenser(s), and receiver(s) assembled into a single unit, which may be located external to the sales area. The condensing portion (and often other parts of the system) is located outside the space or area cooled by the evaporator. Remote condensing units are commonly installed in convenience stores, specialty shops (e.g., bakeries, butcher shops), supermarkets, restaurants, and other locations where food or other products are stored, served, or sold.
30. “Residential use” means use by a private individual of a substance, or a product containing the substance, in or around a permanent or temporary household, including use in both single and multi-unit dwellings, during recreation, or for any personal use or enjoyment. Residential use does not include use within a household for commercial or medical applications or use in automobiles, watercraft, or aircraft.
31. “Retail food refrigeration” or “commercial refrigeration” means equipment designed to store and display chilled or frozen food or beverages for commercial sale including but not limited to stand-alone units, refrigerated food processing and dispensing equipment, remote condensing units, supermarket systems, and vending machines.
32. “Retrofit” means to covert an appliance from one refrigerant to another refrigerant that includes the conversion of the appliance to achieve system compatibility with the new refrigerant and may include, but is not limited to changes in lubricants, gaskets, filters, driers, valves, o-rings or appliance components.
33. “Rigid polyurethane and polyisocyanurate laminated boardstock” means laminated board insulation made with polyurethane or polyisocyanurate foam, including but not limited to that used for roofing and walls.
34. “Rigid polyurethane appliance foam” means polyurethane foam in household appliances used for insulation.
35. “Rigid polyurethane commercial refrigeration and sandwich panels” means polyurethane foam used to provide insulation in walls and doors, including

that used for commercial refrigeration equipment, and used in doors, including garage doors.

36. “Rigid polyurethane (PU) high-pressure twocomponent spray foam” means a liquid polyurethane foam system sold as two (2) parts (i.e., A-side and B-side) in non-pressurized containers that is field or factory applied in situ using high-pressure proportioning pumps at eight hundred (800) to one thousand six hundred (1,600) pounds per square inch (psi) and an application gun to mix and dispense the chemical components.
37. “Rigid polyurethane (PU) low-pressure two-component spray foam” means a liquid polyurethane foam system sold as two (2) parts (i.e., A-side and B-side) in containers that are pressurized to less than two hundred fifty (250) psi during manufacture of the system for application without pumps; and are typically applied *in situ* relying upon a liquid blowing agent and/or gaseous foam blowing agent that also serves as a propellant.
38. “Rigid polyurethane marine flotation foam” means buoyancy or flotation polyurethane foam used in boat and ship manufacturing for both structural and flotation purposes.
39. “Rigid polyurethane (PU) one-component foam sealants” means a polyurethane foam generally packaged in aerosol cans that is applied in situ using a gaseous foam blowing agent that is also the propellant for the aerosol formulation.
40. “Rigid polyurethane slabstock and other” means a rigid closed-cell polyurethane foam formed into slabstock insulation for panels and fabricated shapes for pipes and vessels.
41. “Stand-alone unit” means retail refrigerators, freezers, and reach-in coolers (either open or with doors) where all refrigeration components are integrated and, the refrigeration circuit may be entirely brazed or welded. These systems are fully charged with refrigerant at the factory and typically require only an electricity supply to begin operation.
42. “Stand-alone low-temperature unit” means a stand-alone unit that maintains food or beverages at temperatures at or below thirty-two degrees Fahrenheit (32° F) or zero degrees Celsius (0° C).
43. “Stand-alone medium-temperature unit” means a stand-alone unit that maintains food or beverages at temperatures above thirty-two degrees Fahrenheit (32° F) or zero degrees Celsius (0° C).

44. “Substance” means any chemical intended for use in the end-uses listed in § 53.6 of this Part.
45. “Supermarket systems” means multiplex or centralized retail food refrigeration equipment systems designed to cool or refrigerate, which operate with racks of compressors installed in a machinery room and which includes both direct and indirect systems.
46. “Use” means any utilization of a compound or any substance, including but not limited to utilization in a manufacturing process or product in Rhode Island, consumption by the end-user in Rhode Island, or in intermediate applications in the Rhode Island, such as formulation or packaging for other subsequent applications. For the purposes of this Regulation, use excludes household use, but does not exclude manufacturing for the purpose of household use.
47. “Vending machines” means self-contained commercial food refrigeration equipment that dispense food or beverages and must be kept cold or frozen.

53.5 Applicability and Exemptions

- A. This Regulation applies to any person who sells, offers for sale, leases, rents, installs, uses, or manufacturers or otherwise cause to be entered into commerce, within the State of Rhode Island, any product or equipment that uses or will use a substance in end-uses listed in § 53.6 of this Part. This Regulation does not apply to any person in Rhode Island who uses for household use any combination of a Household Refrigerator or Freezer, a Household Refrigerator or Freezer-Compact, or a Household Refrigerator or Freezer-Built-in.
- B. The following table lists exemptions to the prohibitions in § 53.6 of this Part.

Table 1: Exemptions

<u>End-Use Category</u>	<u>Prohibited Substances</u>	<u>Acceptable Uses</u>
<u>Aerosol Propellants</u>	<u>HFC-134a</u>	<u>Cleaning products for removal of grease, flux and other soils from electrical equipment; refrigerant flushes; products for sensitivity testing of smoke detectors; lubricants and freeze sprays for electrical equipment or electronics; sprays for aircraft maintenance; sprays containing corrosion preventive compounds used in the maintenance</u>

		<p><u>of aircraft, electrical equipment or electronics, or military equipment; sprays for aerospace manufacturing and rework operations; pesticides for use near electrical wires, in aircraft, in total release insecticide foggers, or in certified organic use pesticides for which EPA has specifically disallowed all other lower-GWP propellants; mold release agents and mold cleaners; lubricants and cleaners for spinnerettes for synthetic fabrics; duster sprays specifically for removal of dust from photographic negatives, semiconductor chips, specimens under electron microscopes, and energized electrical equipment; adhesives and sealants in large canisters; document preservation sprays; FDA-approved MDIs for medical purposes; wound care sprays; topical coolant sprays for pain relief; and products for removing bandage adhesives from skin.</u></p>
<u>Aerosol Propellants</u>	<u>HFC-227ea and blends of HFC-227ea and HFC-134a</u>	<u>FDA-approved MDIs for medical purposes.</u>
<u>Air Conditioning</u>	<u>HFC-134a</u>	<u>Military marine vessels where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.</u>
<u>Air Conditioning</u>	<u>HFC-134a and R-404A</u>	<u>Human-rated spacecraft and related support equipment where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.</u>
<u>Foams – Except Rigid polyurethane (PU) spray foam</u>	<u>All substances</u>	<u>Military applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2022.</u>

<u>Foams – Except Rigid polyurethane (PU) spray foam</u>	<u>All substances</u>	<u>Space and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2025.</u>
<u>Rigid polyurethane (PU) two-component spray foam</u>	<u>All substances</u>	<u>Military or space and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements until January 1, 2025.</u>

53.6 Prohibited Substances

A. The following tables list prohibited substances in specific end-uses and the effective date of prohibition, unless an exemption is provided for in § 53.5 of this Part. The prohibitions do not apply to products and equipment in specific end-uses manufactured prior to an applicable effective date.

1. End-use and Prohibited Substances

a. Table 2: End-Use Category: Aerosol Propellants

<u>End-Use</u>	<u>Prohibited Substances</u>	<u>Effective Date</u>
<u>Aerosol Propellants</u>	<u>HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and HFC-134a</u>	<u>January 1, 2022</u>

b. Table 3: End-Use Category: Air Conditioning

<u>End-Use</u>	<u>Prohibited Substances</u>	<u>Effective Date</u>
<u>Centrifugal chillers (new)</u>	<u>FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC245fa, R-125/ 134a/ 600a (28.1/70/1.9), R-125/ 290/ 134a/ 600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-423A, R-424A, R-434A, R-438A, R-507A, RS-44 (2003 composition), THR-03</u>	<u>January 1, 2024</u>

<u>End-Use</u>	<u>Prohibited Substances</u>	<u>Effective Date</u>
<u>Positive displacement chillers (new)</u>	<u>FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/ 134a/ 600a (28.1/70/1.9), R-125/ 290/ 134a/ 600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E, THR-03</u>	<u>January 1, 2024</u>

c. Table 4: End-Use Category: Refrigeration

<u>End-Use</u>	<u>Prohibited Substances</u>	<u>Effective Date</u>
<u>Cold storage warehouses (new)</u>	<u>HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-423A, R-424A, R-428A, R-434A, R-438A, R-507A, RS-44 (2003 composition)</u>	<u>January 1, 2023</u>
<u>Household refrigerators and freezers (new)</u>	<u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03</u>	<u>January 1, 2022</u>
<u>Household refrigerators and freezers—compact (new)</u>	<u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03</u>	<u>January 1, 2022</u>
<u>Household refrigerators and</u>	<u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5),</u>	<u>January 1, 2023</u>

<u>freezers—built in appliances (new)</u>	<u>R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03</u>	
<u>Supermarket Systems (Retrofit)</u>	<u>R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A</u>	<u>January 1, 2022</u>
<u>Supermarket Systems (New)</u>	<u>HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A</u>	<u>January 1, 2022</u>
<u>Remote Condensing Units (Retrofit)</u>	<u>R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A</u>	<u>January 1, 2022</u>
<u>Remote Condensing Units (New)</u>	<u>HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A</u>	<u>January 1, 2022</u>
<u>Stand-Alone Units (Retrofit)</u>	<u>R-404A, R-507A</u>	<u>January 1, 2022</u>
<u>Stand-Alone Medium-Temperature Units (New)</u>	<u>FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03</u>	<u>January 1, 2022</u>
<u>Stand-Alone Low-Temperature Units (New)</u>	<u>HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003</u>	<u>January 1, 2022</u>

	formulation)	
Refrigerated food processing and dispensing equipment (New)	HFC-227ea, KDD6, R-125/ 290/ 134a/ 600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 formulation)	January 1, 2022
Vending Machines (Retrofit)	R-404A, R-507A	January 1, 2022
Vending Machines (New)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), SP34E	January 1, 2022

d. [Table 5: End-Use Category: Foams](#)

End-Use	Prohibited Substances	Effective Date
Rigid Polyurethane and Polyisocyanurate Laminated Boardstock	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2022
Flexible Polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2022
Integral Skin Polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2022
Polystyrene Extruded Sheet	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6	January 1, 2022
Phenolic Insulation Board and Bunstock	HFC-143a, HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	January 1, 2022

<u>Rigid Polyurethane Slabstock and Other</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Rigid Polyurethane Appliance Foam</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Rigid Polyurethane Commercial Refrigeration and Sandwich Panels</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Polyolefin</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Rigid Polyurethane Marine Flotation Foam</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Polystyrene Extruded Boardstock and Billet (XPS)</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel B, Formacel Z-6</u>	<u>January 1, 2022</u>
<u>Rigid polyurethane (PU) high-pressure two-component spray foam</u>	<u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent (4%) HFC-245fa, and commercial blends of HFC-365mfc with seven to thirteen percent (7 to 13%) HFC-227ea and the remainder HFC-365mfc; Formacel TI</u>	<u>January 1, 2022</u>
<u>Rigid PU low-pressure two-component spray foam</u>	<u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent (4%) HFC-245fa, and commercial blends of HFC-365mfc with seven to thirteen (7 to 13%) HFC-227ea and the remainder HFC-365mfc; Formacel TI</u>	<u>January 1, 2022</u>

<u>Rigid PU one-component foam sealants</u>	<u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent (4%) HFC-245fa, and commercial blends of HFC-365mfc with seven to thirteen (7 to 13%) HFC-227ea and the remainder HFC-365mfc; Formacel TI</u>	<u>January 1, 2022</u>
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53.7 Requirements

- A. Prohibitions. No person may sell, offer for sale, lease, rent, install, use, manufacture, or otherwise cause to be entered into commerce, within the State of Rhode Island, any product or equipment using a listed substance for use in any air conditioning, refrigeration, foam, or aerosol propellant end-use listed as prohibited in § 53.6 of this Part, unless an exemption is provided for the end-use in § 53.5 of this Part.
1. Except where existing equipment is retrofitted, nothing in this Part requires a person that acquired a product or equipment containing a prohibited substance prior to an effective date of prohibition in § 53.6 of this Part Tables 2-5 to cease use of that product or equipment.
 2. Products or equipment manufactured prior to the applicable effective date of the prohibitions in this Part, including foam systems not yet applied on site or new refrigeration equipment for which a facility has received a building permit prior to the effective date of prohibition, may be sold, leased, rented, installed, imported, exported, distributed, and used on or after the effective date of prohibition.
- B. Disclosure Statement. Except for the exemptions listed in § 53.5 of this Part Table 1, as of the effective date of prohibition in § 53.6 of this Part Tables 2-5, any person who manufacturers for sale in the State of Rhode Island products or equipment in the air conditioning, refrigeration, foam, or aerosol propellant end-uses listed in § 53.6 of this Part Tables 2-5, must provide to the buyer a written disclosure or label on the equipment, product, or its packaging as follows.
1. For motor-bearing refrigeration and air conditioning equipment that is neither factory-charged nor pre-charged with refrigerant, the required disclosure or label must state “This equipment is prohibited from using any substance on the “List of Prohibited Substances” for that specific end-use, in accordance with State Regulations for hydrofluorocarbons.”
 2. Except for products and equipment with existing labeling required by State building codes and safety standards which contain the information

required in §§ 53.7(B)(2)(a) and (b) of this Part, the disclosure or label for motor-bearing refrigeration and air conditioning equipment that are factory-charged or precharged with a hydrofluorocarbon or hydrofluorocarbon blend shall include:

a. The date of manufacture or a date code representing the date. If the manufacturer uses a date code for any product, the manufacturer shall file an explanation of each code with the Department; and

b. The refrigerant and foam blowing agent the product or equipment contains.

3. Except for foam products with existing labeling required by State building codes and safety standards which contain the information required in §§ 53.7(B)(3)(a) and (b) of this Part, the disclosure or label for foam products shall include one (1) of the two (2) alternatives:

a. Alternative 1: The date of manufacture or a date code representing the date. If the manufacturer uses a date code for any product, the manufacturer shall file an explanation of each code with the Department; and the foam blowing agent the product contains, or a reference to a Safety Data Sheet (complying with 29 C.F.R. § 1910.1200 requirements), if the latter identifies the foam blowing agent the product contains.

b. Alternative 2: "Where sold, compliant with State HFC Regulations."

4. For aerosol propellants, the disclosure or label shall include one (1) of the two (2) alternatives:

a. Alternative 1: The date of manufacture or a date code representing the date, which is indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any product, the manufacturer shall file an explanation of each code with the Department; and the aerosol propellant the product contains, or availability of a Safety Data Sheet (complying with 29 C.F.R. § 1910.1200 requirements), if the latter identifies the propellant the product contains.

b. Alternative 2: "Where sold, compliant with State HFC Regulations."

53.8 Recordkeeping

A. As of the effective date of prohibition for each end-use listed in § 53.6 of this Part, any person who manufactures for sale or entry into commerce in the State of Rhode Island new motor-bearing equipment or new foam product in the end-uses listed in § 53.6 of this Part must maintain for five (5) years and make available within ninety (90) days upon request by the Department a copy of the following information:

1. Name, address, telephone number, and email address of the person purchasing the equipment or foam product, where provided to the manufacturer;
2. The type of equipment or foam product end-use;
3. Model and serial number of the equipment or foam product, where applicable. When the affected equipment is part of an assembly without an individual serial number, the serial number of each component must be recorded. If a component or equipment does not have an individual serial number or the serial number is inaccessible after assembly, the physical description must be recorded in enough detail for positive identification;
4. Date of manufacture of the equipment or foam product;
5. Date of sale of equipment or foam product;
6. The substances that are intended to be used with the equipment or foam product;
7. The full charge capacity of the equipment or container, where applicable; and
8. A copy of the written disclosure or label issued to the buyer or recipient.