



UPDATED: FEBRUARY 19, 2019

CARB TITLE 17 REGULATION FREQUENTLY ASKED QUESTIONS

This communication is provided for informational purposes only. Heatcraft recommends customers review applicable laws and regulations and consult legal counsel to ensure compliance with all regulations.

Glossary:

EPA – Environmental Protection Agency, an independent agency of the United States federal government for environmental protection. <https://www.epa.gov/>

SNAP – Significant New Alternatives Policy (SNAP) is a program to evaluate and regulate ozone-depleting and high global-warming potential (GWP) chemicals as authorized by the Clean Air Act (CAA).
<https://www.epa.gov/snap>

CARB – The California Air Resources Board (CARB) is charged with protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change. From requirements for clean cars and fuels to adopting innovative solutions to reduce greenhouse gas emissions, California has pioneered a range of effective approaches that have set the standard for effective air and climate programs for the nation, and the world. <https://ww2.arb.ca.gov/homepage>

Title 17, aka - California Code of Regulations, Title 17 - Public Health Division 3. Air Resources Board
Website: <https://www.arb.ca.gov/regs/regs-17.htm>, AND
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB8F0F76F2BB44354AEF54E740BE935EE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IB8F0F76F2BB44354AEF54E740BE935EE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

95374. List of Prohibited Substances

Website:

[https://govt.westlaw.com/calregs/Document/IC0A9C96A145A460FA07DF2DCA59CD533?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IC0A9C96A145A460FA07DF2DCA59CD533?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Required Notice:

This notification is in response to a Final Regulation Order from CARB (California Air Resources Board) requiring a disclosure statement for certain products. As stated in the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, section 95375 (c)(1):

“Disclosure Statement - As of the effective date of this subarticle, any person who manufactures motor-bearing new refrigeration equipment for sale or entry into commerce in the State of California, must provide a written disclosure to the buyer as part of the sales transaction and invoice. The required written disclosure must state: This equipment is prohibited from use in California with any refrigerants on the “List of Prohibited Substances” for that specific end-use,

in accordance with California Code of Regulations, title 17, section 95374. This disclosure statement has been reviewed and approved by [THE COMPANY] and [THE COMPANY] attests, under penalty of perjury, that these statements are true and accurate.”

Heatcraft Refrigeration Product LLC, specific disclosure statement:

For Supermarket and Food Retail End Use:

This equipment is prohibited from use in California with any refrigerants on the “List of Prohibited Substances” for that specific end-use, in accordance with California Code of Regulations, title 17, section 95374. This disclosure statement has been reviewed and approved by Heatcraft Refrigeration Products LLC and Heatcraft Refrigeration Products LLC attests, under penalty of perjury, that these statements are true and accurate.

Frequently Asked Questions:

- When does the regulation go into effect?

January 1, 2019

- What are the Prohibited Substances?

See the list under section 95374. List of Prohibited Substances, website:

[https://govt.westlaw.com/calregs/Document/IC0A9C96A145A460FA07DF2DCA59CD533?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IC0A9C96A145A460FA07DF2DCA59CD533?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

- Is the label required?

No. The label is something Heatcraft is doing in order to assure compliance can be easily determined. The requirement is “any person who manufactures motor-bearing new refrigeration equipment for sale or entry into commerce in the State of California, must provide a written disclosure to the buyer as part of the sales transaction and invoice”. The label is one way to do this, according to CARB. Another is to provide the statement on the invoice, which Heatcraft is also doing.

- Will the Heatcraft disclosure statement label be applied to condensing units and unit coolers?

Yes, any applicable motor bearing device manufactured by Heatcraft Refrigeration Products LLC will be labeled with the notice listed above.

- Does this effect all products manufactured as of January 1, 2019?

Yes, this applies to all motor bearing products manufactured as of 1/1/2019.

- What if I have an affected product stored or installed in California, or that could be shipped into California?

Contact your Regional Sales Manager for assistance in determining what actions may be required regarding the disclosure statement.

- Is the disclosure statement label product specific?
No, it is a generic disclosure statement label that will only include the required CARB specified language. There is no specific reference to model numbers or any other product specific identifying markings.

- Have any other states adopted this regulation?

No, no other states have currently adopted this regulation of which we are aware. However, as of the release of this document 20 other governors, comprising the US Climate Alliance, are believed to be considering it, and are considered likely to adopt the same or similar regulations. These states as of the release of this document are listed below. Review the information at the US Climate Alliance website for updates: <https://www.usclimatealliance.org/>

California	Colorado	Connecticut	Delaware	Hawaii	Illinois
Maryland	Massachusetts	Michigan	Minnesota	New Jersey	
New Mexico	New York	North Carolina	Oregon	Puerto Rico	
Rhode Island	Vermont	Virginia	Washington	Wisconsin	

- Does the regulation address or describe “retrofit”? What is considered a retrofit?

Yes, see definitions as taken from the regulation below. For more detail, review the complete regulation at the link provided above.

California Code of Regulations Currentness; Title 17. Public Health Division 3. Air Resources Chapter 1. Subchapter 10. Article 4. Subarticle 5. § 95373. Definitions:

New Refrigeration Equipment” means:

(1) Any refrigeration equipment that is first installed using new or used components; or

(2) Any refrigeration equipment that is modified such that it is:

(i) Expanded after the date at which this subarticle becomes effective, to handle an expanded cooling load by the addition of components in which the capacity of the system is increased, including refrigerant lines, evaporators, compressors, condensers, and other components; or

(ii) Replaced or cumulatively replaced after the date at which this subarticle becomes effective, such that the capital cost of replacing or cumulatively replacing components exceeds 50 percent of the capital cost of replacing the entire refrigeration system.

As defined: “Retrofit” means the replacement of the refrigerant used in refrigeration equipment with a different refrigerant, and any related changes to the refrigeration equipment required to maintain its operation and reliability following refrigerant replacement.

Consult the regulation and independent legal counsel for additional compliance advice. No guidance or advice is offered or implied by this document.

- What if a product was originally shipped to another state and then transferred into California?

The regulation applies to any effected product sold to and/or installed in California, regardless of where the equipment was originally sold or shipped. If any equipment was manufactured before February 1, 2019, and does not contain the disclosure statement label, contact your Regional Sales Manager for assistance.

- How does this effect PRO³?

The PRO³ product line is a stand-alone system and exceeds the >2,200BTUH rating, therefore these products must comply with the regulation by January 1, 2020, when utilizing R-404A, R-507A refrigerants. Compliance will be achieved by installing the compliance disclosure label and including the disclosure statement on all invoices and by providing products that are manufactured before January 1, 2020, until the release of the next generation product, which will eliminate the use of R-404A. The PRO³ product line does not include any products <2,200BTUH, therefore that part of the regulation has no impact on those products.

- Will Heatcraft be moving to R448A/449A replacement before 2020?

Timing will vary depending on product launches, some of which may precede 2020. Heatcraft's Marketing Communications team will keep our customers and channel partners apprised of developments as soon as possible prior to releases.

- In process applications where Heatcraft products are incorporated but are not sold directly to an end-customer, would this need to be CARB compliant?

Heatcraft cannot provide guidance or legal advice regarding the compliance of any equipment not solely manufactured by Heatcraft Refrigeration Products LLC. All parties in the chain of commerce are required to comply with the regulation. The type of equipment, the end application and/or the type of activity being undertaken can all indicate requisite delisted and acceptable refrigerants. Equipment ultimately being sold into California for use/operation in California must be compliant per the Final Regulation Order - California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, and EPA SNAP Rules 20 and 21. If someone feels a particular set of circumstances would warrant exemption from compliance, it is recommended that individual or company contact CARB, directly, or consult a legal advisor.

- What is expected of all members of the sales and distribution channel?

All members of the sales and distribution channel are required to maintain the compliance chain. Each firm should review the regulation and determine their path to compliance.

- Does this regulation effect boxes over 3000 square/feet?

The CARB Title 17 regulation does not specifically address the size of a refrigerated box. However, anyone involved in the installation of refrigeration equipment should refer to the complete regulations and consult with individual legal counsel to ensure compliance.

- Are Blast Freezers affected by CARB?

The regulation does not specifically identify the process of Blast Freezing, however if equipment used for Blast Freezing will be used with the “Refrigerated Food Processing and Dispensing Equipment”, CARB may apply. Consult local AHJ (Authority Having Jurisdiction) or legal counsel for additional guidance regarding path to compliance.

Critical Dates:

Effective January 1, 2019, all product installed in the state of California is required to comply with the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, section 95375 (c)(1). Disclosure statement will be included on all invoices as of January 1, 2019. Heatcraft Refrigeration Products did not begin that practice until February 1, 2019. Corrective action was taken to include the required statement on the invoices. Invoices for product shipped to California were reprinted and resubmitted to the purchaser.

Heatcraft Refrigerated Products Compliance Activities:

All invoices for product manufactured after December 31, 2018 and before February 1, 2019 have been updated to include the required disclosure statement and have been reprinted and resubmitted to the effected purchasers.

Going forward, ALL invoices will include the compliance statement.

Heatcraft will be adding a label with the disclosure statement to all effected products regardless of their original shipping destination.

Heatcraft is working to include the disclosure statement to all quotes and order acknowledgements as soon as the systems can be updated.