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Sent: Tuesday, May 5, 2020 10:11 AM
To: Rabemiarisoa, Ajo (DNREC) <Ajo.Rabemiarisoa@delaware.gov>
Cc: Walter-Terrinoni, Helen <HWalter-Terrinoni@ahrinet.org>
Subject: DE HFC Proposed Regulation - Question on the definition of "New"

Hi Ajo, I hope you're well. AHRI is developing written comments in regards to Delaware's New Proposed HFC Regulation, but one of our members raised a question I was hoping you can help answer to help us better understand what is meant by part (2) of the definition of New. We know that this definition is based on the Climate Alliance definition but would like to hear your interpretation for Delaware.

"New" means products or equipment:

- (1) That are manufactured after the effective date of this regulation; or
- (2) First installed for an intended purpose with new or used components after the effective date of this regulation; or
- (3) Expanded after the effective date of this regulation, 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, and condensers; or
- (4) Replaced or cumulatively replaced after the effective date of this regulation, such that the capital cost of replacing or cumulatively replacing components exceeds 50% of the capital cost of replacing the whole system.

Assume that the regulation is effective January 1, 2021, and take a system that is manufactured on November 15, 2020 and installed and charged on January 15, 2021. The equipment is not considered new based on part (1), but it is considered new based on part (2). Does that mean that the equipment is prohibited from being installed in DE? Are we correct to assume that it is allowed to be installed because of the statement in section 4.1.4:

4.1.4 Products or equipment manufactured prior to the applicable effective date of the restrictions specified in Table 1 of subsection 6.1.1 (including foam systems not yet applied on site) may be sold, imported, exported, distributed, installed, and used after the specified date of prohibition.

If that is the case, and the equipment is not prohibited from being used because it was manufactured prior to the effective date, what exactly does part (2) refer to?

Thank you in advance!

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