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July 20, 2023

Samantha M. Slater
AHRI
2311 Wilson Boulevard, Suite 400
Arlington, VA 22201
Via Regular U.S. Mail

Re: A2L Refrigerants - Alternative Materials Request

Ms. Slater:

Pursuant to current and forthcoming federal regulations under the American Innovation and Manufacturing Act of 2020 (42 U.S.C. § 7645), manufacturers of heating, ventilation, air conditioning, and refrigeration (“HVACR”) equipment are beginning to transition to new classes of substitute refrigerants in newly manufactured equipment.

According to the Air Conditioning, Heating, and Refrigeration Institute (“AHRI”), this transition will commence not later than mid-2024, with manufacturers ceasing to manufacture and retailers ceasing to stock and sell new air conditioning and refrigeration equipment containing older classes of refrigerants. The anticipated effective date of the forthcoming regulations is January 1, 2025.

The purpose of this letter is to provide the Department of Housing, Buildings and Construction’s interpretation of Kentucky’s uniform statewide code provisions related to new classes of substitute refrigerants in newly manufactured HVACR equipment.

It is the opinion of the Department that no code provision or other state or local law in Kentucky prevents the use of any refrigerant in air conditioning and refrigeration equipment that is approved pursuant to Section 104.11 of the 2018 Kentucky Building Code (“KBC”), Section 105.2 of the 2015 International Mechanical Code (“IMC”), and Section R104.11 of the 2018 Kentucky Residential Code (“KRC”).

2018 KBC Section 104.11; 2015 IMC Section 105.2; and 2018 KRC Section R104.11 read:

Alternative materials, methods, equipment and appliances.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method of work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the code official shall respond in writing, stating the reasons the alternative was not *approved*.

Pursuant to 2018 KBC Section 104.11; 2015 IMC Section 105.2; and 2018 KRC Section R104.11, the Department has approved for installation any new equipment listed to UL 60335-2-40 & 89, as well as any design and installation requirements in compliance with ASHRAE 15, as an approved alternative to UL 1995. This approval applies to all HVACR installations in any Kentucky jurisdiction.

Sincerely,

David Moore

David Moore, Acting Director
Division of HVAC

Gary Feck

Gary Feck, Director
Division of Building Code Enforcement