

Guidance Notes on Ozone Regulations - July 2009

Ozone Depleting Substances (ODS Regulation) EC2037/2000

This is a well publicised piece of legislation that will come to fruition on 31st December 2009 beyond which it will be illegal to sell or use virgin HCFC's such as R22, R401A, R402A, R402B, R403B, and R408A and R409A.

- It is HRP's intention to run down stocks of these refrigerants in virgin form as we approach December therefore these refrigerants may not be available towards the end of 2009.
- As there will be no on-going requirement for these refrigerants in the future any HCFC's that are returned to HRP will be destroyed and invoiced at the destruction fee per kg ruling at the time.
- The legislation states that no virgin HCFC's can be used beyond 31 December 2009 therefore beyond this date virgin HCFC's become waste and must be destroyed. Transportation of this refrigerant must therefore be undertaken under the cover of a Hazardous Waste Consignment Note and treated in the same way as hazardous waste is currently handled.
- Some operators may be tempted to stock pile virgin R22 for use after 31 December 2009. This practice is illegal and must not be undertaken.
- As we move into 2010 it is almost certain that there will be no reclaimed HCFC's available with the possible exception of R22 where there may be very limited amounts. The actual amount available will depend on the amount of R22 that is returned for reclamation between now and December 2009.

The legislation relating to the recovery and re-use of HCFC's has been up-dated as from 1st July 2009 and the following is the current situation:-

The EC Ozone Regulation has been reviewed and the new legislation proposal includes an important distinction between "recycled" and "reclaimed" refrigerant and the rules applicable to the manner in which each category can be used.

- **Recycled HCFC's** – recovered HCFC refrigerant that has been subject only to a basic cleaning process, this will probably include mechanical filtering and moisture removal such as passing the recovered refrigerant through a liquid line drier. Details of the operation are under review and will be confirmed as soon as possible. Recycled HCFC's may only be used by the company which carried out the recovery (in most cases the refrigeration contractor) or the company for which the recovery was carried out (the owner). For example, the recycled HCFC could be taken to another plant that was not owned by the same company, but serviced by the same contractor, or the owner could use the recycled HCFC in a system at other sites they operate from.
Note: the current rules state that recycled HCFC cannot be placed on the market for sale therefore a contractor transferring this quality of refrigerant to another site must not invoice it.

Ozone Depleting Substances Continued

- **Reclaimed HCFC's** – recovered HCFC refrigerant that has been chemically reprocessed to a specified standard. Reclaimed HCFC's may be placed on the general market for sale and used by contractors other than the original recovering contractor and plant owner.
Reclaimed HCFC's will be held in cylinders that are labelled as such, and also information such as the name and address of the reclamation company.

Where recycled or reclaimed HCFC's are used the equipment should be labelled to show the quantity and type of HCFC that has been added to the system.

Those recovering HCFC's for recycling or reclamation become responsible for the following actions if they are intending to store this material on site:-

- The holder is responsible for ensuring that the cylinders used to store recovered or recycled HCFC's remain within the statutory pressure test validation period.
- Recovered HCFC's awaiting recycling or reclamation is Hazardous Waste.
- Storage, other than immediately prior to recycling or transfer for reclamation, requires a formal Environmental Licence Exemption issued by the Environment Agency (Schedule 3, paragraph 17 exemption). This allows storage of up to 18 tonnes for a maximum period of 6 months.
- Storage of recycled or reclaimed HCFC does not require a permit.
- The new legislation also includes obligations on companies involved in the use of recycled or reclaimed HCFC's that mirror the requirements of the F Gas regulation in respect of record keeping and regular leak testing.

The interpretation of the rules relating to this legislation is constantly being refined and up-dated and this summary is, to the best of our knowledge, the current situation as at 1 July 2009.

This guidance note has been produced by HRP based on information contained in RAC 8, HCFC Phase-out, last updated 1 July 2009 Issued by F-Gas Support.

The Information provided is intended as guidance and must not be taken as formal legal advice nor as a defined statement of the law.

Guidance Notes on F Gas Regulations - July 2009

Fluorinated Greenhouse Gases Regulation EC 842/2006 (F Gas Regulation)

This regulation covers many areas of activity undertaken by the refrigeration and air conditioning industry and as opposed to the ODS regulation which seeks to ban any refrigerant which has an ozone depletion potential the main focus of the F Gas regulation is containment and recovery. Those refrigerants which contain Fluorine and have a Global Warming Potential greater than 150 come under this regulation. Refrigerants such as R134a, R407A, R407C, R404A, R410A, R422D etc. all fall under this regulation.

Leak Detection (4 July 2007)

- Systems containing more than 3kg must be leak checked every 12 months.
- Systems containing more than 30kg must be leak checked every 6 months.
- Systems containing more than 300kg must be leak checked every 3 months and be fitted with a fixed leak detector which must also be checked every 12 months.
- The accuracy of leak detectors must in all cases be better than 5 grams per year.
- To determine the accuracy of electronic leak detectors they must be tested every 12 months in accordance with EN14624. Some leak detectors are tested to the American standards SAE J1627 and J2791. There is no conversion formula from the SAE to the EN standards therefore it is not possible to state whether equipment tested to the SAE standard would meet the needs of the regulation. The standards to which the HRP range of leak detectors have been test are shown in the relevant pages of the HRP price list.

Record Keeping (July 2007)

Records must be kept for all systems containing more than 3kg. Records must show leak detection dates and results together with the amount of refrigerant added during the life of the plant.

- HRP offers a standard Log Sheet that complies with the regulation on which these records can be kept. Supplied in pads of 50 sheets HRP Code 160011.

Labelling (April 2008)

All new refrigeration systems must be labelled in accordance with the rules of this regulation. The label must specify the type of refrigerant and the total system charge which can be used as the basis of the charge history shown on the record sheet.

- HRP offers a range of F Gas compliant labels for all the common refrigerants for use on site installed equipment. It is the installation engineers' responsibility to fill in the total system charge on these labels. (see page 5 of the 2009 HRP Price List).

Qualifications and Certification (Effective date - 4 July 2009)

- **Operators** of stationary refrigeration and air conditioning equipment have a responsibility to ensure that those they employ or contract to install, service and maintain, or decommission such equipment are qualified to carry out those activities.
- **Persons** handling HFC refrigerants at all levels of stationary refrigeration and air conditioning equipment are required to have the appropriate minimum qualifications to carry out activities using those refrigerants.

- **Companies** carrying out activities involving HFC refrigerants have the responsibility to ensure they employ sufficient personnel holding the minimum qualifications for the activities they carry out and that those personnel are provided with the necessary tools and procedures to carry out those activities
- **Companies** working with HFC refrigerants must hold formal company certification. The certificate will indicate the activities which the company is allowed to perform under the certification

Personal Qualifications and Certification

Interim (Existing) Qualifications (valid until 4 July 2011)

- City and Guilds 2078 or CITB 206710 are now considered as interim qualifications and will expire on the 4th July 2011, by which date all engineers will be expected to have obtained City and Guilds 2079 or CITB J11 – J14 which will allow application for FULL certification.

Full Qualifications (mandatory from 4 July 2011)

- Category 1 – All stationary systems for engineers working on all static systems. It allows the holder to install, service & maintain, recover and leak check systems of 3 kg or more charge and by default allows working on systems below 3 kg.
- Category II – Small stationary systems only & leak checking larger systems For those working solely on systems below 3 kg charge, It also allows engineers to leak check systems of 3 kg or more charge, as long as it does not involve breaking into the circuit.
- Category III – Recovery from small systems For those only involved in recovery from systems below 3 kg charge e.g. domestic refrigerator disposal
- Category IV – Leak checking only For personnel carrying out leak checking only on all systems – leak checking not involving breaking into the circuit.

Company Certification and Registration

- The regulation requires a mandatory register of businesses engaged in refrigerant handling activities in the static refrigeration & air conditioning (SRAC) sector. This includes any and all refrigeration, air conditioning and heat pump equipment and activities including installation, commissioning, service, maintenance, decommissioning and disassembly.
- The mandatory scheme became live on Monday 9th March 2009 and all business are to be registered by 4th July 2009. This scheme will be operated by REFCOM as the Governments new F Gas certification body.
- REFCOM will hold a database of all certificated businesses that will be openly available to all on a 24/7 basis. It will offer end users and the supply chain the opportunity to check on the compliance status of all business operating in the SRAC sector. (Static refrigeration and air conditioning sector)
- Mandatory certification will be a 2 stage process with all affected businesses required to achieve at least INTERIM certification by 4th July 2009 and FULL certification by 4th July 2011

Company Certification and Registration

Interim Certification Requirements :-

- Company Name and areas of business
- Compliance with related legal requirements such as Hazardous Waste (premises code) and Carriage of hazardous waste (carriers licence).
- Address of main office + addresses of all satellite offices.
- Contact names and number of designated managers
- Websites, email addresses
- Breakdown of office based and field based operatives:

A list of field based operatives certified as competent to handle refrigerant (C&G 2078 or CITB J01) for those who work on systems with a 3kg charge or greater.

For those working on systems below the 3kg threshold, evidence of an in-house company qualification issued prior to 4th July 2009 or a certificate issued by the Domestic Appliance Services Association (DASA)

- Businesses will be added to the REFCOM website on completion of the administration process

Full Certification Requirements :-

- Company Name and areas of business
- Compliance with related legal requirements such as Hazardous Waste (premises code) and Carriage of hazardous waste (carriers licence).
- Address of main office + addresses of all satellite offices.
- Contact names and number of designated managers
- Websites, email addresses
- Breakdown of office based and field based operatives:

A list of field based operatives certified as competent to handle refrigerant (C&G 2079 or CITB J11 – J14) for those who work on systems with a 3kg charge or greater.

For those working on systems below the 3kg threshold, evidence of C&G 2079 Categories III or IV or CITB J13 or J14 will be required.

- Full certification will be subject to auditing procedures. Certification is likely to be valid for 3 years and will subject to a scale of charges dependant on the size of company.

There is a scale of charges that relates to the size of company and whether interim or full certification is being applied for as shown below, plus VAT..

<u>Size of Company</u>	<u>Interim (till 4th July 2011)</u>	<u>Full (3 years)</u>
Micro (Sole Trader)	£70.00	£140.00
Small (2 to 9 engineers)	£90.00	£180.00
Medium (10 to 49 engineers)	£150.00	£365.00
Large (50+ engineers)	£350.00	£800.00

Audit Process

- Interim certified companies will not be subject to auditing procedures, but interim certification will only be valid until 4 July 2011.

The audit and compliance checking for FULL certificate holding companies will be an annual mix of random on-site and risk based desktop processes in line with the following model :-

- 3% of businesses will be subject to an annual random on-site audit
- 3% of businesses will be subject to an annual risk based desktop audit of information supplied
- Provision will be made for businesses to have random audits triggered by a complaint from a customer or client.
- Random on-site audits will be carried out by REFCOM's own auditors.
- Desktop audits will be carried out by the scheme's technical officer supported by an administration team.
- REFCOM will have no powers of enforcement. The regulatory body will be the Local Authorities of Regulatory Services (LACORS)

Control of Refrigerant Sales – 4th July 2009

- From 4th July 2009 the regulation introduces a control on the purchase of HFC refrigerants such as R134a, R404A, and R410A etc.
- Purchases will only be permitted by companies that have persons holding the correct certification.
- This does not mean that a qualified engineer within a company must personally collect, or take delivery of HFC refrigerants. It does mean that a company taking delivery must hold the correct company certification.
- In the case of direct purchase by a qualified engineer (e.g. self employed person) either personal or company certification will provide the required permit to purchase HFC refrigerant.
- In the case of personal qualifications, only C&G 2079 Categories I and II certified engineers will be permitted to directly buy HFC refrigerant as a permitted user after 4th July 2011.
- As a wholesaler of F Gases HRP has no legal responsibility to ensure that purchasers have the correct certification status. Under regulation 11 the offence is

committed by the company or organisation taking delivery not those doing the selling.

- HRP has no mandate to refuse to supply HFC's on the basis that a customer cannot produce a company certificate or proof of qualification.
- HRP's responsibility is to ensure that we have made our customers aware of their responsibilities, which we have undertaken by issuing this guidance note and a series of posters in all our Trade Counters together with issuing copies of the REFCOM leaflet setting out contractors responsibilities..

Contact REFCOM to apply for a Company Certificate

- Website: www.refcom.org.uk, telephone: 01768 860409 or email: info@refcom.org.uk.

Contact F-Gas Support for general queries related to the F Gas and Ozone Regulations

- Website: www.defra.gov.uk/fgas, helpline: 0161 874 3663 or email: fgas-support@enviros.com

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