

medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners and packaged terminal air heat pumps), dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers.

*Substitute* means any chemical or product, whether existing or new, that is used by any person as an EPA approved replacement for a class I or II ozone-depleting substance in a given refrigeration or air-conditioning end-use.

*Suitable replacement refrigerant* means, for the purposes of § 82.156(i)(7)(i), a refrigerant that is acceptable under section 612(c) of the Clean Air Act Amendments of 1990 and all regulations promulgated under that section, compatible with other materials with which it may come into contact, and able to achieve the temperatures required for the affected industrial process in a technically feasible manner.

*System-dependent recovery equipment* means refrigerant recovery equipment that requires the assistance of components contained in an appliance to remove the refrigerant from the appliance.

*System mothballing* means the intentional shutting down of a refrigeration appliance undertaken for an extended period of time by the owners or operators of that facility, where the refrigerant has been evacuated from the appliance or the affected isolated section of the appliance, at least to atmospheric pressure.

*Technician* means any person who performs maintenance, service, or repair, that could be reasonably expected to release refrigerants from appliances, except for MVACs, into the atmosphere. Technician also means any person who performs disposal of appliances, except for small appliances, MVACs, and MVAC-like appliances, that could be reasonably expected to release refrigerants from the appliances into the atmosphere. Performing maintenance, service, repair, or disposal could be reasonably expected to release refrigerants only if the activity is reasonably expected to violate the integrity of the refrigerant circuit. Activities reasonably expected to violate the integrity of the refrigerant circuit

include activities such as attaching and detaching hoses and gauges to and from the appliance to add or remove refrigerant or to measure pressure and adding refrigerant to and removing refrigerant from the appliance. Activities such as painting the appliance, rewiring an external electrical circuit, replacing insulation on a length of pipe, or tightening nuts and bolts on the appliance are not reasonably expected to violate the integrity of the refrigerant circuit. Performing maintenance, service, repair, or disposal of appliances that have been evacuated pursuant to § 82.156 could not be reasonably expected to release refrigerants from the appliance unless the maintenance, service, or repair consists of adding refrigerant to the appliance. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases owners and/or operators.

*Very high-pressure appliance* means an appliance that uses a refrigerant with a critical temperature below 104 °F or with a liquid phase saturation pressure above 355 psia at 104 °F. This definition includes but is not limited to appliances using R-13 or R-503.

*Voluntary certification program* means a technician testing program operated by a person before that person obtained approval of a technician certification program pursuant to § 82.161(c).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42956, Aug. 19, 1994; 59 FR 55925, Nov. 9, 1994; 60 FR 40439, Aug. 8, 1995; 68 FR 43806, July 24, 2003; 69 FR 11978, Mar. 12, 2004; 70 FR 1991, Jan. 11, 2005; 70 FR 19278, Apr. 13, 2005]

#### § 82.154 Prohibitions.

(a)(1) Effective June 13, 2005, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or substitute from such appliances, with the exception of the following substitutes in the following end-uses:

(i) Ammonia in commercial or industrial process refrigeration or in absorption units;

(ii) Hydrocarbons in industrial process refrigeration (processing of hydrocarbons);

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(iii) Chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds);

(iv) Carbon dioxide in any application;

(v) Nitrogen in any application; or

(vi) Water in any application.

(2) The knowing release of a refrigerant or non-exempt substitute subsequent to its recovery from an appliance shall be considered a violation of this prohibition. De minimis releases associated with good faith attempts to recycle or recover refrigerants or non-exempt substitutes are not subject to this prohibition. Refrigerant releases shall be considered de minimis only if they occur when:

(i) The required practices set forth in §82.156 are observed, recovery or recycling machines that meet the requirements set forth in §82.158 are used, and the technician certification provisions set forth in §82.161 are observed; or

(ii) The requirements set forth in subpart B of this part are observed.

(b) No person may open appliances except MVACs and MVAC-like appliances for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances:

(1) Without observing the required practices set forth in §82.156; and

(2) Without using equipment that is certified for that type of appliance pursuant to §82.158.

(c) No person may manufacture or import recycling or recovery equipment for use during the maintenance, service, or repair of appliances except MVACs and MVAC-like appliances, and no person may manufacture or import recycling or recovery equipment for use during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, unless the equipment is certified pursuant to §82.158 (b) or (d), as applicable.

(d) Effective June 14, 1993, no person shall alter the design of certified refrigerant recycling or recovery equipment in a way that would affect the equipment's ability to meet the certification standards set forth in §82.158 without resubmitting the altered design for certification testing. Until it is tested and shown to meet the certification standards set forth in §82.158,

equipment so altered will be considered uncertified for the purposes of §82.158.

(e) Effective August 12, 1993, no person may open appliances except MVACs for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances, unless such person has certified to the Administrator pursuant to §82.162 that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart.

(f) Effective August 12, 1993, no person may recover refrigerant from small appliances, MVACs, and MVAC-like appliances for purposes of disposal of these appliances unless such person has certified to the Administrator pursuant to §82.162 that such person has acquired recovery equipment that meets the standards set forth in §82.158 (l) and/or (m), as applicable, and that such person is complying with the applicable requirements of this subpart.

(g) No person may sell, distribute, or offer for sale or distribution for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless:

(1) The class I or class II substance has been reclaimed as defined in §82.152 by a person who has been certified as a reclaimer pursuant to §82.164;

(2) The class I or class II substance was used only in an MVAC or MVAC-like appliance and is to be used only in an MVAC or MVAC-like appliance and recycled in accordance with §82.34(d);

(3) The class I or class II substance is contained in an appliance that is sold or offered for sale together with the class I or class II substance;

(4) The class I or class II substance is being transferred between or among a parent company and one or more of its subsidiaries, or between or among subsidiaries having the same parent company; or

(5) The class I or class II substance is being transferred between or among a Federal agency or department and a facility or facilities owned by the same Federal agency or department.

(h) [Reserved]

(i) Effective August 12, 1993, no person reclaiming refrigerant may release

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more than 1.5% of the refrigerant received by them.

(j) Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution, any appliances, except small appliances, unless such equipment is equipped with a servicing aperture to facilitate the removal of refrigerant at servicing and disposal.

(k) Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution any small appliance unless such equipment is equipped with a process stub to facilitate the removal of refrigerant at servicing and disposal.

(l) No technician training or testing program may issue certificates pursuant to § 82.161 unless the program complies with all of the standards of § 82.161 and appendix D, and has been granted approval.

(m) No person may sell or distribute, or offer for sale or distribution, any substance that consists in whole or in part of a class I or class II substance for use as a refrigerant to any person unless:

(1) The buyer has been certified as a Type I, Type II, Type III, or Universal technician pursuant to § 82.161;

(2) The buyer complies with § 82.166(b) and employs at least one technician who is certified as a Type I, Type II, Type III, or Universal technician in accordance with § 82.161;

(3) The buyer has been certified in accordance with 40 CFR part 82, subpart B and the refrigerant is either R-12 or an approved substitute consisting wholly or in part of a class I or class II substance for use in motor vehicle air conditioners in accordance with 40 CFR part 82, subpart G;

(4) The buyer complies with § 82.166(b) and employs at least one technician who is certified in accordance with 40 CFR part 82, subpart B, and the refrigerant is either R-12 or an approved substitute consisting wholly or in part of a class I or class II substance for use in motor vehicle air conditioners pursuant to 40 CFR part 82, subpart G. Nothing in this provision shall be construed to relieve persons of the requirements of § 82.34(b) or § 82.42 (b);

(5) The refrigerant is sold only for eventual resale to certified technicians or to appliance manufacturers (*e.g.*,

sold by a manufacturer to a wholesaler, sold by a technician to a reclaimer);

(6) The refrigerant is sold to an appliance manufacturer;

(7) The refrigerant is contained in an appliance with a fully assembled refrigerant circuit; or

(8) The refrigerant is charged into an appliance by a certified technician or an apprentice during maintenance, service, or repair of the appliance.

(n) It is a violation of this subpart to accept a signed statement pursuant to § 82.156(f)(2) if the person knew or had reason to know that such a signed statement is false.

(o) Rules stayed for consideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.154(m), only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, is stayed from April 27, 1995, until EPA takes final action on its reconsideration of these provisions. EPA will publish any such final action in the FEDERAL REGISTER.

(p) No person may manufacture or import one-time expansion devices that contain other than exempted refrigerants.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42956, Aug. 19, 1994; 59 FR 55926, Nov. 9, 1994; 60 FR 14610, Mar. 17, 1995; 60 FR 24680, May 9, 1995; 61 FR 7726, Feb. 29, 1996; 61 FR 68508, Dec. 27, 1996; 68 FR 43806, July 24, 2003; 69 FR 11979, Mar. 12, 2004; 70 FR 19278, Apr. 13, 2005]

### § 82.156 Required practices.

(a) All persons disposing of appliances, except for small appliances, MVACs, and MVAC-like appliances must evacuate the refrigerant, including all the liquid refrigerant, in the entire unit to a recovery or recycling machine certified pursuant to § 82.158. All persons opening appliances except for MVACs and MVAC-like appliances for maintenance, service, or repair must evacuate the refrigerant, including all the liquid refrigerant (except as provided in paragraph (a)(2)(i)(B) of this section), in either the entire unit or the part to be serviced (if the latter can be isolated) to a system receiver (*e.g.*, the remaining portions of the appliance, or a specific vessel within the appliance) or a recovery or recycling