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(c) No technician training programs may issue certificates unless the program complies with all of the standards in § 82.40(a).

(d) *Motor vehicle disposal facilities.* (1) Any refrigerant that is extracted from an MVAC or an MVAC-like appliance (as that term is defined in § 82.152) bound for disposal and located at a motor vehicle disposal facility may not be subsequently used to charge or recharge an MVAC or MVAC-like appliance, unless, prior to such charging or recharging, the refrigerant is either:

(i) Recovered, and reclaimed in accordance with the regulations promulgated under § 82.32(e)(2) of this subpart B; or

(ii) (A) Recovered using approved refrigerant recycling equipment dedicated for use with MVACs and MVAC-like appliances, either by a technician certified under paragraph (a)(2) of this section, or by an employee, owner, or operator of, or contractor to, the disposal facility; and

(B) Subsequently recycled by the facility that charges or recharges the refrigerant into an MVAC or MVAC-like appliance, properly using approved refrigerant recycling equipment in accordance with any applicable recommended service procedures set forth in the appendices to this subpart B.

(2) Any refrigerant the sale of which is restricted under subpart F that is extracted from an MVAC or an MVAC-like appliance bound for disposal and located at a motor vehicle disposal facility but not subsequently reclaimed in accordance with the regulations promulgated under subpart F, may be sold prior to its subsequent re-use only to a technician certified under paragraph (a)(2) of this section. Any technician certified under paragraph (a)(2) of this section who obtains such a refrigerant may subsequently re-use such refrigerant only in an MVAC or MVAC-like appliance, and only if it has been reclaimed or properly recycled.

(e) Refrigerant handling equipment manufactured or imported for use during the maintenance, service or repair of MVACs for consideration cannot be introduced into interstate commerce

unless meeting the requirements of § 82.36.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68047, Dec. 30, 1997; 72 FR 63494, Nov. 9, 2007]

§ 82.36 Approved refrigerant handling equipment.

(a)(1) Refrigerant recycling equipment must be certified by the Administrator or an independent standards testing organization approved by the Administrator under § 82.38 to meet the following standard:

(2) Equipment that recovers and recycles CFC-12 refrigerant must meet the standards set forth in appendix A of this subpart (Recommended Service Procedure for the Containment of CFC-12, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems, and Standard of Purity for Use in Mobile Air Conditioning Systems).

(3) Equipment that recovers but does not recycle CFC-12 refrigerant must meet the standards set forth in appendix B of this subpart (Recommended Service Procedure for the Containment of CFC-12 and Extraction Equipment for Mobile Automotive Air-Conditioning Systems).

(4) Effective January 1, 2008, equipment that recovers and recycles HFC-134a refrigerant and equipment that recovers and recycles HFC-134a refrigerant and recharges systems with HFC-134a refrigerant must meet the standards set forth in appendix C of this subpart based upon J2788—HFC-134a (R-134a) Recovery/Recycling Equipment and Recovery/Recycling/Recharging for Mobile Air-Conditioning Systems.

(5) Equipment that recovers but does not recycle HFC-134a refrigerant must meet the standards set forth in appendix D of this subpart (HFC-134a Recover-Only Equipment and Recommended Service Procedure for the Containment of HFC-134a).

(6) Equipment that recovers and recycles both CFC-12 and HFC-134a using common circuitry must meet the standards set forth in appendix E of this subpart (Automotive Refrigerant Recycling Equipment Intended for Use with both CFC-12 and HFC-134a, Recommended Service Procedure for the

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Containment of CFC-12, and Recommended Service Procedure for the Containment of HFC-134a).

(7) Equipment that recovers but does not recycle refrigerants other than HFC-134a and CFC-12 must meet the standards set forth in appendix F of this subpart (Recover-Only Equipment that Extracts a Single, Specific Refrigerant Other Than CFC-12 or HFC-134a).

(b)(1) Refrigerant recycling equipment that has not been certified under paragraph (a) of this section shall be considered approved if it is substantially identical to the applicable equipment certified under paragraph (a) of this section, and:

(i) For equipment that recovers and recycles CFC-12 refrigerant, it was initially purchased before September 4, 1991;

(ii) For equipment that recovers but does not recycle CFC-12 refrigerant, it was initially purchased before April 22, 1992;

(iii) For equipment that recovers and recycles HFC-134a refrigerant, it was initially purchased before March 6, 1996;

(iv) For equipment that recovers but does not recycle HFC-134a refrigerant, it was initially purchased before March 6, 1996;

(v) For equipment that recovers but does not recycle any single, specific refrigerant other than CFC-12 or HFC-134a, it was initially purchased before March 6, 1996; and

(vi) For equipment that recovers and recycles HFC-134a and CFC-12 refrigerant using common circuitry, it was initially purchased before March 6, 1996.

(2) Equipment manufacturers or owners may request a determination by the Administrator by submitting an application and supporting documents that indicate that the equipment is substantially identical to approved equipment to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attn: Substantially Identical Equipment Review. Supporting documents must include process flow sheets, lists of components and any other information that would indicate that the equipment is capable

of processing the refrigerant to the standards in appendix A, B, C, D, E or F of this subpart, as applicable. Authorized representatives of the Administrator may inspect equipment for which approval is being sought and request samples of refrigerant that has been extracted and/or recycled using the equipment. Equipment that fails to meet appropriate standards will not be considered approved.

(3) Refrigerant recycling equipment that recovers or recovers and recycles CFC-12 refrigerant and has not been certified under paragraph (a) or approved under paragraphs(b)(1) and (b)(2) of this section shall be considered approved for use with an MVAC-like appliance if it was manufactured or imported before November 15, 1993, and is capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions set forth in appendix A of this subpart.

(c) The Administrator will maintain a list of approved equipment by manufacturer and model. Persons interested in obtaining a copy of the list should send written inquiries to the address in paragraph (b) of this section.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68047, Dec. 30, 1997; 72 FR 63494, Nov. 9, 2007]

EFFECTIVE DATE NOTE: At 73 FR 34647, June 18, 2008, § 82.36 was amended by revising the section heading and paragraph (a)(5), effective Sept. 16, 2008. For the convenience of the user, the revised text is set forth as follows:

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(a) * * *

(5) Effective October 31, 2008, equipment that recovers but does not recycle HFC-134a refrigerant must meet the standards set forth in Appendix D of this subpart based upon J2810—HFC-134a (R-134a) Recovery Equipment Mobile Air-Conditioning Systems.

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§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in appendix A, B, C, D, E, or F of this subpart, as applicable. The application