

Environmental Protection Agency

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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);

(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 ap-

pliances 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

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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 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.

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(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 machine certified pursuant to § 82.158. A technician must verify that the applicable level of evacuation has been reached in the appliance or the part before it is opened.

(1) Persons opening appliances except for small appliances, MVACs, and MVAC-like appliances for maintenance, service, or repair must evacuate to the levels in table 1 before opening the appliance, unless

(i) Evacuation of the appliance to the atmosphere is not to be performed after completion of the maintenance, service, or repair, and the maintenance, service, or repair is not major as defined at § 82.152; or

(ii) Due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered; or

(iii) The recycling or recovery equipment was certified pursuant to § 82.158(b)(2). In any of these cases, the requirements of § 82.156(a)(2) must be followed.

(2)(i) If evacuation of the appliance to the atmosphere is not to be performed after completion of the maintenance, service, or repair, and if the maintenance, service, or repair is not major as defined at § 82.152, the appliance must:

(A) Be evacuated to a pressure no higher than 0 psig before it is opened if it is a high- or very high-pressure appliance;

(B) Be pressurized to a pressure no higher than 0 psig before it is opened if it is a low-pressure appliance. Persons must cover openings when isolation is not possible. Persons pressurizing low-pressure appliances that use refrigerants with boiling points at or below 85 degrees Fahrenheit at 29.9 inches of mercury (standard atmospheric pressure), (*e.g.* R-11 and R-123), must not use methods such as nitrogen, that require subsequent purging. Persons pressurizing low-pressure appliances that use refrigerants with boiling points above 85 degrees Fahrenheit at 29.9 inches of mercury, *e.g.*, R-113, must use heat to raise the internal pressure of the appliance as much as possible, but may use nitrogen to raise the internal pressure of the appliance from the level attainable through use of heat to atmospheric pressure; or

(C) For the purposes of oil changes, be evacuated or pressurized to a pressure no higher than 5 psig, before it is opened; or drain the oil into a system receiver to be evacuated or pressurized to a pressure no higher than 5 psig.

(ii) If, due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered, persons opening the appliance must:

(A) Isolate leaking from non-leaking components wherever possible;

(B) Evacuate non-leaking components to be opened to the levels specified in table 1; and

(C) Evacuate leaking components to be opened to the lowest level that can be attained without substantially contaminating the refrigerant. In no case shall this level exceed 0 psig.

(iii) If the recycling or recovery equipment was certified pursuant to § 82.158(b)(2), technicians must follow the manufacturer's directions for