

**§ 82.302**

**40 CFR Ch. I (7–1–25 Edition)**

the sale and distribution of HCFC containing appliances under authority of section 615 of the Clean Air Act as amended in 1990.

**§ 82.302 Definitions.**

As used in this subpart, the term:

*Appliance* means any device which contains and uses a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

*Class I substance* means any controlled substance designated as class I in 40 CFR part 82, appendix A to subpart A.

*Class II substance* means any controlled substance designated as class II in 40 CFR part 82, appendix B to subpart A.

*Consumer*, when used to describe a person taking action with regard to a product, means the ultimate purchaser, recipient or user of a product.

*Distributor*, when used to describe a person taking action with regard to a product, means:

(1) The seller of a product to a consumer or another distributor; or

(2) A person who sells or distributes that product in interstate commerce, including sale or distribution preceding export from, or following import to, the United States.

*Hydrochlorofluorocarbon* means any substance listed as class II in 40 CFR part 82, appendix B to subpart A.

*Manufactured*, for an appliance, means the date on which the appliance's refrigerant circuit is complete, the appliance can function, the appliance holds a refrigerant charge, and the appliance is ready for use for its intended purposes; for a pre-charged appliance component, "manufactured" means the date that the original equipment manufacturer has physically completed assembly of the component, the component is charged with refrigerant, and the component is ready for initial sale or distribution.

*Person* means any individual or legal entity, including an individual, corporation, partnership, association, State, municipality, political subdivision of a State, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.

*Pre-charged appliance* means any appliance charged with refrigerant prior to sale or distribution, or offer for sale or distribution in interstate commerce.

*Pre-charged appliance component* means any portion of an appliance including but not limited to condensers, compressors, line sets, and coils that is charged with refrigerant prior to sale or distribution or offer for sale or distribution in interstate commerce.

*Product* means an item or category of items manufactured from raw or recycled materials which is used to perform a function or task.

*Refrigerant* means, for purposes of this subpart, any substance consisting in part or whole of a class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect.

**§ 82.304 Prohibitions.**

Effective January 1, 2010, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any product identified in § 82.306.

**§ 82.306 Prohibited products.**

Effective January 1, 2010, the following products are subject to the prohibitions specified under § 82.304—

(a) Any pre-charged appliance manufactured on or after January 1, 2010 containing HCFC-22, HCFC-142b or a blend containing one or both of these controlled substances.

(b) Any pre-charged appliance component for air-conditioning or refrigeration appliances manufactured on or after January 1, 2010 containing HCFC-22, HCFC-142b, or a blend containing one or both of these controlled substances.

**PART 83 [RESERVED]**

**PART 84—PHASEDOWN OF HYDROFLUOROCARBONS**

**Subpart A—Production and Consumption Controls**

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