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emergency applications for which the equipment or systems were designed.

(c) Effective April 6, 1998, organizations that employ technicians who test, maintain, service, repair or dispose of halon-containing equipment shall take appropriate steps to ensure that technicians hired on or before April 6, 1998 will be trained regarding halon emissions reduction by September 1, 1998. Technicians hired after April 6, 1998 shall be trained regarding halon emissions reduction within 30 days of hiring, or by September 1, 1998, whichever is later.

(d) Effective April 6, 1998, no person shall dispose of halon-containing equipment except by sending it for halon recovery to a manufacturer operating in accordance with NFPA 10 and NFPA 12A standards, a fire equipment dealer operating in accordance with NFPA 10 and NFPA 12A standards or a recycler operating in accordance with NFPA 10 and NFPA 12A standards. This provision does not apply to ancillary system devices such as electrical detection control components which are not necessary to the safe and secure containment of the halon within the equipment, to fully discharged total flooding systems, or to equipment containing only de minimis quantities of halons.

(e) Effective April 6, 1998, no person shall dispose of halon except by sending it for recycling to a recycler operating in accordance with NFPA 10 and NFPA 12A standards, or by arranging for its destruction using one of the following controlled processes:

- (1) Liquid injection incineration;
- (2) Reactor cracking;
- (3) Gaseous/fume oxidation;
- (4) Rotary kiln incineration;
- (5) Cement kiln;
- (6) Radiofrequency plasma destruction; or
- (7) An EPA-approved destruction technology that achieves a destruction efficiency of 98% or greater.

(f) Effective April 6, 1998, no owner of halon-containing equipment shall allow halon release to occur as a result of failure to maintain such equipment.

40 CFR Ch. I (7-1-15 Edition)

Subpart I—Ban on Refrigeration and Air-Conditioning Appliances Containing HCFCs

SOURCE: 74 FR 66467, Dec. 15, 2009, unless otherwise noted.

§ 82.300 Purpose.

The purpose of this subpart is to protect stratospheric ozone by restricting 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,

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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.

PARTS 83–84 [RESERVED]