ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–5852–6]

RIN–2060–AH44

Protection of Stratospheric Ozone: Sale of Halon Blends, Intentional Release of Halon, Technician Training and Disposal of Halon and Halon-Containing Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a lawsuit filed against EPA by the Sierra Club on March 31, 1995, and the subsequent consent decree, of which notice was published in the **Federal Register** on September 17, 1996 (61 FR 48950), EPA is proposing the following regulations pursuant to section 608 (a)(2) of the Clean Air Act Amendments of 1990 (the Act). Through this action, EPA is proposing to ban the sale of halon blends; to prohibit the intentional release of halons during training of technicians and during testing, repair, and disposal of halon-containing equipment; to require appropriate training of technicians regarding emissions reduction; and to require proper disposal of halon and of halon-containing equipment at the end of its useful life.

DATES: Comments on this proposal must be received by August 6, 1997. If a hearing is requested, it will be held on July 22, 1997, and the comment period will then be extended to August 21, 1997. Anyone who wishes to request a hearing should call Mavis Sanders at 202/233–9737 by July 14, 1997.

ADDRESSES: Comments on this proposal must be submitted to the Air Docket Office, Public Docket No. A–92–01 VIIIG, Waterside Mall (Ground Floor), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M–1500. Additional comments and materials supporting this rulemaking are contained in Public Docket No. A–92–01. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

A public hearing, *if requested,* will be held in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mavis Sanders, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street, SW, Washington, DC 20460, (202) 233–9737. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

Persons may contact the Stratospheric Protection Hotline at 1–800–296–1996 to learn if a hearing will be held and to obtain the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Regulated Entities

II. Background

a. Stratospheric Protection
b. Section 608(a) of the Clean Air Act
c. Sierra Club Suit
d. Halons

III. Today's Proposal

a. Banning the Sale of Halon Blends
b. Intentional Release, Halon Technician Training and Disposal of Halons and Halon-Containing Equipment
1. Intentional Release of Halons and Technician Training
2. Exemption From Intentional Release Requirements for Aircraft
3. Disposal of Halons and Halon-Containing Equipment

IV. Administrative Requirements

a. Executive Order 12866
b. Regulatory Flexibility
c. Unfunded Mandates Act
d. Paperwork Reduction Act

I. Regulated Entities

Entities potentially regulated by this action are those that manufacture, sell, or distribute halon blends and persons who test, repair, or dispose of total flooding systems, hand-held fire extinguishers or aerosol containers or who employ technicians to service such equipment. Other entities potentially impacted by the prohibition of the intentional release of halons during technician training and during testing, repair, and disposal of equipment are U.S. military institutions. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Manufacturers, distributors, retailers and recyclers of halon blends. Persons who test, repair, or dispose of halon containing equipment they have purchased, or who employ technicians to perform such services.
Military ..	Military entities that dispose of halon containing equipment, that employ technicians who service halon containing equipment, or that release halons during technician training or during testing, repair, or disposal of equipment.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your company is regulated by this action, you should carefully examine the applicability criteria discussed below. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Background

a. Stratospheric Protection

The stratospheric ozone layer protects the Earth from penetration of harmful ultraviolet (UV–B) radiation. National and international consensus exists that releases of certain man-made halocarbons, including chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform, contribute to the depletion of the stratospheric ozone layer and should be controlled. Ozone depletion harms human health and the environment through increased incidence of certain skin cancers and cataracts, suppression of the immune system, damage to plants including crops and aquatic organisms, increased formation of ground-level ozone and increased weathering of outdoor plastics. Ozone-depleting substances have been designated as either class I or class II substances (see 40 CFR part 82, appendices A and B to subpart A). Class I substances include chlorofluorocarbons, halons, carbon tetrachloride, methyl chloroform, methyl bromide and hydrobromofluorocarbons; class II substances include hydrochlorofluorocarbons. Halon is commonly used in fire suppression. Halon blends consisting of halon 1211 and halon 1301 were once widely manufactured for use in hand-held portable extinguishers and aerosol containers. However, since January 1, 1994, in accordance with the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), halon production in, and importation into the

U.S. has been prohibited (40 CFR 82.4(b), 82.7; 58 FR 65018). There are limited exceptions to this ban for production for export to countries covered under Article V of the Montreal Protocol (§ 82.9(a)(1)); production/import for essential uses (§ 82.4(r)); and production using destruction/transformation credits under § 82.9(f) (for persons nominated for essential use exemptions only.)

b. Section 608(a) of the Clean Air Act

Section 608 of the Clean Air Act Amendments of 1990 (the Act) requires EPA to establish a comprehensive program to limit emissions of ozone-depleting substances during their use and disposal.

Subsection (a) of section 608 requires EPA to promulgate regulations ''establishing standards and requirements regarding the use and disposal'' of both class I and class II substances. The regulations are to ''reduce the use and emission of such substances to the lowest achievable level'' and to ''maximize the recapture and recycling of such substances.''

On May 14, 1993, EPA promulgated regulations under section 608(a) of the Act, establishing standards and requirements for the use and disposal of class I and II substances during the servicing, repair and disposal of air-conditioning and refrigeration equipment (58 FR 28660.) Statutory authority for today's proposal is found in section 608(a)(2) of the Act, which directs EPA to establish standards and requirements regarding use and disposal of class I and II substances other than refrigerants. Section 608 (a) (2) requires EPA to promulgate additional regulations that establish standards and requirements regarding the use and disposal of both class I and class II substances not covered by the initial set of regulations, i.e., all non-refrigerant uses of class I and class II substances.

The goal of subsection 608(a) is to reduce the use and emission of ozone-depleting substances to the lowest achievable level and maximize the recapture and recycling of such substances. Today's proposed requirements regarding disposal of halon-containing equipment and technician training, together with the proposed bans on the sale of halon blends and the intentional release of halon during repair, testing, and disposal of equipment, and during technician training, are designed to meet the intent of section 608(a) by reducing potential emissions of halon, a significant ozone depleter.

c. Sierra Club Suit

On March 31, 1995, the Sierra Club filed a complaint against EPA, claiming that EPA had not met the requirements of section 608(a)(2) of the Act by taking regulatory steps to minimize use and emissions of ozone-depleting substances other than refrigerants. This action resulted in negotiations between EPA and the Sierra Club that led to a consent decree of which notice was published on September 17, 1996, in the **Federal Register** (61 FR 48950). In the consent decree, EPA agreed to take the following actions with regard to halons: (1) To issue a proposed rule regarding a ban of the sale of all halon blends and to take final action on the proposal; (2) to issue a proposed rule or rules regarding the intentional release of halons during repair and testing of equipment containing halons, training concerning the use of such equipment, disposal of halons, and removal or disposal of equipment containing halons at the end of the life of such equipment; and to take final action on the proposal; and (3) to issue either a proposed rule requiring the certification of recycling and recovery equipment for halons and allowing the removal of halons only through use of certified equipment or a direct final determination that no such rule is necessary or appropriate; and to take final action if a proposal is issued or if adverse comment is received on the direct final determination. EPA will address the third of these commitments in a separate action from today's.

d. Halons

Halons are gaseous or easily vaporized halocarbons used primarily for putting out fires, but also for explosion protection. The two halons most widely used in the United States are Halon 1211 and Halon 1301. Halon 1211 is used primarily in streaming applications and Halon 1301 is typically used in total flooding applications. Some limited use of Halon 2402 also exists in the United States, but only as an extinguishant in engine nacelles (the streamlined enclosure surrounding the engine) on older aircraft and in the guidance system of Minuteman missiles. Today's proposed action is not expected to affect the supply of unblended halons for these important uses.

Halons are used in a wide range of fire protection applications because they combine four characteristics. First, they are highly effective against solid, liquid/gaseous, and electrical fires (referred to as Class A, B, and C fires, respectively). Second, they are clean agents: That is, they dissipate rapidly, leaving no residue and thereby avoiding secondary damage to the property they are protecting. Third, halons do not conduct electricity and can be used in areas containing live electrical equipment where they can penetrate to and around physical objects to extinguish fires in otherwise inaccessible areas. Finally, halons are generally safe for limited human exposure when used with proper exposure controls.

Despite these advantages, halons are among the most ozone-depleting chemicals in use today. With 0.2 representing the threshold for classification as a class I substance, Halon 1301 has an estimated ozone-depleting potential (ODP) of 10; Halon 1211 has an estimated ODP of 3. Thus, while total halon production (measured in metric tons) comprised just 2 percent of the total production of class I substances in 1986, halons represented 23 percent of the total estimated ozone depletion attributable to class I substances produced during that year.

Prior to the early 1990's, the greatest releases of halon into the atmosphere occurred not in extinguishing fires, but during testing and training, service and repair, and accidental discharges. Data generated as part of the Montreal Protocol's technology assessment indicated that only 15 percent of annual Halon 1211 emissions and 18 percent of annual Halon 1301 emissions occur as a result of use to extinguish actual fires. These figures indicated that significant gains could be made in protecting the ozone layer by revising testing and training procedures and by limiting unnecessary discharges through better detection and dispensing systems for halon and halon alternatives. The fire protection community began to conserve halon reserves in response to the impending ban of the production and import of halons 1211, 1301 and 2402 that occurred January 1, 1994. Through standards, research, and field practice the fire protection community eliminated discharge testing with halons and minimized use of halon for testing and training. Additionally, fire equipment distributors began to service and maintain fire suppression equipment regularly to avoid leaks, false discharges, and other unnecessary emissions.

III. Today's Proposal

Today, EPA is proposing several actions relative to the sale and emission of halon as mandated by the Sierra Club consent decree. First, EPA is proposing to ban the sale of all halon blends, including blends of Halon 1211, Halon 1301 and Halon 2402. Today's proposal does not affect the sale of unblended halons.

Second, EPA is proposing to ban the intentional release of halons during repair, testing, and disposal of equipment that contains halon and during technician training. For safety reasons, EPA is proposing to grant an exemption from this ban for halon release used as part of the test of fire extinguishing systems in class C and class D compartments aboard aircraft when such a test is required by the Federal Aviation Administration (FAA) under its Airworthiness Standards.

Third, EPA is requiring halon equipment service companies, halon recyclers, halon equipment manufacturers, and other organizations that employ technicians who service halon-containing equipment to provide training regarding halon emission reduction during the servicing of halon containing equipment.

Finally, EPA is requiring owners of equipment containing halon to dispose of this equipment by returning the halon containing equipment to the manufacturer, a fire equipment distributor or halon recycler for halon recovery. EPA is also requiring persons disposing of halon to send it to a halon recycler.

This proposed action is consistent with the provisions in the consent decree agreed to by EPA and the Sierra Club, which obligate EPA to take certain actions in regard to the requirements contained in section 608 (a)(2) of the Clean Air Act Amendments of 1990 (the ''Act''). EPA has developed the provisions of this proposal with input from representatives of the halon industry, fire protection community, environmental groups and affected trade associations. Since the halon industry has successfully been making significant strides towards reducing halon emission through the use of technician training and efficient halon removal and disposal practices for halon-containing equipment, EPA believes that today's proposal generally reflects existing industry standards and practices. As a result, EPA also believes that today's proposal will not significantly impact members of the fire protection community.

a. Banning the Sale of Halon Blends

EPA is proposing to ban the sale of all halon blends. This ban is expected to reduce the use of such blends in accordance with section 608(a)(3) of the Act by preventing newly manufactured blends from being introduced into the marketplace.

Halon blends are extremely effective fire suppression agents primarily used in portable fire extinguishers. Although the market for these blends is small, inability to recycle and reuse halon blends economically represents a significant environmental risk. Recycled halon is necessary to bridge the gap between the end of halon production in 1994 and the commercial availability of replacements and to provide for critical uses for which satisfactory substitutes or alternative fire protection measures cannot be found. Prior to the 1994 ban on the production of halons, the Halon Alternatives Research Corporation (HARC) helped to sponsor a study on issues related to halon recycling and the establishment of a national recycling program. This program included the creation of a national halon bank. Currently, this halon bank brokers transfers of halon between users and may eventually arrange for storage facilities to accommodate fluctuations in supply and demand of halon. Halon blends can be recycled adequately, but only at significant cost. Therefore halon blends are not commonly recycled and forwarded to a halon bank for critical uses.

Portable halon fire extinguishers are sold, distributed, installed, and maintained by fire equipment dealers and distributors; accidental release and leakage can be reduced through regular maintenance by the distributor. Fire extinguishers that contain halon blends can be returned to equipment dealers or recyclers for halon recovery but not for halon recycling. Recyclers and equipment dealers within the US do not yet have the technology necessary to separate and reclaim halon blends, although new technology is beginning to become available on a very limited basis internationally. Recyclers have not invested in this new technology because the halon blend market is so small that recycling halon blends is deemed unprofitable. Furthermore, EPA believes that there is only one U.S. manufacturer currently producing halon blends. EPA has contacted this manufacturer to determine the impact, if any, a ban of the sale of all halon blends may have on this manufacturer. This manufacturer claimed that halon blends represent less than 2% of its business and that a ban on the sale of halon blends would minimally impact this organization's profitability. Furthermore, this manufacturer stated that because the fire protection community has made considerable progress in identifying and using alternatives or unblended halons that use nitrogen as a propellant, consumer demand for halon blend extinguishers and aerosol containers has already been significantly reduced.

EPA believes that a ban on the sale of halon blends will have minimal impact on manufacturers, distributors or consumers. EPA is seeking comment on the impact that banning the sale of halon blends may have on consumers or industry.

b. Intentional Release, Halon Technician Training and Disposal of Halons and Halon-Containing Equipment

1. Intentional Release of Halons and Technician Training

EPA is proposing to ban the intentional release of halons (including halon blends) during technician training and during testing, repair and disposal of halon-containing equipment, and to require technician training regarding halon emission reduction. Historically, the greatest release of halon into the atmosphere used to occur during testing and training, service and repair, and accidental discharges. However, emissions from Halon 1211 and Halon 1301 applications have decreased substantially over the last five years due to a change in industry practices concerning the release of halon as outlined in the National Fire Protection Association (NFPA) Technical Standards (NFPA 12–A) and Underwriters Laboratories (UL) 1058. These standards require proper leak testing and prohibit the release of halon during system testing.

In an effort to reduce unnecessary emissions, distributors and service companies sponsor technician training programs that are primarily administered by representatives of equipment manufacturers. Additionally, distributors and service companies augment this training through the use of videos and in-house training about the reduction of emissions through the use of standards and codes. These standards and codes are developed by organizations such as the NFPA and UL, which provide minimum requirements for the design, selection, installation, inspection, and maintenance of halon-containing equipment. This additional training may also include information regarding applicable state and local codes and standards.

EPA believes that the fire protection community has responded responsibly to the following tangible incentives to reduce emissions and provide adequate training. First, the value of halon has increased dramatically as it has become less available since the ban on halon production in 1994. Second, in an effort to be responsive to environmental concerns, the fire protection community has developed self-imposed service standards and practices to reduce emissions and increase recycling. Because these incentives directly impact

industry profitability, EPA believes that more stringent requirements for minimizing halon emissions or for technician training are not necessary and would produce very little environmental benefit. Today's proposal therefore is based on the practices the industry has already developed and implemented. EPA is seeking comments on the impact of banning intentional release of halons and requiring emissions reduction training.

2. Exemption From Intentional Release Requirements for Aircraft

EPA is proposing to grant an exemption from the intentional release ban for halon used to test fire suppression systems in class C and class D compartments aboard airplanes.

This exemption is based on FAA requirements relating to aircraft safety. Current Federal Aviation Administration (FAA) Airworthiness Standards for transport category airplanes include a number of classifications for cargo or baggage compartments. Class C cargo or baggage compartments must contain approved built-in fire-extinguishing systems. 14 CFR 25.857(c)(2). The compartments must be designed so that hazardous quantities of extinguishing agent (as well as smoke or flames) can be excluded from areas occupied by the crew or passengers (14 CFR 25.857(c)(3).) In addition, ventilation and drafts must not interfere with the ability of the fire extinguishing agent to control any fire that starts within the compartment (14 CFR 25.857(c)(4).) Flight tests of the fire-extinguishing systems must be conducted to show compliance with these requirements (14 CFR 25.855(h)(2),(3).) These systems typically contain halons as the fire-extinguishing agent. Thus, a ban on intentional release of halons would conflict with these vital safety requirements if no exemption were permitted.

Class D compartments are defined in part as aircraft cargo or baggage compartments not exceeding 1,000 cubic feet that use restriction of available oxygen, as opposed to a fire-extinguishing agent, to control fires (14 CFR 25.857(d)). In light of recent tragedies involving fires that originated in the cargo or baggage compartments of aircraft, EPA believes that class D compartments in addition to class C compartments should be exempted from the ban on intentional release of halon during testing of halon-containing systems. As alternative fire suppression systems for class D compartments are considered to improve aircraft safety, FAA is considering halon systems as an interim viable option.

EPA believes that fires aboard aircraft pose such a great risk to human safety that an exemption from the ban on the intentional release of halons in accordance with FAA's Airworthiness Standards is necessary and appropriate. EPA seeks comment on this proposed exemption.

3. Disposal of Halons and Halon-Containing Equipment

Today's proposal requires owners of equipment containing halon (including a halon blend) to dispose of the equipment by sending the equipment for halon recovery to a fire equipment distributor, a manufacturer, or a halon recycler operating in accordance with NFPA 10 and 12 A standards. The proposal also requires halon (including a halon blend) to be disposed of by sending it to a halon recycler for recycling.

Due to industry outreach efforts, owners of halon-containing equipment and those disposing of halon are already aware of the importance of halon recycling and banking. Industry trade organizations have already been encouraging owners of halon-containing equipment and those disposing of halon to contact manufacturers, halon fire equipment distributors or halon recyclers to ensure that halon is safely removed and recovered for future use. Therefore, today's proposed action is consistent with current industry practices and would not create an additional burden for equipment owners. Most halon systems and extinguishers in use today are purchased, installed, and serviced by fire equipment distributors. Because of the efficiency of these established distribution channels, industry representatives indicate that the simplest way to assure proper recycling of halon is simply to require equipment owners to return halon-containing equipment to distributors. In many cases owners may receive a payment for the halon contained in the equipment because of the current market value of halon. The market value of halon has provided an incentive to industry to consistently recover and recycle halons.

EPA is seeking comments on today's proposal relative to the disposal of halons and halon-containing equipment.

IV. Administrative Requirements

a. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this proposed regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined by OMB and EPA that this proposal is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order.

b. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities for the following reasons. The proposal would not have a significant impact in the area of intentional release because it closely models current industry standards for prevention of intentional release of halon during repair, testing, and disposal of halon-containing equipment, and during technician training. The proposal also would not have a significant impact in the areas of technician training and disposal of halons and halon-containing equipment because it closely models current industry standards, including the practice of recovering halons for reuse or recycling. Because the use of halon blends has already declined substantially and because reuse of blends without recycling remains an option, there would not be a substantial number of entities affected by the requirement to dispose of halon blends through recycling. Because the market

for halon blends is so small the ban on the sale of halon blends would not have a significant impact on a substantial number of small entities. Businesses that manufacture, distribute, or sell halon blends would be subject to the ban: however, there would not be a significant impact on these businesses and these businesses are not substantial in number. The one U.S. manufacturer of halon blends of which EPA is aware has stated that the ban on halon blends would minimally impact the business' profitability. Additionally, alternatives to halon blends are available for distribution and sale. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

c. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule. Section 204 requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or private sector of less than $100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this proposed rule, the Agency is not required to develop a plan with regard to small governments. Finally, because this proposal does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials.

d. Paperwork Reduction Act

This action requires no information collection subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and therefore no information collection request will be submitted to OMB for review.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control.

Dated: June 26, 1997.

Carol Browner,

Administrator.

40 CFR part 82 is proposed to be amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Part 82 is amended by adding subpart H consisting of §§ 82.250, 82.260 and 82.270 to read as follows:

Subpart H—Halon Emissions Reduction

Sec.

82.250 Purpose and scope.
82.260 Definitions.
82.270 Prohibitions.

Subpart H—Halon Emissions Reduction

§ 82.250 Purpose and scope.

(a) The purpose of this subpart is to reduce the emissions of halon in accordance with section 608 of the Clean Air Act by banning the sale of all halon blends; banning the intentional release of halons during repair, testing, and disposal of equipment containing halons and during technician training; requiring organizations that employ technicians to provide emissions reduction training; and requiring proper disposal of halons and equipment containing halons.

(b) This subpart applies to any person testing, servicing, maintaining, repairing or disposing of equipment that contains halons or using such equipment during technician training. This subpart also applies to any person disposing of halons; to manufacturers, distributors, and retailers of halon blends; and to organizations that employ technicians who service halon containing equipment.

§ 82.260 Definitions.

Disposal of halon means the discarding of halon recovered from halon-containing equipment.

Disposal of halon-containing equipment means the process leading to and including:

(1) The discharge, deposit, dumping or placing of any discarded halon containing equipment into or on any land or water;

(2) The disassembly of any halon-containing equipment for discharge, deposit, or dumping or placing of its discarded component parts into or on any land or water; or

(3) The disassembly of any halon containing equipment for reuse of its component parts.

Manufacturer means any person engaged in the direct manufacture of halon, halon blends or halon-containing equipment.

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

Technician means any person who performs testing, maintenance, service, or repair that could reasonably be expected to release halons from equipment into the atmosphere. Technician also means any person who performs disposal of equipment that could reasonably be expected to release halons from the equipment into the atmosphere. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases, owners.

§ 82.270 Prohibitions.

(a) Effective 30 days following promulgation no person may sell or distribute, or offer for sale or distribution, any substance that is a blend of two or more halon products.

(b) Effective 30 days following promulgation, no person testing, maintaining, servicing, repairing, or disposing of halon-containing equipment or using such equipment for technician training may knowingly vent or otherwise release into the environment any halons used in such equipment. De minimis releases associated with good faith attempts to recycle or recover halon are not subject to this prohibition. Release of halons during testing of fire extinguishing systems for aircraft class C and class D compartments in accordance with the

Federal Aviation Administration's Airworthiness Standards is not subject to this prohibition.

(c) Effective 30 days following promulgation, organizations that employ technicians who test, maintain, service, repair, or dispose of halon containing equipment shall provide training for these technicians regarding halon emission reduction.

(d) Effective 30 days following promulgation, owners of halon containing equipment shall dispose of that equipment by forwarding 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. Effective 30 days following promulgation, 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.

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