

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-7530-4]

RIN 2060-AF36

Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Through this action, EPA is amending the Refrigerant Recycling Regulations promulgated under section 608 of the Clean Air Act Amendments of 1990. On February 29, 1996, EPA published a proposed rule regarding a recycling standard under section 608 of the Clean Air Act. Today's action finalizes portions of the February 29, 1996, proposed rule and provides information concerning EPA's intention to continue consideration of the other aspects of the proposal that are not addressed in this final rule. Today's action amends the recordkeeping aspects of the section 608 technician certification program; refines aspects of the refrigerant sales restriction; adopts updated versions of ARI Standard 700 and ARI Standard 740, both of which are industry standards previously adopted by EPA; clarifies the distinction between major and minor service, maintenance, and repair of appliances; amends several definitions; and sets forth procedures for the revocation and/or suspension of approval to certify technicians and refrigerant recycling and/or recycling equipment and revocation and/or suspension procedures for certification as a refrigerant reclaimer.

Today's action also provides readers with notice that three of the items discussed in the February 29, 1996, proposal will not be completed as part of today's action (*i.e.*, the potential adoption of a more flexible method for cleaning refrigerants where the refrigerants will be transferred between appliances with different ownership; the potential adoption of a third-party certification program for reclaimers; and the potential adoption of a third-party certification program for laboratories that verify refrigerant purity or level of contaminants).

The regulatory changes promulgated through today's action will streamline and clarify portions of the existing refrigerant recycling regulations without compromising the goals of protecting

public health and the environment or compliance with the requirements of the Clean Air Act Amendments of 1990.

EFFECTIVE DATE: The effective date for this action is September 22, 2003, except for certification of refrigerant recycling only equipment for which this rule becomes effective October 22, 2003.

ADDRESSES: Comments and supporting materials for this final rule are contained in Public Docket No. A-92-01; Environmental Protection Agency; 1301 Constitution Ave., NW., Washington, DC 20460 in room B-108. The docket 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.

FOR FURTHER INFORMATION CONTACT:

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

- I. Regulated Entities
- II. Refrigerant Recycling Regulations
- III. Proposed Revisions to the Refrigerant Recycling Regulations
- IV. Summary of Comments Received on the Notice of Proposed Rulemaking
- V. Final Rule
 - A. Contractor Reclamation and Third-Party Certification Programs
 - B. Definition of Reclaim and Adoption of the ARI Standard 700 Specifications for Fluorocarbon and Other Refrigerants
 - C. Revocation and Suspension Procedures
 - D. Technician Certification and the Sales Restriction
 1. Recordkeeping
 2. Sales Restriction on Refrigerants Approved for Use With Motor Vehicle Air Conditioners (MVACs)
 3. Transfers Between Subsidiaries
 4. Transfers Between Federal Facilities
 5. Other Comments and Amendments to the Refrigerant Sales Restriction
 - E. Motor Vehicle Air Conditioner (MVAC)-Like Appliances
 - F. Changes to the ARI Standard 740 Test Procedure for Refrigerant Recycling and Recovery Equipment
 1. Measurement of Vapor Recovery Rates
 2. High-Temperature Testing
 3. Use of Representative Recovery Cylinders
 4. Limiting Emissions from Condenser Clearing, Oil Draining, Purging, and External Hoses
 5. Durability Testing
 6. Clarification of Labeling Requirements for Recovery/Recycling Equipment

7. Effective Date of New Standards and Grandfathering of Equipment
8. Requirements for Equipment Advertised as "Recycling Equipment"
9. Procedure for Updating Approval of Certification Organizations
10. Other Issues Raised by Commenters
- G. Major and Minor Maintenance, Service, or Repair
- H. Definition of Small Appliances
- VI. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
 - G. Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks"
 - H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer and Advancement Act
 - J. Congressional Review Act

I. Regulated Entities

Entities potentially regulated by this action are those that wish to recover, recycle, reclaim, sell, or distribute in interstate commerce refrigerants that contain chlorofluorocarbons (CFCs) and/or hydrochlorofluorocarbons (HCFCs) and those that service, maintain, repair, or dispose of appliances containing CFC or HCFC-refrigerants. In addition, the owners or operators of appliances containing CFC or HCFC-refrigerants may be potentially regulated. Regulated categories and entities include:

Category	Example of regulated entities
Industry	Refrigerant reclaimers Refrigerant recovery/recycling equipment manufacturers Air-conditioning and refrigeration contractors and technicians Owners and operators of air-conditioning and refrigeration equipment Certifying programs for technicians Refrigerant recovery/recycling equipment testing organizations

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 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