

2011 DRAFTING REQUEST

Bill

Received: 11/30/2011

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Rachel Mattke

May Contact: Tom Fonfara

Drafter: mkunkel

Subject: Trade Regulation - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Substitutes for ozone depleting refrigerants for mobile air conditioners

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mkunkel 11/30/2011	mduchek 11/30/2011	rschluet 11/30/2011	_____	lparisi 11/30/2011	ggodwin 01/05/2012	

FE Sent For:

*At intro
1/4/2012*

<END>

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/?	mkunkel			_____	_____		
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FE Sent For:

<END>



Ozone Layer Protection - Regulatory Programs

You are here: [EPA Home](#) [Ozone Layer Protection](#) [Regulatory Programs](#) [Stationary AC](#)
The Refrigerant Sales Restriction

The Refrigerant Sales Restriction

The following questions and answers provide information about the restriction on sales of refrigerant to Section 608 or 609 certified technicians. A table summarizing this sales restriction is found here.

What does the sales restriction cover?

This sales restriction covers all CFC and HCFC refrigerants contained in bulk containers (such as cylinders, cans or drums). Refrigerant blends containing HCFCs (such as FRIGC FR-12, Free Zone, Hot Shot® or R-414B, GHG-X4 or R-414A, Freeze 12) are also covered under this sales restriction.

This sales restriction does not cover refrigeration and air-conditioning equipment or components containing an ozone-depleting refrigerant (such as components of residential split systems containing HCFC-22, also called R-22). Nor does the restriction cover the retail sale of air-conditioning and refrigeration appliances containing CFC or HCFC refrigerants (such as window air conditioners).

However, as of January 1, 2010, EPA banned the import and production of air-conditioning and refrigeration appliances and appliance components that are pre-charged with R-22. More information on [EPA's rule banning the sale of pre-charged appliances and appliance components is found here](#).

EPA has previously banned the sale and distribution of refrigeration and air-conditioning appliances containing CFCs (such as R-12), under the [Nonessential Products Ban](#).

What type of certification is required to purchase refrigerant?

The following people can buy any type of ozone-depleting refrigerant under this sales restriction (for instance, R-11, R-12, R-123, R-22), except for "small cans" containing less than 20 pounds of R-12:

Technicians certified to service stationary refrigeration and air-conditioning equipment by a [Section 608 EPA-certified testing organization](#); and
Employers of a Section 608 certified technician (or the employer's authorized representative) if the employer provides the wholesaler with written evidence that he or she employs at least one properly certified technician.

The following people can buy refrigerant found acceptable for use in a motor vehicle air conditioner (MVAC), including "small cans" containing less than 20 pounds of R-12:

Technicians certified to service motor vehicle air-conditioners by a [Section 609 EPA-certified testing organization](#).

Can Section 609 certified technicians purchase R-22?

Effective, September 22, 2003, EPA has limited the sale of ozone-depleting refrigerants intended for use with stationary refrigeration and air-conditioning equipment to section 608 technicians. Therefore, section 609 technicians cannot purchase R-22, regardless of container size.

Note, that for purposes of maintenance, repair, service, or disposal, that buses using R-22 are not defined as MVACs; therefore, Section 608 certification (Type II or Universal) is required to service buses using R-22.

Does the sales restriction apply to HFC refrigerants?

~~This sales restriction only applies to refrigerants consisting of an ozone-depleting substance. Therefore, HFC refrigerants such as R-134a, and HFC refrigerant blends that do not contain an ozone-depleting substance, such as R-404A and R-410A, are not currently covered under this sales restriction.~~

Refrigerant blends that consist of an HFC and an ozone-depleting substance (such as, FRIGC FR-12, Free Zone, Hot Shot® or R-414B, GHG-X4 or R-414A, Freeze 12) are captured under this sales restriction. Section 608 or 609 technician certification is required to purchase these refrigerants.

Is it legal to intentionally release refrigerants that are not captured under the sales restriction?

It is illegal to intentionally release any refrigerant during the maintenance, service, repair or disposal of refrigeration and air-conditioning equipment, unless EPA determines that such a release does not pose a threat to the environment. It is illegal to intentionally vent all CFC, HCFC, and HFC refrigerants including, but not limited to, R-12, R-22, R-134a, R-404A, and R-410A.

What precautions must wholesalers take to ensure that persons who claim that they are purchasing refrigerant only for resale to certified technicians are actually doing so?

Wholesalers are legally responsible for ensuring that people who purchase refrigerant from them fit into one of the categories of people who can purchase refrigerant under the sales restriction (see the second question and answer above). Although the regulation does not specify precautions that wholesalers must take to verify the intent of individuals purchasing refrigerant for resale, EPA recommends that wholesalers who sell refrigerant for resale obtain at least a signed statement from the purchaser. This statement would state that the purchaser is purchasing the refrigerant only for eventual resale to certified technicians.

I understand that EPA recommends that wholesalers keep a list of persons (either by name or job title) who are authorized to pick up refrigerant for contractors who employ certified technicians. What if a contractor sends someone, such as a family member, to pick up refrigerant who is not on the list? What if a contractor wishes to have refrigerant delivered to his place of business when no employees or other authorized persons are present?

Under the regulations, wholesalers "may sell refrigerant to the purchaser or his authorized representative" if the purchaser provides evidence that he employs at least one certified

technician. It is the wholesaler's responsibility to determine whether persons who claim to represent a refrigerant purchaser are indeed authorized representatives. EPA recommends, but does not require, that wholesalers keep lists of authorized representatives to help with this determination. Thus, if a wholesaler knows that a certain person is an authorized representative of a purchaser, then the wholesaler may sell that person refrigerant as the representative, even if the person does not appear on the list of representatives.

Similarly, if a wholesaler knows that refrigerant delivered to the location of a purchaser when no one is present will ultimately be received by the purchaser or his authorized representative, then the wholesaler may deliver the refrigerant without obtaining the signature of an authorized representative.

Do wholesalers have to record the quantity of refrigerant sold in a pre-charged part?

Under the regulations, any persons who sell CFC or HCFC refrigerants must retain invoices that indicate the name of the purchaser, the date of sale, and the quantity of refrigerant purchased. This applies to refrigerants contained in pre-charged parts as well as refrigerants contained in cylinders or drums. However, EPA recognizes that while the quantity of refrigerant contained in a pre-charged part may be standardized by the make and model of the part, this quantity may not be immediately obvious to the wholesaler. Therefore, rather than attempt to estimate the quantity of refrigerant in a pre-charged part, wholesalers may simply record the identity of the pre-charged part (e.g., make, model, and number) along with the purchaser and date of sale. EPA believes that most invoices already contain this information.

Does the sales restriction also apply to internet sales?

Yes, for refrigerant sales EPA considers persons selling via internet sites, auctions, classified ads, and other means as wholesalers who must comply with the recordkeeping requirements for sales of ozone-depleting refrigerant.

1,1,1,2-Tetrafluoroethane

From Wikipedia, the free encyclopedia

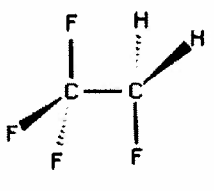
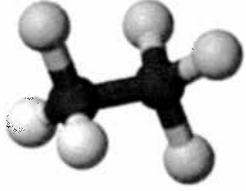
1,1,1,2-Tetrafluoroethane, **R-134a**, **Genetron 134a**, **Suva 134a** or **HFC-134a**, is a haloalkane refrigerant with thermodynamic properties similar to R-12 (dichlorodifluoromethane), but with less ozone depletion potential. It has the formula CH₂FCF₃, and a boiling point of −26.3 °C (−15.34 °F) at atmospheric pressure.

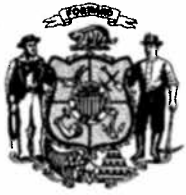
Contents

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- 2 History
- 3 Safety
- 4 See also
- 5 References
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Uses

1,1,1,2-Tetrafluoroethane is an inert gas used primarily as a "high-temperature" refrigerant for domestic refrigeration and automobile air conditioners. These devices began using 1,1,1,2-tetrafluoroethane in the early 1990s as a replacement for the more environmentally harmful R-12, and retrofit kits are available to convert units that were originally R-12-

1,1,1,2-Tetrafluoroethane	
	
IUPAC name	
1,1,1,2-Tetrafluoroethane	
Other names	
Dymel 134a Genetron 134a HFA-134a HFC-134a R-134a Suva 134a Norflurane	
Identifiers	
CAS number	811-97-2 ✓
ChemSpider	12577 ✓
UNII	DH9E53K1Y8 ✓
EC number	212-377-0
KEGG	D05208 ✓
RTECS number	KI8842500
Jmol-3D images	Image 1 (http://chemapps.stolaf.edu/jmol/jmol.php?model=FCC%28F%29%28F%29F)
SMILES	
InChI	
Properties	
Molecular formula	CH ₂ FCF ₃ ^[1]



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3564/1

MDK:.....

med

O-NOTE

2011 BILL

tomorrow
12-1
4 pm

Gen

1 AN ACT ...; relating to: regulating certain substitutes for ozone-depleting
2 refrigerants.

the

Analysis by the Legislative Reference Bureau

Current law imposes certain restrictions on ozone-depleting refrigerants (ODRs) used in air conditioners for motor vehicles and motor vehicle trailers. The restrictions prohibit the sale of an ODR in a container holding less than 15 pounds of the ODR. Unless certain requirements are satisfied, the restrictions also prohibit repairing such an air conditioner, if the repair may release ODRs, and installing or servicing such an air conditioner, if the air conditioner contains ODRs. The requirements that must be satisfied to perform such work include training or certification requirements established by Department of Agriculture, Trade and Consumer Protection (DATCP) that the individual who performs the work must satisfy, as well as requirements for removing and recycling the ODRs. Current law also authorizes DATCP to promulgate rules providing that any of the foregoing restrictions also apply to substances used as substitutes for ODRs (ODR substitutes).

be

This bill creates exceptions to DATCP's rule-making ^{g authority} regarding ODR substitutes. Under the bill, DATCP may not promulgate rules that prohibit the sale of an ODR substitute in a container holding less than 15 pounds of the ODR substitute. In addition, the bill prohibits DATCP from promulgating rules regulating an individual's noncommercial use of an ODR substitute that is sold in such a container.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 100.45 (5e) of the statutes is renumbered 100.54 (5e) (a) and

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amended to read:

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100.54 (5e) (a) The Except as provided in par. (b), the department may

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promulgate rules providing that any portion of sub. (3) or (4) applies with respect to

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a substance used as a substitute for an ozone-depleting refrigerant.

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History: 1989 a. 284; 1991 a. 97; 1993 a. 243; 1997 s. 27, 165; 1999 a. 31; 2001 a. 16; 2005 a. 335; 2009 a. 28; 2011 a. 7, 10; s. 35.17 correction in (1) (dm).

SECTION 2. 100.54 (5e) (b) of the statutes is created to read:

7

100.54 (5e) (b) The department may not promulgate rules prohibiting the sale

8

or offering for sale of any substance used as a substitute for an ozone-depleting

9

refrigerant in a container holding less than 15 pounds of the substance or regulating

10

an individual's noncommercial use of such a substance that is sold in such a

11

container.

12

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3564/1dn

MDK:/:.....

Date

med

Sen. Grothman:

This bill refers to an individual's noncommercial use of an ozone-depleting refrigerant substitute (ODR substitute) that is sold in a container of less than 15 pounds. The term "noncommercial use" is intended to distinguish between an individual who uses an ODR substitute on his or her own motor vehicle (which constitutes a noncommercial use) and an individual who uses an ODR substitute in the course of his or her employment by a installation, service, or repair business (which constitutes a commercial use). Is that okay?

an

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3564/1dn
MDK:med:rs

November 30, 2011

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Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Godwin, Gigi

From: Mattke, Rachel
Sent: Thursday, January 05, 2012 2:50 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3564/1 Topic: Substitutes for ozone depleting refrigerants for mobile air conditioners

Please Jacket LRB 11-3564/1 for the SENATE.