

Ozone Depleting Substances and Fluorinated Greenhouse Gases

Enforcement update –

April 2010



INTRODUCTION

The Environmental Protection Agency (EPA) is the competent authority for enforcement of the legislation relating to controls on ozone depleting substances in accordance with *Regulation (EC) No. 1005 of 2009 on substances that deplete the ozone layer*. In addition, the Department of Environment, Heritage and Local Government plans to designate the EPA as competent authority for enforcement of the new legislation relating to fluorinated greenhouse gases (F-gases) in accordance with *Regulation (EC) No. 842 of 2006 on certain fluorinated greenhouse gases*. While the emphasis of Regulation 1005/2009 (the ODS Regulation) is on the ultimate phase out of ozone depleting substances, the main emphasis of Regulation 842/2006 (the F-gas Regulation) is on the management of F-gases through better containment, leak checking and certification of relevant personnel and companies.

Substances that are controlled by these Regulations include *inter alia*:

- refrigerant gases (CFCs, HCFC and HFCs);
- fire suppression agents (halons and HFCs);
- fumigation/pest control (methyl bromide); and
- certain solvents.

This document outlines the actions taken by the EPA to date in relation to the enforcement of the ODS and F-gas Regulations in Ireland.

INSPECTIONS

As part of its work as competent authority, the EPA carries out inspections to determine compliance with the ODS Regulation. The focus of such inspections varies from enforcement and complaint investigation to data verification and intelligence gathering. A total of 89 inspections have been carried out since the EPA was designated as competent authority in 2005. A summary of the inspections completed to date is presented in Table 1.

Table 1 Summary of inspections carried out

| Year | Number of inspections | Main focus of inspections |
|-----------------------|-----------------------|---|
| Quarter 1 2010 | 2 | Complaint investigation |
| 2009 | 51 | Inspection campaign at end user premises |
| 2008 | 16 | Inspection campaign at refrigeration and air conditioning (RAC) contractor premises |
| 2007 | 8 | Data verification and complaint investigation |
| 2006 | 10 | Data verification and enforcement inspections |
| 2005 | 2 | Enforcement inspections |
| Total | 89 | |

The significant increase in inspections in 2009 was to improve awareness among end users of ODS and F-gases of their legal responsibilities under the ODS and F-gas Regulations, in terms of leak checking, minimum qualifications and management of waste refrigerant gases. This is considered necessary to ensure that the end user sectors are well advised of their responsibilities.

REPORTING

There are a number of Member State reporting requirements set out in the ODS Regulation and the EPA is responsible for collecting the information and preparing the reports. The following reports are prepared and submitted to the European Commission by the end of June each year:

- Halons for critical uses;
- Illegal trade in ozone depleting substances; and,
- Methyl bromide quarantine and pre-shipment

The EPA carries out a number of surveys and data collection exercises for the purpose of preparation of these reports. In addition, the EPA undertakes site visits to verify the data collected and engages extensively with relevant operators to ensure their accuracy.

Table 2 Summary of data collection for annual reports to European Commission

| Annual report | Data collection |
|--|---|
| Halons for critical uses | Aircraft operators Airports Military (Air Corps, Army, Navy) Fire contractors (trained for halon handling) Garda Síochána |
| Illegal trade in ozone depleting substances | Revenue Commissioners, Customs Division |
| Methyl bromide quarantine and pre-shipment | Pest control/fumigation contractors |

PRIOR ANNUAL NOTIFICATIONS

The movement and transport of waste ODS and F-gases in Ireland are subject to the controls of the Waste Management (Collection Permit) Regulations. Under these regulations collection must be undertaken either in accordance with a Waste Collection Permit issued by a local authority or under a Prior Annual Notification submitted to the EPA. The EPA has sought to increase awareness of this legal obligation via:

- The creation of appropriate forms and a dedicated email address (PAN@epa.ie) for submission of Prior Annual Notifications to the EPA;
- The uploading of the application form together with guidance on the legal requirements for the transport of waste refrigerant gases on www.ozone.ie;
- Correspondence to all refrigerant gas distributors (6) regarding the requirement for their customers to submit Prior Annual Notifications to EPA; and,
- A mailshot to refrigeration and air conditioning (RAC) contractors (70) and fire contractors (7), enclosing copy of the form for Prior Annual Notifications.

To date, 89 Prior Annual Notifications have been received and acknowledged by the EPA. The current list is available to download from www.ozone.ie.

GUIDANCE AND AWARENESS

End user awareness of their legal responsibilities is a prerequisite for compliance. In order to develop good awareness, and to communicate effectively their legal obligations to end users and refrigeration and air conditioning contractors, the EPA is developing a suite of information tailored to the affected sectors.

Website

The EPA website (www.epa.ie) has dedicated pages presenting information on ozone depleting substances (ODS), which are accessible through the shortcut www.ozone.ie. A particular emphasis of this web content is information on the proper management of waste ODS, and the controls in place for their proper management. Content has also been presented on F-gases, which will be further developed over time, and linked to the shortcut www.fgases.ie (both web addresses are interlinked).

Best Practice Guidance Notes

In 2009 tailored guidance was developed for sectors affected by the ODS and F-gas Regulations in Ireland, for which intelligence was gathered during the inspection campaign. The aim of this guidance is also to raise awareness among the end user sectors and the refrigeration and air conditioning contractors of their legal requirements in relation to handling and management of refrigerant gases. Guidance documents aimed at the following sectors will be made available in the 2nd quarter of 2010:

1. Refrigeration and air conditioning contractors;
2. Retail (food and non-food);
3. Offices and Public Buildings;
4. Hospitality and Leisure; and,
5. Industry.

A summary of other measures that have been taken by the EPA to raise awareness on controls on waste ODS and F-gases are presented in Table 3.

Table 3 Summary of awareness measures for controls on waste ODS and f-gases

| Date | Measure |
|-------------|--|
| 2010 | <ul style="list-style-type: none"> • Update of content on EPA website www.ozone.ie. • Advert in the Irish Farmer's Journal to advise of ban on use of virgin HCFC from 31/12/2009. • Press release to the Irish Farmer's Journal to advise of ban on use of virgin HCFC from 31/12/2009. |
| 2009 | <ul style="list-style-type: none"> • Stakeholder meetings with representatives of the Institute of Refrigeration of Ireland in relation to legal requirements for handling of waste refrigerant gases. • Stakeholder meetings with refrigerant gas distributors. • Stakeholder meetings with local authorities and others. • Publication of EPA Paper on waste refrigerant gases on EPA website. • Publication of article on virgin R22 phase out in <i>BS News</i> (October/November 2009 issue). • Distribution of EPA Paper on waste refrigerant gases and guidance on leak checking requirements to: <ul style="list-style-type: none"> ○ Refrigeration and air conditioning contractors; ○ Refrigerant gas distributors; ○ Relevant IPPC licensees; and, ○ EPA Inspectors (Office of Environmental Enforcement). |
| 2008 | <ul style="list-style-type: none"> • Presentation by EPA at seminars for the Institute of Refrigeration of Ireland (Dublin and Cork), outlining controls on waste refrigerant gases. • Awareness leaflets printed and issued to all refrigerant gas distributors for distribution to contractors/customers at Trade Counters. • Awareness posters sent to all refrigerant gas distributors for display at Trade Counters. • Correspondence with Institute of Refrigeration of Ireland and Fire Engineering Systems Association to drive awareness among membership of new requirements. • Correspondence to all refrigerant gas distributors regarding Certificate of Registration for take back of waste refrigerant gases. • Letters and emails issued to all refrigerant gas distributors to seek assistance in |

| Date | Measure |
|------|--|
| | <p>distributing leaflets and information among customer base.</p> <ul style="list-style-type: none"> • Electronic copy of leaflet issued to Refrigeration Skillnet/Institute of Refrigeration of Ireland for distribution among membership and via website. • Input to Office of Environmental Enforcement Guidance Manual for local authorities on revised waste legislation. |

FURTHER INFORMATION

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