

Ozone Depleting Substances and Fluorinated Greenhouse Gases

Enforcement update July 2013



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* And 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 annual inspections to determine compliance with the ODS and F-gas Regulations. 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
2013 to date	53	Data verification and desktop investigations
2012	75	Data verification, inspection campaign at end user and contractor premises
2011	68	Data verification, inspection campaign at end user and contractor premises
2010	89	Complaint investigation and inspection campaign at end user and contractor premises
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	372	

In 2013 to date, there has been an increased focus on desktop compliance investigations, in particular checking status of company certification and the submission of Prior Annual Notifications.

REPORTING

There are a number of Member State reporting requirements set out in Article 26 of 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,

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) An Garda Síochána
Illegal trade in ozone depleting substances	Revenue Commissioners, Customs Division

PRIOR ANNUAL NOTIFICATIONS

The movement and transport of waste ODS and F-gases in Ireland is 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 list of companies that have submitted Prior Annual Notifications to the EPA is updated regularly and is available to download from www.ozone.ie.

GUIDANCE AND AWARENESS

Good awareness of legal responsibilities is a prerequisite for compliance for obligated sectors. The EPA takes steps to raise awareness of legal requirements and to provide guidance materials.

R22 phase out

In 2012/2013, the EPA commissioned a study into the nature and extent of R22 remaining installed in Ireland, through a stakeholder survey and consultation exercise. While the use of virgin HCFC (e.g. R22) in the maintenance of refrigeration and air conditioning equipment has been prohibited since 1 January 2010, the use of recycled and reclaimed R22 can continue until 31 December 2014. The findings from the study indicated that awareness of the forthcoming ultimate phase out of R22 was variable across and within sectors. A proposed awareness plan was developed as part of the study and elements of this plan will be implemented by the EPA, according as resources allow.

Website

The EPA website (www.epa.ie) has dedicated pages presenting information on ODS and F-gases, which are accessible through the shortcuts www.ozone.ie and www.fgases.ie. A particular emphasis of this web content is information on the proper management of waste ODS and f-gases, and the controls in place for their proper management.

ODS licensing

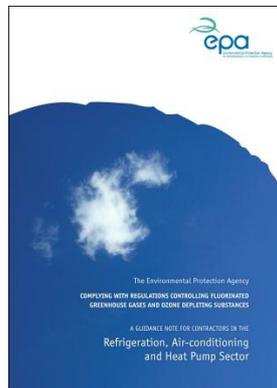
The import and export of ODS is generally prohibited. However, there are a number of exceptions, where imports or exports are permitted on the presentation of an import or export licence. Such licenses are issued by the European Commission and importers and exporters must be registered in the Commission's electronic ODS database (http://ec.europa.eu/clima/policies/ozone/ods/index_en.htm) in order to obtain the licences. Importers of product and equipment containing or relying on ODS, such as aircraft with halon fire extinguishers on board. Are also subject to licensing. In 2013, the EPA has commenced a campaign of work to ensure that all aviation companies in Ireland are appropriately licensed for any imports or exports undertaken. A dedicated section on the ozone pages of the EPA website sets out the details related import and export requirements.

In addition, the use of ODS for laboratory and analytical uses (including the placing on the market for such uses) is subject to registration. For this reason, the European Commission operates a separate electronic laboratory ODS database. In 2012, in response to a query from the European Commission, the EPA carried out an investigation into the compliance of certain laboratories registered in the database, raising awareness around the requirements relating to laboratory essential uses of ODS. A dedicated section on the ozone pages of the EPA website was developed.

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.

1. Refrigeration, Air Conditioning and Heat Pump Contractors



2. Hospitality and Leisure Sector



3. Industrial Sector



4. Offices and Public Buildings Sector



5. Retail Sector



6. Summary leaflet for end-users

FURTHER INFORMATION

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