[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994; 68 FR 43807, July 24, 2003; 73 FR 34649, June 18, 2008]

§ 82.160 Approved equipment testing organizations.

(a) Any equipment testing organization may apply for approval by the Administrator to certify equipment pursuant to the standards in § 82.158 and appendices B2 or C of this subpart. The application shall be mailed to: Section 608 Recycling Program Manager; Global Programs Division; Mail Code: 6205J; U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW.; Washington, DC 20460.

(b) Applications for approval must include written information verifying the following:

(1) The list of equipment present at the organization that will be used for equipment testing.

(2) Expertise in equipment testing and the technical experience of the organization's personnel.

(3) Thorough knowledge of the standards and recordkeeping and reporting requirements as they appear in §§ 82.158 and 82.166 and Appendices B2 and/or C (as applicable) of this subpart.

(4) The organization must describe its program for verifying the performance of certified recycling and recovery equipment manufactured over the long term, specifying whether retests of equipment or inspections of equipment at manufacturing facilities will be used.

(5) The organization must have no conflict of interest and receive no direct or indirect financial benefit from the outcome of certification testing.

(6) The organization must agree to allow the Administrator access to records and personnel to verify the information contained in the application.

(c) Organizations may not certify equipment prior to receiving approval from EPA. If approval is denied under this section, the Administrator or her or his designated representative shall give written notice to the organization setting forth the basis for her or his determination.

(d) If at any time an approved testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval in accordance with § 82.169. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42962, Aug. 19, 1994; 68 FR 43808, July 24, 2003]

§ 82.161 Technician certification.

(a) Effective November 14, 1994, technicians, except technicians who successfully completed voluntary certification programs that apply for approval under § 82.161(g) by December 9, 1994, must be certified by an approved technician certification program under the requirements of this paragraph (a). Effective May 15, 1995, all technicians must be certified by an approved technician certification program under the requirements of this paragraph (a).

(1) Technicians, as defined in § 82.152, who maintain, service, or repair small appliances must be properly certified as Type I technicians.

(2) Technicians who maintain, service, or repair medium-, high-, or very high-pressure appliances, except small appliances, MVACs, and MVAC-like appliances, or dispose of medium-, high-, or very high-pressure appliances, except small appliances, MVACs, and MVAC-like appliances, must be properly certified as Type II technicians.

(3) Technicians who maintain, service, or repair low-pressure appliances or dispose of low-pressure appliances must be properly certified as Type III technicians.

(4) Technicians who maintain, service, or repair low- and high-pressure equipment as described in § 82.161(a) (1), (2) and (3) must be properly certified as Universal technicians.

(5) Technicians who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians or complete the training and certification test offered by a training and certification program approved under § 82.40.

(6) Apprentices are exempt from this requirement provided the apprentice is closely and continually supervised by a certified technician while performing any maintenance, service, repair, or disposal that could reasonably be expected to release refrigerant from appliances into the environment. The supervising certified technician is responsible for ensuring that the apprentice complies with this subpart.

(b) *Test Subject Material.* The Administrator shall maintain a bank of test questions divided into four groups, including a core group and three technical groups. The Administrator shall release this bank of questions only to approved technician certification programs. Tests for each type of certification shall include a minimum of 25 questions drawn from the core group and a minimum of 25 questions drawn from each relevant technical group. These questions shall address the subject areas listed in appendix D.

(c) *Program Approval.* Persons may seek approval of any technician certification program (program), in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.160(a) verification that the program meets all of the standards listed in appendix D and the following standards:

(1) *Alternative Examinations.* Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required. A test may be administered orally to any person who makes this request, in writing, to the program at least 30 days before the scheduled date for the examination. The letter must explain why the request is being made.

(2) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary, by placing a notice in the FEDERAL REGISTER.

(3) *Proof of Certification.* Programs must issue individuals a wallet-sized card to be used as proof of certification, upon successful completion of the test. Programs must issue an identification card to technicians that receive a score of 70 percent or higher on the closed-book certification exam, within 30 days. Programs providing Type I certification using the mail-in format, must issue a permanent identification card to technicians that receive a score of 84 percent or higher on the certification exam, no later than 30 days after the program has received the exam and any additional required material. Each card must include, at minimum, the name of the certifying program, and the date the organization became a certifying program, the name of the person certified, the type of certification, a unique number for the certified person, and the following text:

[Name of person] has been certified as a [Type I, Type II, Type III, and/or Universal, as appropriate] technician as required by 40 CFR part 82, subpart F.

(4) The Administrator reserves the right to consider other factors deemed relevant to ensure the effectiveness of certification programs.

(d) If approval is denied under this section, the Administrator shall give written notice to the program setting forth the basis for her or his determination.

(e) If at any time an approved program violates any of the above requirements, the Administrator reserves the right to revoke approval in accordance with § 82.169. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

(f) Authorized representatives of the Administrator may require technicians to demonstrate on the business entity's premises their ability to perform proper procedures for recovering and/or recycling refrigerant. Failure to demonstrate or failure to properly use the equipment may result in revocation of the certificate. Failure to abide by any of the provisions of this subpart may also result in revocation or suspension of the certificate. If a technician's certificate is revoked, the technician would need to recertify before maintaining, servicing, repairing or disposing of any appliances.

(g)(1) Any person seeking approval of a technician certification program may also seek approval to certify technicians who successfully completed a voluntary certification program operated previously by that person. Interested persons must submit to the Administrator at the address in §82.160(a) verification that the voluntary certification program substantially complied with most of the standards of §82.161(c) and appendix D of subpart F of this part. If the program did not test or train participants on some elements of the test subject material, the person must submit supplementary information on the omitted material to the Administrator for approval and verify that the approved information will be provided to technicians pursuant to section j of appendix D of subpart F of this part. In this case, the person may not issue a certification card to a technician until he or she has received a signed statement from the technician indicating that the technician has read the supplementary information. Approval may be granted for Type I, Type II, or Type III certification, or some combination of these, depending upon the coverage in the voluntary certification program of the information in each Type. In order to have their voluntary programs considered for approval, persons must submit applications both for approval as a technician certification program and for approval as a voluntary program by December 9, 1994.

(2)(i) Persons who are approved to certify technicians who successfully completed their voluntary programs pursuant to §82.161(g)(1) must:

(A) Notify technicians who successfully completed their voluntary programs of the Administrator's decision within 60 days of that decision;

(B) Send any supplementary materials required pursuant to §82.161(g)(1) to technicians who successfully completed their voluntary programs within 60 days of the Administrator's decision; and

(C) Send certification cards to technicians who successfully completed their voluntary programs within 60 days of receipt of signed statements from the technicians indicating that the technicians [illegible] mentary information.

(ii) Persons who are disapproved to certify technicians who successfully completed their voluntary programs pursuant to §82.161(g)(1) must notify technicians who successfully completed their voluntary programs of the Administrator's decision within 30 days of that decision.

(iii) Persons who withdraw applications for voluntary program approval submitted pursuant to §82.161(g)(1) must inform technicians who successfully completed their voluntary programs of the withdrawal by the later of 30 days after the withdrawal or December 9, 1994.

(3) Technicians who successfully completed voluntary certification programs may receive certification in a given Type through that program only if:

(i) The voluntary certification program successfully completed by the technician is approved for that Type pursuant to §82.161(g)(1);

(ii) The technician successfully completed the portions of the voluntary certification program that correspond to that Type; and

(iii) The technician reads any supplementary materials required by the Administrator pursuant to §82.161(g)(1) and section j of appendix D of subpart F of this part, and returns the signed statement required by §82.161(g)(1).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, 42962, Aug. 19, 1994; 68 FR 43808, July 24, 2003; 69 FR 11980, Mar. 12, 2004]

§82.162 Certification by owners of recovery and recycling equipment.

(a) No later than August 12, 1993, or within 20 days of commencing business for those persons not in business at the time of promulgation, persons maintaining, servicing, or repairing appliances except for MVACs, and persons disposing of appliances except for small appliances and MVACs, must certify to the Administrator that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart. Such equipment may include system-dependent equipment but must include self-contained equipment, if the

[illegible] nance, service, or repair of appliances except for small appliances. The owner or lessee of the recovery or recycling equipment may perform this certification for his or her employees. Certification shall take the form of a statement signed by the owner of the equipment or another responsible officer and setting forth:

(1) The name and address of the purchaser of the equipment, including the county name;

(2) The name and address of the establishment where each piece of equipment is or will be located;

(3) The number of service trucks (or other vehicles) used to transport technicians and equipment between the establishment and job sites and the field;

(4) The manufacturer name, the date of manufacture, and if applicable, the model and serial number of the equipment; and

(5) The certification must also include a statement that the equipment will be properly used in servicing or disposing of appliances and that the information given is true and correct. Owners or lessees of recycling or recovery equipment having their places of business in:

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

must send their certifications to:

CAA section 608 Enforcement Contact; EPA Region I; Mail Code SEA; JFK Federal Building; One Congress Street, Suite 1100; Boston, MA 02114–2023.

Owners or lessees of recycling or recovery equipment having their places of business in:

New York
New Jersey
Puerto Rico
Virgin Islands

must send their certifications to:

CAA section 608 Enforcement Contact; EPA Region II (2DECA-AC); 290 Broadway, 21st Floor; New York, NY 10007–1866.

Owners or lessees of recycling or recovery equipment having their places of business in:

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

must send their certifications to:

CAA section 608 Enforcement Contact; EI Region III—Wheeling Operations Offic Mail Code 3AP12; 303 Methodist Buildin 11th and Chapline Streets; Wheeling, W 26003.

Owners or lessees of recycling or r covery equipment having their plac of business in:

Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

must send their certifications to:

CAA section 608 Enforcement Contact; EP Region IV(APT-AE); Atlanta Federal Cer ter; 61 Forsyth Street, SW.; Atlanta, G 30303.

Owners or lessees of recycling or re covery equipment having their place of business in:

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

must send their certifications to:

CAA section 608 Enforcement Contact, EP Region V (AE17J); 77 West Jackson Blvd. Chicago, IL 60604–3507.

Owners or lessees of recycling or re covery equipment having their place of business in:

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

must send their certifications to:

CAA section 608 Enforcement Contact; EPA Region VI (6EN-AA); 1445 Ross Avenue, Suite 1200; Dallas, Texas 75202.

Owners or lessees of recycling or recovery equipment having their places of business in:

Iowa
Kansas
Missouri
Nebraska

[71 FR 75403, Dec. 14, 2006]

Subpart B—Servicing of Motor Vehicle Air Conditioners

SOURCE: 57 FR 31261, July 14, 1992, unless otherwise noted.

§ 82.30 Purpose and scope.

(a) The purpose of the regulations in this subpart B is to implement section 609 of the Clean Air Act, as amended (Act) regarding the servicing of motor vehicle air conditioners (MVACs), and to implement section 608 of the Act regarding certain servicing, maintenance, repair and disposal of air conditioners in MVACs and MVAC-like appliances (as that term is defined in 40 CFR 82.152).

(b) These regulations apply to any person performing service on a motor vehicle for consideration when this service involves the refrigerant in the motor vehicle air conditioner.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68046, Dec. 30, 1997]

§ 82.32 Definitions.

(a) *Approved independent standards testing organization* means any organization which has applied for and received approval from the Administrator pursuant to § 82.38.

(b) *Approved refrigerant recycling equipment* means equipment certified by the Administrator or an organization approved under § 82.38 as meeting either one of the standards in § 82.36. Such equipment extracts and recycles refrigerant or extracts refrigerant for recycling on-site or reclamation off-site.

(c) *Motor vehicle* as used in this subpart means any vehicle which is self-propelled and designed for transporting persons or property on a street or highway, including but not limited to passenger cars, light duty vehicles, and heavy duty vehicles. This definition does not include a vehicle where final assembly of the vehicle has not been completed by the original equipment manufacturer.

(d) *Motor vehicle air conditioners* means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC-22 refrigerant.

(e) *Properly using.* (1) Properly using means using equipment in conformity with the regulations set forth in this subpart, including but not limited to the prohibitions and required practices set forth in § 82.34, and the recommended service procedures and practices for the containment of refrigerant set forth in appendices A, B, C, D, E, and F of this subpart, as applicable. In addition, this term includes operating the equipment in accordance with the manufacturer's guide to operation and maintenance and using the equipment only for the controlled substance for which the machine is designed. For equipment that extracts and recycles refrigerant, properly using also means to recycle refrigerant before it is returned to a motor vehicle air conditioner or MVAC-like appliance, including to the motor vehicle air conditioner or MVAC-like appliance from which the refrigerant was extracted. For equipment that only recovers refrigerant, properly using includes the requirement to recycle the refrigerant on-site or send the refrigerant off-site for reclamation.

(2) Refrigerant from reclamation facilities that is used for the purpose of recharging motor vehicle air conditioners must be at or above the standard of purity developed by the Air-conditioning and Refrigeration Institute (ARI 700-93) (which is codified at 40 CFR part 82, subpart F, appendix A, and is available at 4301 North Fairfax Drive, Suite 425, Arlington, Virginia 22203). Refrigerant may be recycled off-site only if the refrigerant is extracted using recover only equipment, and is subsequently recycled off-site by equipment owned by the person that owns both the recover only equipment and owns or operates the establishment at which the refrigerant was extracted. In any event, approved equipment must be used to extract refrigerant prior to performing any service during which discharge of refrigerant from the motor vehicle air conditioner can reasonably be expected. Intentionally venting or disposing of refrigerant to the atmosphere is an improper use of equipment.

(3) Notwithstanding any other terms of this paragraph (e), approved refrigerant recycling equipment may be transported off-site and used to perform service involving refrigerant at other locations where such servicing occurs. Any such servicing involving refrigerant must meet all of the requirements of this subpart B that would apply if the servicing occurred on-site.

(4) Facilities that charge MVACs or MVAC-like appliances with refrigerant but do not perform any other service involving refrigerant (*i.e.*, perform "top-offs" only) are considered to be engaged in "service involving refrigerant" and are therefore subject to any and all requirements of this subsection that apply to facilities that perform a wider range of refrigerant servicing. For facilities that charge MVACs, this includes the requirement to purchase approved refrigerant recycling equipment. For facilities that only charge MVAC-like appliances, this does not include the requirement to purchase approved refrigerant recycling equipment, but does include the requirement to be properly trained and certified by a technician certification program approved by the Administrator pursuant to either § 82.40 or § 82.161(a)(5).

(5) All persons opening (as that term is defined in § 82.152) MVAC-like appliances must have at least one piece of approved recovery or recycling equipment available at their place of business.

(f) *Refrigerant* means any class I or class II substance used in a motor vehicle air conditioner. Class I and class II substances are listed in part 82, subpart A, appendix A. Effective November 15, 1995, refrigerant shall also include any substitute substance.

(g) *Service for consideration* means being paid to perform service, whether it is in cash, credit, goods, or services. This includes all service except that done for free.

(h) *Service involving refrigerant* means any service during which discharge or release of refrigerant from the MVAC or MVAC-like appliance to the atmosphere can reasonably be expected to occur. Service involving refrigerant includes any service in which an MVAC or MVAC-like appliance is charged with refrigerant but no other service involving refrigerant is performed (*i.e.*, a "top-off").

(i) *Motor vehicle disposal facility* means any commercial facility that engages in the disposal (which includes dismantling, crushing or recycling) of MVACs or MVAC-like appliances, including but not limited to automotive recycling facilities, scrap yards, landfills and salvage yards engaged in such operations. Motor vehicle repair and/or servicing facilities, including collision repair facilities, are not considered motor vehicle disposal facilities.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68046, Dec. 30, 1997]

§ 82.34 Prohibitions and required practices.

(a) No person repairing or servicing MVACs for consideration, and no person repairing or servicing MVAC-like appliances, may perform any service involving the refrigerant for such MVAC or MVAC-like appliance:

(1) Without properly using equipment approved pursuant to § 82.36;

(2) Unless any such person repairing or servicing an MVAC has been properly trained and certified by a technician certification program approved by the Administrator pursuant to § 82.40; and

(3) Unless any such person repairing or servicing an MVAC-like appliance has been properly trained and certified by a technician certification program approved by the Administrator pursuant to either § 82.40 or § 82.161(a)(5).

(b) Effective November 15, 1992, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance that is suitable for use as a refrigerant in motor vehicle air-conditioner and that is in a container which contains less than 20 pounds of such refrigerant to any person unless that person is properly trained and certified under § 82.40 or intended the containers for resale only, and so certifies to the seller under § 82.42(b)(3).

(c) No technician training programs may issue certificates unless the program complies with all of the standards in § 82.40(a).

(d) *Motor vehicle disposal facilities.* (1) Any refrigerant that is extracted from an MVAC or an MVAC-like appliance (as that term is defined in § 82.152) bound for disposal and located at a motor vehicle disposal facility may not be subsequently used to charge or recharge an MVAC or MVAC-like appliance, unless, prior to such charging or recharging, the refrigerant is either:

(i) Recovered, and reclaimed in accordance with the regulations promulgated under § 82.32(e)(2) of this subpart B; or

(ii) (A) Recovered using approved refrigerant recycling equipment dedicated for use with MVACs and MVAC-like appliances, either by a technician certified under paragraph (a)(2) of this section, or by an employee, owner, or operator of, or contractor to, the disposal facility; and

(B) Subsequently recycled by the facility that charges or recharges the refrigerant into an MVAC or MVAC-like appliance, properly using approved refrigerant recycling equipment in accordance with any applicable recommended service procedures set forth in the appendices to this subpart B.

(2) Any refrigerant the sale of which is restricted under subpart F that is extracted from an MVAC or an MVAC-like appliance bound for disposal and located at a motor vehicle disposal facility but not subsequently reclaimed in accordance with the regulations promulgated under subpart F, may be sold prior to its subsequent re-use only to a technician certified under paragraph (a)(2) of this section. Any technician certified under paragraph (a)(2) of this section who obtains such a refrigerant may subsequently re-use such refrigerant only in an MVAC or MVAC-like appliance, and only if it has been reclaimed or properly recycled.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68047, Dec. 30, 1997]

§ 82.36 Approved refrigerant recycling equipment.

(a)(1) Refrigerant recycling equipment must be certified by the Administrator or an independent standards testing organization approved by the Administrator under § 82.38 to meet the following standard:

(2) Equipment that recovers and recycles CFC-12 refrigerant must meet the standards set forth in appendix A of this subpart (Recommended Service Procedure for the Containment of CFC-12, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems, and Standard of Purity for Use in Mobile Air Conditioning Systems).

(3) Equipment that recovers but does not recycle CFC-12 refrigerant must meet the standards set forth in appendix B of this subpart (Recommended Service Procedure for the Containment of CFC-12 and Extraction Equipment for Mobile Automotive Air-Conditioning Systems).

(4) Equipment that recovers and recycles HFC-134a refrigerant must meet the standards set forth in appendix C of this subpart (Recommended Service Procedure for the Containment of HFC-134a, Standards for Recover/Recycle Equipment that Extracts and Recycles HFC-134a, and Standard of Purity for Recycled HFC-134a for Use in MVACs).

(5) Equipment that recovers but does not recycle HFC-134a refrigerant must meet the standards set forth in appendix D of this subpart (HFC-134a Recover-Only Equipment and Recommended Service Procedure for the Containment of HFC-134a).

(6) Equipment that recovers and recycles both CFC-12 and HFC-134a using common circuitry must meet the standards set forth in appendix E of this subpart (Automotive Refrigerant Recycling Equipment Intended for Use with both CFC-12 and HFC-134a, Recommended Service Procedure for the Containment of CFC-12, and Recommended Service Procedure for the Containment of HFC-134a).

(7) Equipment that recovers but does not recycle refrigerants other than HFC-134a and CFC-12 must meet the standards set forth in appendix F of this subpart (Recover-Only Equipment that Extracts a Single, Specific Refrigerant Other Than CFC-12 or HFC-134a).

(b)(1) Refrigerant recycling equipment that has not been certified under paragraph (a) of this section shall be considered approved if it is substantially identical to the applicable equipment certified under paragraph (a) of this section, and:

(i) For equipment that recovers and recycles CFC-12 refrigerant, it was initially purchased before September 4, 1991;

(ii) For equipment that recovers but does not recycle CFC-12 refrigerant, it was initially purchased before April 22, 1992;

(iii) For equipment that recovers and recycles HFC-134a refrigerant, it was initially purchased before March 6, 1996;

(iv) For equipment that recovers but does not recycle HFC-134a refrigerant, it was initially purchased before March 6, 1996;

(v) For equipment that recovers but does not recycle any single, specific refrigerant other than CFC-12 or HFC-134a, it was initially purchased before March 6, 1996; and

(vi) For equipment that recovers and recycles HFC-134a and CFC-12 refrigerant using common circuitry, it was initially purchased before March 6, 1996.

(2) Equipment manufacturers or owners may request a determination by the Administrator by submitting an application and supporting documents that indicate that the equipment is substantially identical to approved equipment to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attn: Substantially Identical Equipment Review. Supporting documents must include process flow sheets, lists of components and any other information that would indicate that the equipment is capable of processing the refrigerant to the standards in appendix A, B, C, D, E or F of this subpart, as applicable. Authorized representatives of the Administrator may inspect equipment for which approval is being sought and request samples of refrigerant that has been extracted and/or recycled using the equipment. Equipment that fails to meet appropriate standards will not be considered approved.

(3) Refrigerant recycling equipment that recovers or recovers and recycles CFC-12 refrigerant and has not been certified under paragraph (a) or approved under paragraphs(b)(1) and (b)(2) of this section shall be considered approved for use with an MVAC-like appliance if it was manufactured or imported before November 15, 1993, and is capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions set forth in appendix A of this subpart.

(c) The Administrator will maintain a list of approved equipment by manufacturer and model. Persons interested in obtaining a copy of the list should send written inquiries to the address in paragraph (b) of this section.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68047, Dec. 30, 1997]

§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in appendix A, B, C, D, E, or F of this subpart, as applicable. The application shall be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) Applications for approval must document the following:

(1) That the organization has the capacity to accurately test whether refrigerant recycling equipment complies with the applicable standards. In particular, applications must document:

(i) The equipment present at the organization that will be used for equipment testing;

(ii) The expertise in equipment testing and the technical experience of the organization's personnel;

(iii) Thorough knowledge of the standards as they appear in the applicable appendices of this subpart; and

(iv) The test procedures to be used to test equipment for compliance with applicable standards, and why such test procedures are appropriate for that purpose.

(2) That the organization has no conflict of interest and will receive no financial benefit based on the outcome of certification testing; and

(3) That the organization agrees to allow the Administrator access to verify the information contained in the application.

(c) If approval is denied under this section, the Administrator shall give written notice to the organization setting forth the basis for his or her determination.

(d) If at any time an approved independent standards testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68048, Dec. 30, 1997]

§ 82.40 Technician training and certification.

(a) Any technician training and certification program may apply for approval, in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.38(a) verification that the program meets all of the following standards:

(1) *Training.* Each program must provide adequate training, through one or more of the following means: on-the-job training, training through self-study of instructional material, or on-site training involving instructors, videos or a hands-on demonstration.

(2) *Test subject material.* The certification tests must adequately and sufficiently cover the following:

(i) The standards established for the service and repair of MVACs and MVAC-like appliances as set forth in appendices A, B, C, D, E, and F of this subpart. These standards relate to the recommended service procedures for the containment of refrigerant, extraction equipment, extraction and recycle equipment, and the standard of purity for refrigerant in motor vehicle air conditioners.

(ii) Anticipated future technological developments, such as the introduction of HFC-134a in new motor vehicle air conditioners.

(iii) The environmental consequences of refrigerant release and the adverse effects of stratospheric ozone layer depletion.

(iv) As of August 13, 1992, the requirements imposed by the Administrator under section 609 of the Act.

(3) *Test administration.* Completed tests must be graded by an entity or individual who receives no benefit based on the outcome of testing; a fee may be charged for grading. Sufficient measures must be taken at the test site to ensure that tests are completed honestly by each technician. Each test must provide a means of verifying the identification of the individual taking the test. Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required.

(4) *Proof of certification.* Each certification program must offer individual proof of certification, such as a certificate, wallet-sized card, or display card, upon successful completion of the test. Each certification program must provide a unique number for each certified technician.

(b) In deciding whether to approve an application, the Administrator will consider the extent to which the applicant has documented that its program meets the standards set forth in this section. The Administrator reserves the right to consider other factors deemed relevant to ensure the effectiveness of certification programs. The Administrator may approve a program which meets all of the standards in paragraph (a) of this section except test administration if the program, when viewed as a whole, is at least as effective as a program that does meet all the standards. Such approval shall be limited to training and certification conducted before August 13, 1992. If approval is denied under this section, the Administrator shall give written notice to the program setting forth the basis for his determination.

(c) *Technical revisions.* Directors of approved certification programs must conduct periodic reviews of test subject material and update the material based upon the latest technological developments in motor vehicle air conditioner service and repair. A written summary of the review and any changes made must be submitted to the Administrator every two years.

(d) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary.

(e) If at any time an approved program is conducted in a manner not consistent with the representations made in the application for approval of the program under this section, the Administrator reserves the right to revoke approval.

(f) Authorized representatives of the Administrator may require technicians to demonstrate on the business entity's premises their ability to perform proper procedures for recovering and/or recycling refrigerant. Failure to demonstrate or failure to properly use the equipment may result in revocation of the technician's certificate by the Administrator. Technicians whose certification is revoked must be recertified before servicing or repairing any motor vehicle air conditioners.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21688, May 2, 1995; 62 FR 68048, Dec. 30, 1997]

§ 82.42 Certification, recordkeeping and public notification requirements.

(a) *Certification requirements.* (1) No later than January 1, 1993, any person repairing or servicing motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified. Certification shall take the form of a statement signed by the owner of the equipment or another responsible officer and setting forth:

(i) The name of the purchaser of the equipment;

(ii) The address of the establishment where the equipment will be located; and

(iii) The manufacturer name and equipment model number, the date of the equipment. The certification must also include a statement that the equipment will be properly used in servicing motor vehicle air conditioners, that each individual authorized by the purchaser to perform service is properly trained and certified in accordance with § 82.40, and that the information given is true and correct. The certification should be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division, (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(2) The prohibitions in § 82.34(a) shall be effective as of January 1, 1993 for persons repairing or servicing motor vehicle air conditioners for consideration at an entity which performed service on fewer than 100 motor vehicle air conditioners in calendar year 1990, but only if such person so certifies to the Administrator no later than August 13, 1992. Persons must retain adequate records to demonstrate that the number of vehicles serviced was fewer than 100.

(3) Certificates of compliance are not transferable. In the event of a change of ownership of an entity which services motor vehicle air conditioners for consideration, the new owner of the entity shall certify within thirty days of the change of ownership pursuant to § 82.42(a)(1).

(b) *Recordkeeping requirements.* (1) Any person who owns approved refrigerant recycling equipment certified under § 82.36(a)(2) must maintain records of the name and address of any facility to which refrigerant is sent.

(2) Any person who owns approved refrigerant recycling equipment must retain records demonstrating that all persons authorized to operate the equipment are currently certified under § 82.40.

(3) Any person who sells or distributes any class I or class II substance that is suitable for use as a refrigerant in a motor vehicle air conditioner and that is in a container of less than 20 pounds of such refrigerant must verify that the purchaser is properly trained and certified under § 82.40. The seller must have a reasonable basis for believing that the information presented

by the purchaser is accurate. The only exception to these requirements is if the purchaser is purchasing the small containers for resale only. In this case, the seller must obtain a written statement from the purchaser that the containers are for resale only and indicate the purchasers name and business address. Records required under this paragraph must be retained for a period of three years.

(4) All records required to be maintained pursuant to this section must be kept for a minimum of three years unless otherwise indicated. Entities which service motor vehicle air conditioners for consideration must keep these records on-site.

(5) All entities which service motor vehicle air conditioners for consideration must allow an authorized representative of the Administrator entry onto their premises (upon presentation of his or her credentials) and give the authorized representative access to all records required to be maintained pursuant to this section.

(c) *Public notification.* Any person who conducts any retail sales of a class I or class II substance that is suitable for use as a refrigerant in a motor vehicle air conditioner, and that is in a container of less than 20 pounds of refrigerant, must prominently display a sign where sales of such containers occur which states:

"*It is a violation of federal law to sell containers of Class I and Class II refrigerant of less than 20 pounds of such refrigerant to anyone who is not properly trained and certified to operate approved refrigerant recycling equipment.*"

[57 FR 31261, July 14, 1992, as amended at 60 FR 21688, May 2, 1995]

APPENDIX A TO SUBPART B OF PART 82—STANDARD FOR RECYCLE/RECOVER EQUIPMENT

STANDARD OF PURITY FOR USE IN MOBILE AIR-CONDITIONING SYSTEMS

Foreword

Due to the CFC's damaging effect on the ozone layer, recycle of CFC-12 (R–12) used in mobile air-conditioning systems is required to reduce system venting during normal service operations. Establishing recycle specifications for R–12 will assure that system operation with recycled R–12 will provide the same level of performance as new refrigerant.

Extensive field testing with the EPA and the auto industry indicate that reuse of R–12 removed from mobile air-conditioning systems can be considered, if the refrigerant is cleaned to a specific standard. The purpose of this standard is to establish the specific minimum levels of R–12 purity required for recycled R–12 removed from mobile automotive air-conditioning systems.

1. Scope

This information applies to refrigerant used to service automobiles, light trucks, and other vehicles with similar CFC-12 systems. Systems used on mobile vehicles for refrigerated cargo that have hermetically sealed, rigid pipe are not covered in this document.

2. References

SAE J1989, Recommended Service Procedure for the Containment of R–12
SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems
ARI Standard 700–88

3. Purity Specification

The refrigerant in this document shall have been directly removed from, and intended to be returned to, a mobile air-conditioning system. The contaminants in this recycled refrigerant 12 shall be limited to moisture, refrigerant oil, and noncondensable gases, which shall not exceed the following level:

3.1 *Moisture:* 15 ppm by weight.

3.2 *Refrigerant Oil:* 4000 ppm by weight.

3.3 *Noncondensable Gases (air):* 330 ppm by wright.

4. Refrigeration Recycle Equipment Used in Direct Mobile Air-Conditioning Service Operations Requirement

4.1 The equipment shall meet SAE J1990, which covers additional moisture, acid, and filter requirements.

4.2 The equipment shall have a label indicating that it is certified to meet this document.

5. Purity Specification of Recycled R–12 Refrigerant Supplied in Containers From Other Recycle Sources

Purity specification of recycled R–12 refrigerant supplied in containers from other recycle sources, for service of mobile air-conditioning systems, shall meet ARI Standard 700–88 (Air Conditioning and Refrigeration Institute).

6. Operation of the Recycle Equipment

This shall be done in accordance with SAE J1989.

Rationale

Not applicable.

Relationship of SAE Standard to ISO Standard

Not applicable.

Reference Section

SAE J1989, Recommended Service Procedure for the Containment of R–12
SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems
ARI Standard 700–88

Application

This information applies to refrigerant used to service automobiles, light trucks, and other vehicles with similar CFC-12 systems. Systems used on mobile vehicles for refrigerated cargo that have hermetically sealed, rigid pipe are not covered in this document.

Committee Composition

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