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Last version accessible
Including the Gazette officielle of 26 July 2006

c. Q-2, r.23.1

Regulation respecting ozone-depleting substances

Replaced, O.C. 1091-2004, 2004 G.O. 2, 3275; eff. 2004-12-23, see Q-2, r. 15.01

DIVISION I APPLICATION

1. This Regulation applies to any of the following ozone-depleting substances and, to the extent provided for herein, to any product containing any such substance:

- (1) a CFC classified in Category I of Schedule I as a chlorofluorocarbon;
- (2) a halon classified in Category II of Schedule I as a bromofluorocarbon;
- (3) an HCFC classified in Category III of Schedule I as a hydrochlorofluorocarbon; and
- (4) methylchloroform or carbon tetrachloride classified in Category IV of Schedule I.

O.C. 812-93, s. 1.

2. An ozone-depleting substance is considered a hazardous material within the meaning of paragraph 21 of section 1 of the Environment Quality Act (R.S.Q., c. Q-2).

O.C. 812-93, s. 2.

3. Sections 70.6 to 70.18 of the Environment Quality Act do not apply to an ozone-depleting substance.

In respect of the Regulation respecting hazardous materials, only sections 8 and 9 are applicable to ozone-depleting substances and sections 11 and 12 where discarded, spent, used or outdated carbon tetrachloride or methylchloroform are shipped.

O.C. 812-93, s. 3; O.C. 1310-97, s. 158.

4. This Regulation applies in particular in a reserved area or in an agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

O.C. 812-93, s. 4.

DIVISION II
MANUFACTURE, SALE, DISTRIBUTION OR USE OF AN OZONE-DEPLETING SUBSTANCE

5. No person may manufacture, sell or distribute any of the following products if they contain a CFC:

- (1) a pressurized container having a capacity of 10 kilograms or less;
- (2) an aerosol;
- (3) rigid plastic foam packaging;
- (4) an insulating panel made of extruded polystyrene rigid plastic foam;
- (5) a stuffing product made of supple plastic foam; or
- (6) sound-proofing or insulating plastic foam or a panel composed of such foam.

Subparagraph 2 of the first paragraph does not apply to a medication within the meaning of paragraph h of section 1 of the Pharmacy Act (R.S.Q., c. P-10) or to aerosol contraceptive foam.

Subparagraph 6 of the first paragraph does not apply to a foam or panel designed for a refrigeration apparatus.

O.C. 812-93, s. 5.

6. No person may sell or distribute a halon.

The first paragraph does not apply to a halon from a recovery or recycling operation.

O.C. 812-93, s. 6.

7. No person may sell or distribute a hand-held fire extinguisher containing a halon, except to a person or municipality or to a representative thereof that demonstrates a right of use, custody, or ownership of an aircraft, of a helicopter, of a military vehicle or of property that is cultural property recognized or classified under the Cultural Property Act (R.S.Q., c. B-4) or that is an immovable referred to in the Museums Act (R.S.C., c. M-13.4) or in the National Museums Act (R.S.Q., c. M-44).

O.C. 812-93, s. 7.

8. No person may use a halon to test the operation of a halon flooding system or to test such system for leaks.

O.C. 812-93, s. 8.

9. For a dry-cleaning operation, no person may use any solvent containing a CFC or any product containing such solvent.

O.C. 812-93, s. 9.

10. No person may use

(1) carbon tetrachloride; or

(2) methylchloroform.

The first paragraph does not apply to the use of carbon tetrachloride or methylchloroform

(1) in a laboratory;

(2) for the synthesis of a chemical compound; or

(3) for the manufacture or production of a product, where the manufacturing or production process modifies the chemical nature of the carbon tetrachloride or methylchloroform in such manner that it is no longer present in the product in the chemical nature initially introduced.

O.C. 812-93, s. 10.

10.1. No person may use a gas sterilization apparatus containing a CFC or an HCFC.

O.C. 1661-95, s. 1.

DIVISION III
PRESSURIZED CONTAINERS THAT WERE USED TO HOLD AN OZONE-DEPLETING
SUBSTANCE

11. No person may sell or distribute a CFC or an HCFC in a non-reusable or non-recyclable pressurized container.

O.C. 812-93, s. 11.

12. Any person who is in possession of a pressurized container that was used to hold a CFC or an HCFC shall return it to its point of sale or distribution after use, and any person who has sold or distributed such container shall retake possession of such returned container.

O.C. 812-93, s. 12.

DIVISION IV
RECOVERY OR RECYCLING OF AN OZONE-DEPLETING SUBSTANCE

13. Any person who installs, services, repairs or modifies a refrigeration apparatus or a motor vehicle air-conditioning apparatus shall recover or recycle the ozone-depleting substance released therefrom by using recovery or recycling equipment conforming to SAE Standard J-1990 of Section 3 of the «Code of Practice for the Reduction of Chlorofluorocarbon Emissions from Refrigeration and Air Conditioning Systems», published by Environment Canada in March 1991 under Number EPS 1/RA/1.

Any person who uses equipment referred to in the first paragraph shall comply with the provisions of Section 3 of that Code.

O.C. 812-93, s. 13.

14. Any person who installs, services, moves, repairs, modifies or dismantles a heat pump, a refrigeration or air-conditioning apparatus of a capacity of 2 tons of refrigeration (2 TR) or more or a halon flooding system shall recover or recycle the ozone-depleting substance released therefrom by using equipment designed to recover or recycle such substance.

Servicing a halon flooding system includes the work involved in reloading the system with halon.

For the purposes of the first paragraph, «ton of refrigeration» means a unit of measure designating the refrigerating or refrigeration capacity of an air-conditioning or refrigeration apparatus or system. Such unit of measure is equal to:

One ton of refrigeration (TR)=12 000 BTU/hr=3,52 KW=4,72 horsepower.

O.C. 812-93, s. 14.

15. In respect of a heat pump or a refrigeration or air-conditioning apparatus, the equipment referred to in section 14 shall comply with the provisions of Section 1 of the Code referred to in section 13.

O.C. 812-93, s. 15.

16. Any person who employs a person to carry out work referred to in section 13 or 14 shall make available to that person the recovery or recycling equipment referred to in section 13, 14 or 15, as the case may be.

O.C. 812-93, s. 16.

17. Revoked.

O.C. 812-93, s. 17; O.C. 1661-95, s. 2.

DIVISION V REPORTS AND REGISTERS

18. Any person who sells or distributes a CFC, an HCFC or a halon for wholesale purposes shall fill out and send to the Minister, no later than 31 March of each year, a report in respect of sales and distribution during the preceding year. The report shall contain the following information:

- (1) the person's name and address;
- (2) the person's main sector of activity;
- (3) for each subcategory of CFC, HCFC or halon referred to in Schedule I, the quantity sold or distributed during the year and the name and address of the person or municipality that provided the person with that substance; and
- (4) the date, as well as an attestation of the accuracy of the information contained in the report and the signature of the person carrying on the activity or, in the case of a corporation or partnership, of a person authorized by resolution of the Board or of the partners.

O.C. 812-93, s. 18.

19. Any person who carries out the work referred to in section 14 in respect of a halon flooding system shall, not later than on 31 March of each year, fill out and send to the Minister a report containing the following information:

- (1) the person's name and address and, where applicable, the number of the licence issued by the Régie du bâtiment du Québec;
- (2) the name of the owner of the halon flooding system and the address of the work site;
- (3) in respect of installation, servicing, moving, repair or modification work, the subcategory of the halon, the quantity loaded or reloaded and, where applicable, the quantity recovered;
- (4) in respect of dismantling work, the date of completion of the work, the subcategory of the halon and the quantity recovered; and
- (5) the date, as well as the attestation prescribed in paragraph 4 of section 18.

Notwithstanding the first paragraph, a report on dismantling work shall be sent to the Minister upon completion of such work.

O.C. 812-93, s. 19.

20. Any person who, following work referred to in section 13 or 14, recovers or recycles an ozone-depleting substance that comes from a heat pump or from a refrigeration or air-conditioning apparatus shall keep a record containing the following information:

- (1) the person's name and address and, where applicable, the number of the licence issued by the Régie du bâtiment du Québec;
- (2) the person's main sector of activity;
- (3) the type of recovery or recycling equipment and its serial number;
- (4) the date of the recovery or recycling operations;
- (5) the type of equipment on which the recovery or recycling operations are carried out, and a description of such equipment;
- (6) the subcategory of the ozone-depleting substance, as referred to in Schedule I, and the quantity recovered or recycled; and
- (7) the name of the person who carried out the recovery or recycling operations.

O.C. 812-93, s. 20.

21. Any person required to keep a record prescribed in section 20 shall conserve the record for at least 3 years from the date of the last entry and shall send a copy thereof to the Minister on request.

O.C. 812-93, s. 21.

DIVISION VI PENALTIES

22. Any offence against a provision of subparagraphs 2 to 6 of the first paragraph of section 5 or of sections 11 and 12 renders the offender liable,

- (1) in the case of a natural person, to a fine of not less than 2 000 \$ and not more than 10 000 \$; and
- (2) in the case of a corporation, to a fine of not less than 5 000 \$ and not more than 50 000 \$.

The fines shall be doubled for a repeat offence.

O.C. 812-93, s. 22.

23. Any offence against a provision of sections 6 to 10.1 or 13 to 16 renders the offender liable,

- (1) in the case of a natural person, to a fine of not less than 5 000 \$ and not more than 15 000 \$; and
- (2) in the case of a corporation, to a fine of not less than 15 000 \$ and not more than 250 000 \$.

The fines shall be doubled for a repeat offence.

O.C. 812-93, s. 23; O.C. 1661-95, s. 3.

24. Any offence against a provision of subparagraph 1 of the first paragraph of section 5 or against sections 18 to 21 renders the offender liable,

- (1) in the case of a natural person, to a fine of not less than 10 000 \$ and not more than 25 000 \$; and
- (2) in the case of a corporation, to a fine of not less than 20 000 \$ and not more than 500 000 \$.

The fines shall be doubled for a repeat offence.

O.C. 812-93, s. 24; O.C. 1661-95, s. 4.

DIVISION VII
FINAL

25. Sections 20 and 21 apply from 8 October 1993.

O.C. 812-93, s. 25.

26. Subparagraph 4 of the first paragraph of section 5 and sections 11 and 12 apply from 1 January 1994.

O.C. 812-93, s. 26.

27. Section 9 applies from 1 January 1996.

O.C. 812-93, s. 27; O.C. 515-95, s. 1.

28. Revoked.

O.C. 812-93, s. 28; O.C. 1661-95, s. 5.

29. Section 6 and subparagraph 1 of the first paragraph of section 10 apply from 1 January 1995.

O.C. 812-93, s. 29.

30. Subparagraph 6 of the first paragraph of section 5 and the third paragraph of section 5 apply from 1 January 1996.

O.C. 812-93, s. 30.

30.1. Section 10.1 applies from 1 March 1996 in respect of a gas sterilization apparatus containing a CFC, and from 30 June 1998 in respect of a gas sterilization apparatus containing an HCFC.

O.C. 1661-95, s. 6.

31. Subparagraph 2 of the first paragraph of section 10 applies from 1 January 2000.

O.C. 812-93, s. 31.

32. The provisions of sections 5, 6, 9 and 10 apply only to products manufactured from the date on which each of those provisions takes effect.

O.C. 812-93, s. 32.

33. Omitted.

O.C. 812-93, s. 33.

SCHEDULE I

[Q-2R23.1#01 see 1993 G.O. 2, 3254]

CATEGORY I: CHLOROFLUOROCARBONS (CFC)

Subcategories:

CFC-11,	trichlorofluoromethane	CC13F
CFC-12,	dichlorodifluoromethane	CC12F2
CFC-113,	1,1,2-trichlorotrifluoroethane	CC12FCC1F2
CFC-114,	1,2-dichlorotetrafluoroethane	CC1F2CC1F2
CFC-115,	chloropentafluoroethane	CC1F2CF3
CFC-500,	dichlorodifluoromethane 73,8% + ethylidene fluoride 26,2%	CC12F2/CH3CHF2
CFC-502,	chlorodifluoromethane 48,8% + chloropentafluoroethane 51,2%	CHC1F2/CC1F2CF3
CFC-503,	trifluoromethane 40,1% + chlorotrifluoromethane 59,9%	CHF3/CC1F3

CATEGORY II: BROMOFLUOROCARBONS (HALONS)

Subcategories:

HALON 1211,	bromochlorodifluoromethane	CF2C1Br
HALON 1301,	bromotrifluoromethane	CF3Br
HALON 2402,	1,2-dibromotetrafluoroethane	C2F4Br2

CATEGORY III: HYDROCHLOROFLUOROCARBONS (HCFC)

Subcategories:

HCFC-22,	chlorodifluoromethane	CHC1F2
HCFC-123,	2,2-dichloro-1,1,1-trifluoroethane	CHC12CF3
HCFC-124,	2-chloro-1,1,1,2-tetrafluoroethane	CHC1FCF3
HCFC-141b,	1,1-dichloro-1-fluoroethane	CH3CC12F
HCFC-142b,	1-chloro-1,1-difluoroethane	CH3CC1F2

CATEGORY IV: OTHER SUBSTANCES

Subcategories:

methylchloroform (1,1,1-trichloroethane)	CH3CCl3
carbon tetrachloride	CCl4

O.C. 812-93, Sch. I.

O.C. 812-93, 1993 G.O. 2, 3251
O.C. 515-95, 1995 G.O. 2, 1326
O.C. 1661-95, 1996 G.O. 2, 23
O.C. 1310-97, 1997 G.O. 2, 5199