

## SUBSIDIARY LEGISLATION

ENVIRONMENT MANAGEMENT (MANAGEMENT OF  
OZONE DEPLETING SUBSTANCES) REGULATIONS*under s. 41*

## PART I

## PRELIMINARY

1. These Regulations may be cited as the Environment Management (Management of Ozone Depleting Substances) Regulations. Citation

2. In these Regulations, unless the context otherwise requires— Interpretation

“consumption” means production plus imports less exports of ozone depleting substances;

“CFCs” means chlorofluorocarbons listed in the First Schedule;

“HCFCs” means hydrochlorofluorocarbons listed in the Third Schedule;

“ODS” means ozone depleting substances listed in the First, Second, Third and Fifth Schedules;

“ODS Technologies” means the equipment or materials containing or made with ozone depleting substances listed in the Fourth Schedule;

“Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987 and as amended at London, Copenhagen and Vienna;

“refrigerant” means a substance, whether part or mixture, that is used as a coolant in a refrigerator, freezer, cold room, dehumidifier, heat pump or an air conditioner; and

“training” means training in refrigeration and air conditioning.

3. These Regulations shall apply to— Application

(a) every importer and distributor of ozone depleting substances;

(b) every importer of technology which uses ozone depleting substances;

(c) every company and an individual who services refrigerators, air conditioners including mobile and other ozone depleting substances technologies;

(d) every company and an individual using servicing fire extinguishers;

- (e) any company, an individual and farmer using ODS;
- (f) the relevant Government ministries and departments;
- and
- (g) the general public.

## PART II

## CONTROL MEASURES

Import  
permit for  
ODS

4.—(1) (a) Any person who wants to import ODS shall apply for an import permit from the Minister:

(b) An import permit shall be in the form set out in the Sixth Schedule.

(2) The Department of Customs and Excise shall submit to the Minister duplicate copies of all import declarations of the ODS.

(3) Any person who supplies or distributes the ODS shall keep a record of names and addresses of the persons to whom the ODS have been supplied or distributed.

(4) (a) Any person importing ODS shall cause all the containers of ODS to have a label bearing the:

- (i) name of the manufacturer;
- (ii) the name of the country of origin; and
- (iii) Chemical Abstracts (CAS) Registry number;

(b) Any person who contravenes the provisions of subregulation 4 (a) commits an offence.

Export  
permit

5. Any person exporting ODS shall apply to the Minister for an export permit.

Second hand  
refrigerators

6. With effect from 1st April, 1998, no person shall import second-hand refrigerators and air conditioners which are designated to use CFC-12 (R-12) or CFC-11 (R-11) as coolant.

New CFC  
refrigerators

7. With effect from 1st January, 1999, no person shall import brand new CFC refrigerators and air conditioners.

Vehicles fitted  
with air  
conditioners,  
etc.

8. With effect from 1st January, 1999, any person importing vehicles fitted with an air conditioner or refrigeration unit shall ensure that the cooling units are fitted with CFC-free coolants.

Aerosol  
products

9.—(1) With effect from the date of entry into force of the Regulations and subject to subregulation (2), no person shall bring into the country any aerosol product which uses CFCs as carrier gases or propellants.

(2) Medical aerosols used in asthma metered dose inhalers (MDIs) may continue being imported.

- 10.** With effect from 1st January, 2004, no person shall import new ODS. Import of new ODS
- 11.** With effect from 2007, no person shall use ODS listed in the First and Second Schedules. Use of ODS
- 12.** With effect from the date of entry into force of these Regulations, no person shall engage in investment projects using ODS projects listed in the First and Second Schedule. Investment project
- 13.** An air-conditioner or refrigerator technician shall not vent out any refrigerant that is an ODS when installing, servicing, maintaining or repairing the equipment. Servicing an air-conditioner, etc.
- 14.** Any person who owns or is responsible for a refrigerator or an air-conditioner shall have a leak detector or leak detecting method. Leak detector or leak detecting method
- 15.** No person shall retrofit CFC refrigeration and air conditioning equipment with HCFC. Retrofitting CFC refrigeration, etc.
- 16.**—(1) No person shall use halons where alternatives like carbon dioxide, water, dry powder, foams and inert gases can be used. Fire fighting services
- (2) No fire station shall use halons in fire fighting demonstrations of exercises.
- (3) With effect from 1st January, 2001, no person shall refill the fire-extinguishing systems with new halons rather than recycled halons.
- (4) With effect from 1st January, 2003, no person shall sell fire-extinguishers with halons, except for critical uses in defence and aviation.
- (5) With effect from 1st January, 2007, no person shall use halons, whether used or recycled, except for uses in defence and aviation.
- 17.**—(1) Any person who contravenes any provision of these Regulations commits an offence and upon conviction shall be liable to a fine of not less than K10,000 and not more than K500,000 and to imprisonment for five years. Offence and penalty
- (2) Any person who is convicted to an offence under subregulation (1) shall, in addition to the fine provided for in that subregulation, be liable to a fine of K5,000 for each day the offence continues to be committed.

Dihydrochlorofluoromethane	CH <sub>2</sub> FCI	HCFC-31
Hydrotetrachlorofluoroethane	C <sub>2</sub> HFCl <sub>4</sub>	HCFC-121
Hydrotrichlorodifluoromethane	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	HCF-122
Hydrodichlorotrifluoroethane	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	HCFC-123
Hydrochlorotetrafluoroethane	C <sub>2</sub> HF <sub>4</sub> Cl	HCFC-124
Dihydrotrichlorofluoroethane	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	HCFC-131
Dihydrodichlorodifluoroethane	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>3</sub>	HCFC-132
Dihydrochlorotrifluoroethane	C <sub>2</sub> HCF <sub>3</sub> Cl	HCFC-133
Trihydrodichlorofluoroethane	C <sub>2</sub> H <sub>3</sub> FCI <sub>2</sub>	HCFC-141
Trihydrotrichlorodifluoroethane	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	HCFC-142
Tetrahydrodichlorofluoroethane	C <sub>2</sub> H <sub>4</sub> FCI <sub>2</sub>	HCFC-151
Hydrohexachlorofluoropentane	C <sub>2</sub> HFCl <sub>6</sub>	HCFC-221
Hydropentachlorodifluoroethane	C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	HCFC-222
Hydrotetrachlorodifluoropentane	C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	HCFC-223
Hydrotrichlorotetrafluoropentane	C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	HCFC-224
Hydrodichloropentafluoropentane	C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	HCFC-225
Hydrochlorohexafluoropentane	C <sub>3</sub> HF <sub>6</sub> Cl	HCFC-226
Hydropentachlorofluoropentane	C <sub>3</sub> HFCl <sub>5</sub>	HCFC-231
Dihydrotetrachlorodifluoropentane	C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	HCFC-232
Dihydrotrichlorotrifluoropentane	C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	HCFC-233
Dihydrodichlorotetrafluoropentane	C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	HCFC-234
Dihydrochloropentafluoropentane	C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	HCFC-235
Dihydrotetrachlorofluoropentane	C <sub>3</sub> H <sub>2</sub> FCI <sub>4</sub>	HCFC-241
Trihydrochlorodifluoropentane	C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl	HCFC-242
Trihydrodichlorotrifluoropentane	C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	HCFC-243
Trihydrochlorotetrafluoropentane	C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl	HCFC-244
Tetrahydrotrichlorofluoropentane	C <sub>3</sub> H <sub>4</sub> F <sub>1</sub> Cl <sub>3</sub>	HCFC-251
Tetrahydrodichlorodifluoropentane	C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	HCFC-252
Tetrahydrochlorotrifluoropentane	C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl	HCFC-253
Pentahydrodichlorofluoropentane	C <sub>3</sub> H <sub>3</sub> F <sub>1</sub> Cl <sub>2</sub>	HCFC-261
Pentahydrochlorodifluoropentane	C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl	HCFC-262
Hexahydrochlorofluoropentane	C <sub>3</sub> H <sub>6</sub> FCI	HCFC-271

## FOURTH SCHEDULE

reg. 2

EQUIPMENT USING OR CONTAINING OR MADE WITH OZONE DEPLETING  
SUBSTANCES

1. Automobile and truck air conditioning units.
2. Domestic and commercial refrigeration and air conditioning/heat pump equipment containing annex A substances e.g.
  - Refrigerators;
  - Freezers;
  - Cold rooms;
  - Dehumidifiers;

[Subsidiary] Environment Management (Management of Ozone Depleting Substances) Regulations

- Ice machines;  
 Air-conditioning and heat pump units.  
 3. Aerosol products, except medical aerosols.  
 4. Portable fire-extinguishers.  
 5. Flexible and rigid foams e.g. mattress.

## FIFTH SCHEDULE

reg. 2

## METHYL BROMIDE

<i>IUPAC Name</i>	<i>Chemical Formula</i>	<i>Montreal Protocol Nomenclature</i>
Bromomethane	CH <sub>3</sub> Br	Methyl Bromide

## SIXTH SCHEDULE

## IMPORT PERMIT

## 1. Application—

Name of Importing Company: .....

Business Address: .....

.....

Telephone Number: .....

Fax Number: .....

Contact Person: .....

Designation: .....

Type of importer: Distributor ( ) End-user ( )

## 2. Products to be imported—

Description of Products			Tariff Number	Quantity to be imported in kgs
Chemical Formula	Scientific Name (IUPAC)	Trade Name		