

ONTARIO REGULATION 463/10

made under the

ENVIRONMENTAL PROTECTION ACT

OZONE DEPLETING SUBSTANCES AND OTHER HALOCARBONS

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PART I

INTERPRETATION

Definitions

1. In this Regulation,

“chiller” means refrigeration equipment that uses a refrigerant to cool a secondary cooling fluid;

“class 1 ozone depleting substance” means,

- (a) CFC-11, also known as fluorotrichloromethane or R-11,
- (b) CFC-12, also known as dichlorodifluoromethane or R-12,
- (c) CFC-13, also known as chlorotrifluoromethane or R-13,
- (d) CFC-111, also known as pentachlorofluoroethane or R-111,
- (e) CFC-112, also known as tetrachlorodifluoroethane or R-112,
- (f) CFC-113, also known as trichlorotrifluoroethane or R-113,
- (g) CFC-114, also known as dichlorotetrafluoroethane or R-114,
- (h) CFC-115, also known as monochloropentafluoroethane or R-115,
- (i) CFC-211, also known as fluoroheptachloropropane or R-211,
- (j) CFC-212, also known as difluorohexachloropropane or R-212,
- (k) CFC-213, also known as trifluoropentachloropropane or R-213,
- (l) CFC-214, also known as tetrafluorotetrachloropropane or R-214,
- (m) CFC-215, also known as pentafluorotrichloropropane or R-215,

- (n) CFC-216, also known as hexafluorodichloropropane or R-216,
- (o) CFC-217, also known as heptafluorochloropropane or R-217,
- (p) halon-1011, also known as bromochloromethane,
- (q) halon-1211, also known as bromochlorodifluoromethane or R-12B1,
- (r) halon-1301, also known as bromotrifluoromethane or R-13B1,
- (s) halon-2402, also known as dibromotetrafluoroethane or R-114B2,
- (t) carbon tetrachloride, also known as R-10,
- (u) methyl chloroform, also known as 1,1,1 trichloroethane or R-140,
- (v) any other chlorofluorocarbon not specifically listed in clauses (a) to (o),
- (w) any hydrobromofluorocarbon,
- (x) any isomer of any substance listed in the preceding clauses, and
- (y) any mixture that contains any of the substances listed in the preceding clauses;

“class 2 ozone depleting substance” means,

- (a) HCFC-21, also known as dichlorofluoromethane or R-21,
- (b) HCFC-22, also known as chlorodifluoromethane or R-22,
- (c) HCFC-31, also known as chlorofluoromethane or R-31,
- (d) HCFC-121, also known as tetrachlorofluoroethane or R-121,
- (e) HCFC-122, also known as trichlorodifluoroethane or R-122,
- (f) HCFC-123, also known as dichlorotrifluoroethane or R-123,
- (g) HCFC-124, also known as chlorotetrafluoroethane or R-124,
- (h) HCFC-131, also known as trichlorofluoroethane or R-131,
- (i) HCFC-132, also known as dichlorodifluoroethane or R-132,
- (j) HCFC-133, also known as chlorotrifluoroethane or R-133,
- (k) HCFC-141, also known as dichlorofluoroethane or R-141,
- (l) HCFC-142, also known as chlorodifluoroethane or R-142,
- (m) HCFC-151, also known as chlorofluoroethane or R-151,
- (n) HCFC-221, also known as hexachlorofluoropropane or R-221,
- (o) HCFC-222, also known as pentachlorodifluoropropane or R-222,

- (p) HCFC-223, also known as tetrachlorotrifluoropropane or R-223,
- (q) HCFC-224, also known as trichlorotetrafluoropropane or R-224,
- (r) HCFC-225, also known as dichloropentafluoropropane or R-225,
- (s) HCFC-226, also known as chlorohexafluoropropane or R-226,
- (t) HCFC-231, also known as pentachlorofluoropropane or R-231,
- (u) HCFC-232, also known as tetrachlorodifluoropropane or R-232,
- (v) HCFC-233, also known as trichlorotrifluoropropane or R-233,
- (w) HCFC-234, also known as dichlorotetrafluoropropane or R-234,
- (x) HCFC-235, also known as chloropentafluoropropane or R-235,
- (y) HCFC-241, also known as tetrachlorofluoropropane or R-241,
- (z) HCFC-242, also known as trichlorodifluoropropane or R-242,
- (z.1) HCFC-243, also known as dichlorotrifluoropropane or R-243,
- (z.2) HCFC-244, also known as chlorotetrafluoropropane or R-244,
- (z.3) HCFC-251, also known as trichlorofluoropropane or R-251,
- (z.4) HCFC-252, also known as dichlorodifluoropropane or R-252,
- (z.5) HCFC-253, also known as chlorotrifluoropropane or R-253,
- (z.6) HCFC-261, also known as dichlorofluoropropane or R-261,
- (z.7) HCFC-262, also known as chlorodifluoropropane or R-262,
- (z.8) HCFC-271, also known as chlorofluoropropane or R-271,
- (z.9) any other hydrochlorofluorocarbon not specifically listed in the preceding clauses,
- (z.10) any isomer of any substance listed in the preceding clauses, and
- (z.11) any mixture that contains any of the substances listed in the preceding clauses;

“dump” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act;

“fire extinguishing equipment” means fixed fire extinguishing equipment or a portable fire extinguisher;

“fixed fire extinguishing equipment” means fire extinguishing equipment other than a portable fire extinguisher;

“halocarbon” means,

- (a) FC-14, also known as tetrafluoromethane or R-14,

- (b) FC-116, also known as hexafluoroethane or R-116,
- (c) FC-218, also known as octafluoropropane or R-218,
- (d) FC-3-1-10, also known as decafluorobutane or R-3-1-10,
- (e) FC-4-1-12, also known as dodecafluoropentane or R-4-1-12,
- (f) FC-5-1-14, also known as tetradecfluorohexane or R-5-1-14,
- (g) HFC-23, also known as trifluoromethane or R-23,
- (h) HFC-32, also known as difluoromethane or R-32,
- (i) HFC-125, also known as pentafluoroethane or R-125,
- (j) HFC-134, also known as tetrafluoroethane or R-134,
- (k) HFC-143, also known as trifluoroethane or R-143,
- (l) HFC-152, also known as difluoroethane or R-152,
- (m) HFC-161, also known as monofluoroethane or R-161,
- (n) HFC-281, also known as fluoropropane or R-281,
- (o) HFC-272, also known as difluoropropane or R-272,
- (p) HFC-263, also known as trifluoropropane or R-263,
- (q) HFC-254, also known as tetrafluoropropane or R-254,
- (r) HFC-245, also known as pentafluoropropane or R-245,
- (s) HFC-236, also known as hexafluoropropane or R-236,
- (t) HFC-227, also known as heptafluoropropane or R-227,
- (u) any hydrofluorocarbon or perfluorocarbon not specifically listed in the preceding clauses,
- (v) any isomer of any substance listed in the preceding clauses, and
- (w) any mixture that contains any of the substances listed in the preceding clauses;

“halon” means any substance listed in clauses (p) to (s) of the definition of “class 1 ozone depleting substance” and any isomer or mixture referred to in clauses (x) and (y) of that definition that contains any of those substances;

“landfilling” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act;

“motor vehicle air-conditioner” means a mechanical vapour compression device driven by an engine of a motor vehicle that provides cooling principally for the operator or passengers of the motor vehicle and that contains or is designed to contain a refrigerant;

“portable fire extinguisher” means fire extinguishing equipment that is hand-held or wheeled;

“refrigerant” means any liquid or gas that is or that contain a class 1 ozone depleting substance, a class 2 ozone depleting substance or a halocarbon and that is used in refrigeration equipment;

“refrigeration equipment” means an air-conditioning, heat pump, refrigeration or freezer unit, including a motor-vehicle air-conditioner, where that unit is designed to contain, contains or has contained a class 1 ozone depleting substance, a class 2 ozone depleting substance or a halocarbon;

“rigid insulation foam” means a formulation of chemicals designed to become rigid insulation foam when poured or sprayed in place;

“solvent” means an organic compound that is used or intended to be used as a diluent, dissolver, thinner, or viscosity reducer, or for a similar purpose;

“sterilant” means a substance that is used or intended to be used for the purpose of sterilization.

PART II

CLASS 1 OZONE DEPLETING SUBSTANCES

Prohibitions

2. Except as otherwise permitted by this Regulation, no person shall,

(a) discharge or permit the discharge of a class 1 ozone depleting substance or any thing that contains a class 1 ozone depleting substance into the natural environment or within a building;

(b) make, use, sell, transfer, display, transport, store or dispose of a class 1 ozone depleting substance or any thing that contains a class 1 ozone depleting substance; or

(c) make, sell or transfer any packaging, wrapping or container that is made in a manner that uses a class 1 ozone depleting substance.

Exemptions and exceptions

3. Despite sections 58 and 59 of the Act and section 2 of this Regulation, a person may,

(a) use, display, transport, store or dispose of any packaging, wrapping or container that is made in a manner that uses a class 1 ozone depleting substance;

(b) use, display for purposes other than sale or promotion, transport, store or dispose of any thing that contains a class 1 ozone depleting substance that acts as a propellant;

(c) in addition to the activities permitted by clause (b), make, display for any purpose, sell or transfer a prescription drug that contains a class 1 ozone depleting substance that acts as a propellant;

(d) make, use, sell, transfer, display, transport, store or dispose of any of the following things that contain a class 1 ozone depleting substance:

(i) bronchial dilators, topical anaesthetics, cytospray and veterinary powder wound sprays,

(ii) release agents for moulds used in the production of plastics and elastomer materials,

(iii) protective sprays for application on high quality photographs used in research;

(e) sell or transfer flexible plastic foam or rigid insulation foam that was made in a manner that uses a class 1 ozone depleting substance if,

(i) the foam was in Ontario before January 1994, and

(ii) the foam is at the time of the sale or transfer incorporated into a manufactured product;

(f) do anything permitted by Part III with respect to solvents and sterilants that contain a class 1 ozone depleting substance;

(g) do anything permitted by Part IV with respect to,

(i) fire extinguishing equipment in relation to halons, and

(ii) containers in relation to halons;

(h) do anything permitted by Part V with respect to,

(i) refrigerant that is or that contains a class 1 ozone depleting substance,

(ii) refrigeration equipment that is designed to contain or that contains a class 1 ozone depleting substance, and

(iii) containers that contain a refrigerant that is or that contains a class 1 ozone depleting substance; and

(i) do anything permitted by Part VI with respect to class 1 ozone depleting substances or any thing that contains or that has contained a class 1 ozone depleting substance.

PART III

SOLVENTS AND STERILANTS

Solvents, less than 1 per cent ozone depleting substance by weight

4. This Part does not apply in relation to a solvent if the total amount of class 1 ozone depleting substance, class 2 ozone depleting substance or a combination of class 1 and class 2 ozone depleting substances contained in the solvent is less than 1 per cent by weight.

Solvents and sterilants containing class 2 ozone depleting substance

5. Subject to section 6, no person shall,

(a) discharge or permit the discharge of a solvent or sterilant that contains a class 2 ozone depleting substance into the natural environment or within a building; or

(b) make, use, sell, transfer or store a solvent or sterilant that contains a class 2 ozone depleting substance.

Research and development permissions

6. A person may,

(a) use a solvent that contains a class 1 ozone depleting substance or class 2 ozone depleting substance if,

(i) the solvent has a purity of 99.0 per cent or higher,

(ii) the use of the solvent is in a laboratory as an extraction solvent for conducting a specific chemical analysis, and

(iii) no reasonable alternative exists for that analysis;

(b) use a solvent or sterilant that contains a class 1 ozone depleting substance or class 2 ozone depleting substance in an experimental or research laboratory for purposes related to the study of ozone depleting substances, replacements for them, or the characteristics or performance of the ozone layer in the stratosphere;

(c) use a solvent or sterilant that contains a class 1 ozone depleting substance or class 2 ozone depleting substance in a process in which the solvent or sterilant is converted to another material that does not contain a class 1 ozone depleting substance or class 2 ozone depleting substance;

(d) make a solvent or sterilant that contains a class 1 ozone depleting substance or class 2 ozone depleting substance in a process that goes on to convert the solvent or sterilant to another material that does not contain a class 1 ozone depleting substance or class 2 ozone depleting substance; and

(e) store, sell, transfer or transport a solvent or sterilant that contains a class 1 ozone depleting substance or class 2 ozone depleting substance for the purposes of an activity permitted by clauses (a) to (d).

PART IV

FIRE EXTINGUISHING EQUIPMENT AND HALONS

Fire fighting

7. Despite any other provision in this Part, fire extinguishing equipment that contains a halon may be discharged to fight fires, except fires caused for firefighting training purposes.

Portable fire extinguishers, permissions

8. A person may use or store a portable fire extinguisher that contains a halon if the extinguisher contained a halon and was sold for use for the first time before January 1, 1996.

Fixed fire extinguishing equipment, permissions

9. (1) A person may use or store fixed fire extinguishing equipment that contains a halon if the equipment contained a halon and was manufactured and fully installed for the first time before January 1, 1995.

(2) Until December 31, 2015, a person may, on one occasion, use a halon to refill fixed fire extinguishing equipment referred to in subsection (1) if, within one year after the date the halon was added, the equipment is replaced by equipment that does not require halon or modified so that halon is no longer required.

(3) A person who uses a halon to refill fixed fire extinguishing equipment under subsection (2) shall give the Director written notice of the refill no later than seven days after the day the refill is conducted.

Fire extinguishing equipment, critical use permissions

10. (1) Subject to subsection (3), a person may use, sell, transfer or store fire extinguishing equipment that contains a halon if the equipment,

(a) is used or intended to be used in an aircraft; or

(b) is used or intended to be used for military purposes.

(2) A person may use a halon to fill or refill fire extinguishing equipment if the equipment,

(a) is used or intended to be used in an aircraft; or

(b) is used or intended to be used for military purposes.

(3) A person who is permitted to sell or transfer a portable fire extinguisher that contains a halon under subsection (1) may sell or transfer the extinguisher if it bears a clear and legible notice that,

(a) states that the extinguisher contains an ozone depleting substance; and

(b) identifies the halon inside the extinguisher.

Containers

11. (1) A person may use a halon to fill or refill a container, other than fire extinguishing equipment,

(a) that is designed to hold and to prevent the discharge of a class 1 ozone depleting substance; and

(b) that has affixed to it a notice described in subsection (2).

(2) The notice referred to in clause (1) (b) must,

(a) state that the container contains an ozone depleting substance;

(b) identify the halon inside the container; and

(c) state that the container cannot be disposed of by depositing in a dump or landfilling site, dismantled, destroyed, recycled or incinerated unless the container bears a notice described in section 12.

Notice indicating no halon

12. (1) No person, other than a person who works in a business certified by Underwriters' Laboratories of Canada in accordance with the publication specified to in paragraph 1 or 2 of subsection 15 (4), whichever applies, may determine that fire extinguishing equipment or a container referred to in section 11 no longer contains halon.

(2) A person who makes a determination under subsection (1) shall affix a notice to the fire extinguishing equipment or container setting out,

(a) the date of the determination;

(b) the person's name;

(c) the name of the business referred to in subsection (1); and

(d) a statement that the fire extinguishing equipment or container no longer contains halon.

(3) A copy of the notice affixed under subsection (2) shall, for a period of two years from the date that the notice is affixed, be kept by the business the person who affixed the notice works for together with a description of the fire extinguishing equipment or container to which the notice is affixed and where the equipment or container is kept.

Storage of halon

13. (1) A person may store halon,

(a) in fire extinguishing equipment that may be stored under section 8 or subsection 9 (1) or 10 (1); or

(b) in a container referred to in section 11 that is kept at a premises described in subsection (2).

(2) The premises referred to in clause (1) (b) are,

(a) the premises of a business certified by Underwriters' Laboratories of Canada in accordance with the publication specified in paragraph 1 or 2 of subsection 15 (4), whichever applies; or

(b) the premises of a person who has a written agreement for regular inspection of the halon storage with a business certified by Underwriters' Laboratories of Canada in accordance with the publication specified in paragraph 1 of subsection 15 (4).

Sale, transfer, transport of halon

14. (1) A person may sell, transfer or transport halon,

(a) if the halon is used to refill fixed fire extinguishing equipment that may be refilled under subsection 9 (2); or

(b) if the halon is used to fill or refill fire extinguishing equipment that may be filled or refilled under subsection 10 (2).

(2) A person referred to in clause 15 (3) (a) may transport halon for the purposes of recovering or reconditioning a halon in accordance with subsection 15 (3).

(3) A person may sell or transfer halon to a person referred to in clause 15 (3) (a) for the purposes of recovering or reconditioning a halon in accordance with subsection 15 (3).

(4) A person may sell, transfer or transport halon for the purposes of using the halon to fill or refill a container under section 11 if the halon is being used for a purpose set out in subsection (1), (2) or (3).

(5) A person who transports halon under this section shall transport the halon in fire extinguishing equipment or in a container referred to in section 11.

Inspection and servicing

15. (1) No person shall inspect fire extinguishing equipment that contains a halon unless,

(a) the person is employed in a business certified for the inspection of fire extinguishing equipment by Underwriters' Laboratories of Canada in accordance with the publication specified in paragraph 1 or 2 of subsection (4), whichever applies;

(b) the person performs the inspection in accordance with the publication specified in paragraph 1 or 2 of subsection (4), whichever applies; and

(c) the person concludes the inspection by filling out and affixing the appropriate Underwriters' Laboratories of Canada notice.

(2) No person shall service fire extinguishing equipment that contains a halon unless,

(a) the person is employed in a business certified for the servicing of fire extinguishing equipment by Underwriters' Laboratories of Canada in accordance with the publication specified in paragraph 1 or 2 of subsection (4), whichever applies;

(b) the person performs the servicing in accordance with the publication specified in paragraph 1 or 2 of subsection (4), whichever applies; and

(c) the person concludes the servicing by filling out and affixing the appropriate Underwriters' Laboratories of Canada notice.

(3) No person shall recover or recondition a halon from fire extinguishing equipment unless,

(a) the person is employed in a business certified for such operations by Underwriters' Laboratories of Canada in accordance with the publication specified in paragraph 1 or 2 of subsection (4), whichever applies;

(b) the person performs the recovery or reconditioning by means of equipment that,

(i) conforms to the standards set out in the publication specified in paragraph 3 of subsection (4), and

(ii) bears an Underwriters' Laboratories of Canada notice confirming that the equipment conforms to those standards;

(c) in the case of fixed fire extinguishing equipment, the person performs the recovery or reconditioning in accordance with the publication specified in paragraph 1 or 3 of subsection (4), whichever applies; and

(d) in the case of a portable fire extinguisher, the person performs the recovery or reconditioning in accordance with the publication specified in paragraph 2 or 3 of subsection (4), whichever applies.

(4) The following are the Underwriters' Laboratories of Canada documents referred to in subsections 12 (1) and 13 (2) and subsections (1), (2) and (3):

1. ULC/ORD-C1058.18-2004, "The Servicing of Halon and Clean Agent Extinguishing Systems".

2. CAN/ULC S532-07, "Standard for the Regulation of the Servicing of Portable Fire Extinguishers".

3. ULC/ORD-C1058.5-2004, "Halon and Halocarbon Clean Agent Recovery and Reconditioning Equipment".

Addition of class 2 ozone depleting substance

16. (1) No person shall use a class 2 ozone depleting substance to fill or refill fire extinguishing equipment unless the class 2 ozone depleting substance has an ozone depleting potential less than 0.05.

(2) The ozone depleting potential of a class 2 ozone depleting substance referred to in subsection (1) is set out in column 3 of Schedule 2 of the Ozone-Depleting Substances Regulations, 1998, SOR/99-7, made under the Canadian Environmental Protection Act, 1999 (Canada).

PART V REFRIGERANTS

Interpretation

Interpretation

17. A reference in this Part to the "Environmental Code of Practice for Elimination of Fluorocarbon Emissions from Refrigeration and Air Conditioning Systems" is a reference to the publication of that title, published by the National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, dated March, 1996, as amended from time to time.

Class 1 Ozone Depleting Substances, General

Class 1 ozone depleting substances, general

18. Except as otherwise provided in this Part, a person may use, sell, transfer, display, transport or store a refrigerant that is or that contains a class 1 ozone depleting substance or refrigeration equipment that contains or is capable of containing a class 1 ozone depleting substance.

Discharge of Refrigerant

Discharge of a refrigerant

19. (1) No person shall discharge or permit the discharge of refrigerant that is or that contains a class 2 ozone depleting substance or a halocarbon into the natural environment or within a building.

(2) A person who discharges or permits the discharge of 100 kilograms or more of refrigerant into the natural environment or within a building must report that fact to the Ministry of the Environment as soon as reasonably possible after the discharge occurs.

Purge on low pressure chiller

20. Despite subsection 19 (1), a person may use or permit the use of a low pressure chiller that discharges refrigerant if the chiller discharges no more than 0.1 kilograms of refrigerant per kilogram of air purged.

Motor Vehicle Air-Conditioner

Use of refrigerant in motor vehicle air-conditioner

21. (1) No person shall use, in a motor vehicle that requires a permit under the Highway Traffic Act, a motor vehicle air-conditioner that contains a refrigerant that is or that contains a class 1 ozone depleting substance or class 2 ozone depleting substance unless the motor vehicle air-conditioner was installed in the motor vehicle on or before December 31, 1994.

(2) No person shall use a refrigerant that is or that contains a class 1 ozone depleting substance or class 2 ozone depleting substance to fill or refill a motor vehicle air-conditioner, whether or not the motor vehicle requires a permit under the Highway Traffic Act.

Servicing and Testing of Refrigeration Equipment

Servicing and testing

22. (1) No person shall service or test refrigeration equipment that contains a refrigerant unless the person is certified under section 34 and,

(a) the person or his or her employer owns equipment that is capable of collecting and capturing the refrigerant; or

(b) the person or his or her employer has a written contract with a person who owns equipment that is capable of collecting and capturing the refrigerant and the contract provides for immediate access to that equipment.

(2) No person shall use a refrigerant to fill or refill refrigeration equipment for the purpose of testing the equipment.

(3) Despite subsection (2), for the purpose of testing a motor vehicle air-conditioner, a person may use a refrigerant that is or that contains a halocarbon to fill or refill the motor vehicle air-conditioner in accordance with the "Environmental Code of Practice for Elimination of Fluorocarbon Emissions from Refrigeration and Air Conditioning Systems".

(4) A person who tests refrigeration equipment that contains a refrigerant to determine if there is a leak in the equipment shall conduct the test in accordance with the “Environmental Code of Practice for Elimination of Fluorocarbon Emissions from Refrigeration and Air Conditioning Systems”.

(5) A person who tests refrigeration equipment under subsection (4) shall inform the person who owns or has control of the refrigeration equipment about the results of the test.

(6) This section does not apply to servicing or testing that takes place in the course of the manufacture of a product that is or that contains refrigeration equipment.

Records and notices

23. (1) A person who services or tests refrigeration equipment under section 22 shall promptly create records containing the following information:

1. All amounts and types of refrigerant purchased or obtained for the purpose of servicing or testing the equipment, if any, as well as the name of the seller or supplier of the refrigerant.

2. The amount of any discharge of a refrigerant and the explanation for the discharge, whether or not it occurs in the course of the servicing or testing.

3. The date of the servicing or testing, the name of the person doing the servicing or testing and, if done as part of the person’s employment, the employer of the person doing the servicing or testing.

4. A description of the servicing or testing, the amount and type or types of refrigerant used in the servicing or testing, if any, the type or types of refrigerant recaptured in the course of the servicing or testing, if any, and an estimate of the amount of refrigerant recaptured in the course of the servicing or testing, if any.

(2) For the purposes of paragraphs 1 and 4 of subsection (1), a type of refrigerant shall be described using one of the terms for the specific ozone depleting substance or halocarbon that the refrigerant is or that it contains that is set out in the clauses of the definition of “class 1 ozone depleting substance”, “class 2 ozone depleting substance” or “halocarbon” in section 1.

(3) A person who tests refrigeration equipment under subsection 22 (4) to determine if there is a leak shall affix a notice to the equipment setting out,

(a) the date of the test;

(b) the person’s name;

(c) the number and expiry date of the certificate issued to the person under section 34;

(d) the name of the person’s employer, if the test is conducted in the course of the person’s employment;

(e) the results of the test; and

(f) if there is a leak in the equipment, a statement that no person shall add a refrigerant to the equipment until the leak is repaired.

(4) A person who tests mobile refrigeration equipment or a motor vehicle air-conditioner under subsection 22 (4) to determine if there is a leak may affix the notice under subsection (3) to the frame or edge of the door nearest to the driver’s seat, rather than to the equipment itself.

(5) In this section,

“mobile refrigeration equipment” means refrigeration equipment that is installed in, normally operates in, on or in conjunction with or is attached to a means of transportation, but does not include a motor vehicle air-conditioner.

(6) No person shall remove a notice affixed under subsection (3) or (4), except when affixing a new notice under one of those subsections.

(7) A copy of each record created under subsection (1) and each notice affixed under subsection (3) or (4) shall be kept for a period of two years from the date of the servicing or testing by,

(a) the employer of the person who serviced or tested the refrigeration equipment, if done as part of the person’s employment; or

(b) if clause (a) does not apply, the person who serviced or tested the refrigeration equipment.

(8) This section does not apply to servicing or testing that takes place in the course of the manufacture of a product that is or that contains refrigeration equipment.

Filling or Refilling Refrigeration Equipment or Containers

Refilling refrigeration equipment

24. No person shall use a refrigerant to refill refrigeration equipment, except in accordance with section 25 or subsection 27 (3) or (6).

Refilling refrigeration equipment, permission

25. (1) A person may use a refrigerant to refill refrigeration equipment if,

(a) the person is certified under section 34;

(b) there is a notice affixed to the refrigeration equipment under subsection 23 (3) or (4) that is no more than six months old and that indicates that there are no leaks in the equipment; and

(c) there is no apparent damage to the refrigeration equipment that may have had or may have the effect of permitting the discharge of the refrigerant into the natural environment or within a building.

(2) Clauses (1) (b) and (c) do not apply if there is no reasonable alternative to using a refrigerant to refill the refrigeration equipment and a failure to refill poses,

(a) an immediate danger to human life or health; or

(b) an immediate danger to crops, plant or animal life or foodstuffs on a farm or at a food packing, processing or storage facility.

(3) If a person uses a refrigerant to refill refrigeration equipment and any of the requirements in subsection (1) are not met, whether or not permitted by subsection (2), the owner of the equipment shall,

(a) promptly report the circumstances and the actions taken to the Director;

(b) within seven days,

(i) ensure that the refrigeration equipment is tested for leaks under subsection 22 (4), and

(ii) ensure that any leaks are repaired; and

- (c) provide a report to the Director including,
 - (i) the results of the test referred to in subclause (b) (i),
 - (ii) a confirmation that any leaks have been repaired, and
 - (iii) a copy of the most recent notice affixed to the refrigeration equipment under subsection 23 (3) or (4).

Refilling of large refrigeration equipment

26. (1) Despite section 25, no person shall use a refrigerant that is or that contains a class 1 ozone depleting substance to refill refrigeration equipment that has one or more compressors with a total capacity of more than 22 kilowatts.

(2) On and after January 1, 2012, no person shall use refrigeration equipment that contains a refrigerant that is or that contains a class 1 ozone depleting substance if the equipment has one or more compressors with a total capacity of more than 22 kilowatts.

Refilling of chiller

27. (1) In this section,

“major overhaul” means a procedure carried out on or a repair made to a chiller that includes,

- (a) the replacement or modification of an internal sealing device in the chiller,
- (b) the replacement or modification of an internal mechanical moving part, other than an oil heater, oil pump or float assembly, or in the case of a chiller with a single-stage compressor, other than a vane assembly, or
- (c) a repair required as a result of the failure of an evaporator or condenser heat exchanger tube.

(2) Despite section 25 and subject to subsections (3) and (6), no person shall use a refrigerant that is or that contains a class 1 ozone depleting substance to refill a chiller if the chiller has undergone a major overhaul.

(3) A person may use a refrigerant that is or that contains a class 1 ozone depleting substance to refill a chiller that has undergone a major overhaul on or after January 1, 2009 if, before January 1, 2009, the owner of the chiller submitted a written notice to the Director that,

- (a) sets out a date that is no later than December 31, 2011 by which the owner intends to discontinue the use of the chiller or convert the chiller so that it will not use a refrigerant that contains a class 1 ozone depleting substance; and
- (b) specifies whether the owner intends to discontinue the use of the chiller or convert the chiller so that it will not use a refrigerant that contains a class 1 ozone depleting substance.

(4) An owner of a chiller who submitted a written notice in accordance with subsection (3) may submit a subsequent written notice to the Director that,

- (a) sets out an alternate date that is no later than December 31, 2011 by which the owner intends to discontinue the use of the chiller or convert the chiller so that it will not use a refrigerant that contains a class 1 ozone depleting substance; and
- (b) specifies whether the owner intends to discontinue the use of the chiller or convert the chiller so that it will not use a refrigerant that contains a class 1 ozone depleting substance.

(5) No person shall use a chiller that uses a refrigerant that is or that contains a class 1 ozone depleting substance,

(a) where a notice has been given in respect of the chiller under subsection (3) or (4), on or after the date set out in the most recent notice; and

(b) in any other case, on or after January 1, 2012.

(6) Until December 31, 2011, a person may use a refrigerant that is or that contains a class 1 ozone depleting substance to refill a chiller that has undergone a major overhaul on or after January 1, 2009, if failure to refill poses,

(a) an immediate threat to human life or health; or

(b) an immediate danger to crops, plant or animal life or foodstuffs on a farm or at a food packing, processing or storage facility.

(7) No person shall use a chiller refilled in accordance with subsection (6),

(a) where a notice has been given in respect of the chiller under subsection (3) or (4), on or after the date set out in the most recent notice; and

(b) where a notice has not been given in respect of the chiller under subsection (3) or (4), on the earlier of the one year anniversary of the date on which the chiller was refilled under subsection (6) or January 1, 2012.

(8) If a person uses a refrigerant that is or that contains a class 1 ozone depleting substance to refill a chiller in accordance with subsection (3) or (6), the person shall, within seven days of the refilling, give written notice to the Director setting out the date on which the chiller was refilled.

Filling a container

28. A person who is certified under section 34 may use a refrigerant to fill a container, other than refrigeration equipment or any of its parts, that,

(a) is designed to hold and to prevent the discharge of a class 1 ozone depleting substance, class 2 ozone depleting substance or halocarbon;

(b) is refillable and recyclable; and

(c) bears a label that,

(i) states that the container contains an ozone depleting substance,

(ii) identifies the refrigerant inside the container,

(iii) states that the container is refillable and recyclable,

(iv) states that the container can be returned to the seller for a minimum refund of \$25, and

(v) states that the container cannot be disposed of by depositing in a dump or landfilling site.

Sale or Transfer of Refrigerant

Sale or transfer of refrigerant

29. (1) A person may sell or transfer a refrigerant to another person,

(a) as part of the servicing of refrigeration equipment;

(b) if the refrigerant is in refrigeration equipment or any of its parts and the equipment or its parts are being sold or transferred; or

(c) in accordance with subsection (2).

(2) A person may sell or transfer a refrigerant in a container referred to in section 28 if the purchaser or transferee,

(a) acquires the refrigerant for the purpose of resale;

(b) is certified under section 34; or

(c) employs a person certified under section 34.

Deposit and records of sale

30. (1) This section applies to containers referred to in section 28.

(2) A person who sells refrigerant in a container shall charge a deposit of at least \$25 for the container at the time of the sale.

(3) A person who sells refrigerant in a container shall accept every used container sold by the seller and shall pay to the person presenting the container the amount of the deposit that was charged for the container at the time of the sale.

(4) A person who sells refrigerant in a container shall promptly create a record of every sale of a container setting out the following information in separate columns in the record:

1. The date of the sale.

2. The amount and type of the refrigerant sold. For the purposes of this paragraph, a type of refrigerant shall be described using one of the terms for the specific ozone depleting substance or halocarbon that the refrigerant is or that it contains that is set out in the clauses of the definition of “class 1 ozone depleting substance”, “class 2 ozone depleting substance” or “halocarbon” in section 1.

3. The purchaser’s name.

4. If the purchaser is a person certified under section 34, the number and expiry date of the purchaser’s certificate.

5. If the purchaser is the employer of a person certified under section 34, the number and expiry date of the certificate of the certified person.

(5) Every seller shall keep each record made under subsection (4) for a period of two years from the date of the sale.

Exemption

31. Sections 29 and 30 do not apply to the sale or transfer of a refrigerant by a manufacturer of refrigerant if the delivery of the refrigerant is effected by depositing the refrigerant directly into a tank vehicle or refrigeration equipment.

Notice — No Refrigerant

Notice indicating no refrigerant

32. (1) A person certified under section 34 may determine that refrigeration equipment or a container that contains or that has contained a refrigerant no longer contains a refrigerant.

(2) A person who makes a determination under subsection (1) shall affix a notice to the refrigeration equipment or container setting out,

(a) the date of the determination;

(b) the person's name;

(c) the number and expiry date of the certificate issued to the person under section 34;

(d) the name of the person's employer, if the determination is made in the course of the person's employment; and

(e) a statement that the refrigeration equipment or container no longer contains any refrigerant.

(3) A copy of the notice affixed under subsection (2) shall be kept for a period of two years from the date it is affixed by,

(a) the employer of the person who affixed the label to the refrigeration equipment or the container, if done in the course of the person's employment; or

(b) the person who placed the notice on the refrigeration equipment or the container, if clause (a) does not apply.

Certification in Use of Refrigerants and Refrigeration Equipment

Definitions, s. 34

33. For the purposes of section 34,

"authorizing certificate" has the same meaning as in subsection 2 (1) of the Ontario Labour Mobility Act, 2009;

"occupation" has the same meaning as in subsection 2 (1) of the Ontario Labour Mobility Act, 2009;

"out-of-province regulatory authority" has the same meaning as in subsection 2 (1) of the Ontario Labour Mobility Act, 2009;

"regulated occupation" has the same meaning as in subsection 2 (1) of the Ontario Labour Mobility Act, 2009.

Certification in use of refrigerants and refrigeration equipment

34. (1) Subject to subsection (3), a person qualifies for a certificate under this section if the person has successfully completed a course approved by the Director that, in the opinion of the Director, provides training and testing with respect to the use and handling of ozone depleting substances, halocarbons, refrigerants and refrigeration equipment.

(2) The Director shall ensure that information about the approved course mentioned in subsection (1) is made available to the public on the Ministry's website and by such other means as the Director considers appropriate.

(3) A person who holds an authorizing certificate issued by an out-of-province regulatory authority qualifies for a certificate under this section if,

(a) the person provides the Director with a copy of the person's authorizing certificate;

(b) the certificate issued under this section is, in the opinion of the Director, in respect of the same occupation as the person's authorizing certificate;

(c) the person provides the Director with confirmation in writing from the out-of-province regulatory authority that,

(i) the out-of-province regulatory authority issued the person's authorizing certificate,

(ii) the authorizing certificate has not expired, and

(iii) the authorizing certificate has not been cancelled or revoked; and

(d) the person provides the Director with a signed statement that,

(i) the person has obtained the training material for the course mentioned in subsection (1), and

(ii) the person is, in his or her opinion, knowledgeable about the legislation and regulation that govern the use and handling of ozone depleting substances, halocarbons, refrigerants and refrigeration equipment in Ontario.

(4) Subject to subsections (8) to (10), the Director shall issue a certificate to a person if,

(a) the person meets the requirements under subsection (1) or (3); and

(b) the person pays any required fees.

(5) Subject to subsections (8) to (10), the Director shall renew the certificate of a person if,

(a) the person makes a request for a renewal certificate before the expiry date set out on the certificate; and

(b) the person pays any required fees.

(6) A certificate shall set out,

(a) the name of the person who holds the certificate;

(b) a certificate number; and

(c) an expiry date.

(7) Subject to subsections (8) to (10), a certificate is valid for five years from the date that it is issued.

(8) The Director may refuse to issue or renew a certificate or may revoke a certificate issued to a person if the past conduct of the person affords reasonable grounds to believe that the person will not comply with the requirements of this Regulation.

(9) If the Director proposes to refuse to issue or renew a certificate or to revoke a certificate issued to a person, the Director shall give written notice to the person setting out the Director's reasons for the proposal and informing the person that he or she may make written submissions to the Director within 30 days after the date of the notice.

(10) The Director shall, after considering any written submissions made under subsection (9),

(a) refuse to issue the certificate;

(b) revoke the certificate;

(c) issue the certificate; or

(d) give the person written notice that the Director has decided not to revoke the certificate.

Other Provisions Relating to Refrigerants Containing Class 1 Ozone Depleting Substances

Possession of refrigerant after January 1, 2012

35. (1) Subject to subsection (3), if, immediately before January 1, 2012, a person is in possession of a refrigerant that is or that contains a class 1 ozone depleting substance and that was collected from refrigeration equipment, the person shall, not later than July 1, 2012, deliver the refrigerant to a wholesaler who sells or distributes refrigerant.

(2) Subject to subsection (3), if, on or after January 1, 2012, a person collects a refrigerant that is or that contains a class 1 ozone depleting substance from refrigeration equipment, the person shall, within six months after the refrigerant was collected, deliver the refrigerant to a wholesaler who sells or distributes refrigerants.

(3) On application, the Director may extend the time within which a person is required to deliver a refrigerant to a person who sells or distributes refrigerants under subsection (1) or (2) if the Director is satisfied that, for reasons beyond the person's control, the person is unable to deliver the refrigerant to the wholesaler who sells or distributes refrigerants within the time required by subsection (1) or (2).

(4) A person who is required under this section to deliver refrigerant to a wholesaler who sells or distributes refrigerants shall deliver it in a container referred to in section 28.

Delivery of refrigerant that contains a class 1 ozone depleting substance

36. (1) If a person delivers a refrigerant that is or that contains a class 1 ozone depleting substance to a wholesaler who sells or distributes refrigerants, the wholesaler shall accept the refrigerant at no charge.

(2) Subsection (1) does not apply unless the refrigerant is transferred to the wholesaler,

(a) in a container referred to in section 28; and

(b) at the wholesaler's normal place of business during normal business hours.

PART VI

DISPOSAL, TRANSPORT AND TRANSFER OF OZONE DEPLETING SUBSTANCES OR HALOCARBONS

Waste

37. (1) The following are designated as wastes:

1. A solvent or sterilant that contains a class 1 ozone depleting substance or class 2 ozone depleting substance, other than a solvent or sterilant used, stored or transferred in accordance with section 6.

2. On or after July 1, 2012, a refrigerant that is or that contains a class 1 ozone depleting substance and that has been collected from refrigeration equipment.

(2) Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act applies to the substances designated as wastes under subsection (1) as if they were hazardous waste within the meaning of that Regulation.

Transfer, transport, storage or disposal of ozone depleting substances as waste

38. (1) Nothing in this Regulation prohibits the transfer or transport of a class 1 ozone depleting substance or class 2 ozone depleting substance that is waste or any thing that contains a class 1 ozone depleting substance or class 2 ozone depleting substance that is waste to or by a waste management system or to or from a waste disposal site as permitted under the Act.

(2) Nothing in this Regulation prohibits the storage or disposal of a class 1 ozone depleting substance or class 2 ozone depleting substance that is waste or any thing that contains a class 1 ozone depleting substance or class 2 ozone depleting substance that is waste at a waste disposal site as permitted under the Act.

Disposal of fire extinguishing equipment and containers

39. (1) A person shall not dismantle, destroy, recycle, incinerate or dispose of by depositing in a dump or landfilling site fire extinguishing equipment that is designed to contain halon in a quantity of more than three kilograms unless a notice has been affixed to the equipment under section 12 and the equipment is dismantled, destroyed, recycled, incinerated or disposed of by depositing in a dump or landfilling site in a manner authorized under the Act.

(2) A person shall not dismantle, destroy, recycle, incinerate or dispose of by depositing in a dump or landfilling site a container referred to in section 11 unless a notice has been affixed to the container under section 12 and the container is dismantled, destroyed, recycled, incinerated or disposed of by depositing in a dump or landfilling site in a manner authorized under the Act.

Disposal of portable fire extinguisher designed to contain less than three kilograms of halon

40. A person may dismantle, destroy, recycle, incinerate or dispose of by depositing in a dump or landfilling site a portable fire extinguisher designed to contain halon in a quantity of three kilograms or less in a manner authorized under the Act.

Disposal of refrigeration equipment and containers

41. (1) A person shall not dismantle, destroy, recycle, incinerate or dispose of by depositing in a dump or landfilling site refrigeration equipment or a container that has contained a refrigerant unless a notice has been affixed to the equipment or container under section 32 and the equipment or container is dismantled, destroyed, recycled, incinerated or disposed of by depositing in a dump or landfilling site in a manner authorized under the Act.

(2) This section does not apply to dismantling that takes place in the course of the manufacture of a product that is or that contains refrigeration equipment.

PART VII REVOCATIONS AND COMMENCEMENT

Revocations

42. (1) Regulation 356 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Ontario Regulation 717/94 is revoked.

(3) Ontario Regulation 718/94 is revoked.

(4) Ontario Regulation 413/94 is revoked.

(5) Ontario Regulation 189/94 is revoked.

Commencement

43. This Regulation comes into force on the later of January 1, 2011 and the day it is filed.