

The Halocarbon Control Regulations

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Chapter E-10.21 Reg 2 (effective September 8, 2005).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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The Environmental Management and Protection Act, 2002

Title

- 1 These regulations may be cited as *The Halocarbon Control Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Environmental Management and Protection Act, 2002*;
- (b) **“certified person”** means a person certified pursuant to section 11;
- (c) **“CFC”** means a chlorofluorocarbon;
- (d) **“Code of Practice”** means the code of practice adopted pursuant to clause 6(2)(a);
- (e) **“halon”** means a bromofluorocarbon;
- (f) **“Halon Code of Practice”** means the code of practice adopted pursuant to clause 6(2)(b);
- (g) **“install”** means the attaching of two or more components by welding or by fittings in circumstances where the potential exists for the release of a halocarbon;
- (h) **“recycle”** means the reuse or return of recovered halocarbons to air conditioning, refrigeration or fire extinguishing equipment.

16 Sep 2005 cE-10.21 Reg 2 s2.

Application

- 3 These regulations apply with respect to those halocarbons to which Part V of the Act applies.

16 Sep 2005 cE-10.21 Reg 2 s3.

Prescribed day

- 4 Unless otherwise stated, the prescribed day for the purposes of Part V of the Act is September 1, 2005.

16 Sep 2005 cE-10.21 Reg 2 s4.

Prescribed halocarbons

- 5 The halocarbons listed in the Appendix are prescribed for the purposes of clause 37(1)(i) of the Act.

16 Sep 2005 cE-10.21 Reg 2 s5.

Codes and provisions to be followed for prescribed equipment

6(1) Any air conditioning, refrigeration or fire extinguishing equipment that contains or may contain halocarbons is prescribed as equipment for the purposes of section 43 of the Act.

(2) For the purposes of clause 43(a) of the Act, the following codes of practice are adopted, as amended from time to time:

(a) the “Code of Practice for the Reduction of CFC Emissions from Refrigeration and Air Conditioning Systems” (EPS 1/RA/1), prepared by Environment Canada, March 1991;

(b) the “Code of Practice on Halons” (EPS 1/RA/3E), prepared by Environment Canada, July 1996.

(3) For the purposes of clause 43(b) of the Act, the following provisions are imposed on the person installing, maintaining, servicing or repairing the equipment prescribed pursuant to subsection (1):

(a) the person must test the equipment for leaks and must repair any detected leaks before recharging the equipment with a halocarbon;

(b) if the equipment contains a halocarbon or if the person is recharging the equipment with a halocarbon, the person must use only halocarbon fittings on the equipment;

(c) if the equipment does not contain a halocarbon or if the person is not recharging the equipment with a halocarbon, the person shall not use halocarbon fittings on the equipment;

(d) if the person is removing a halocarbon from the equipment, the person must collect, store, recycle, destroy or dispose of the halocarbon in accordance with the Code of Practice or the Halon Code of Practice, as the case requires.

16 Sep 2005 cE-10.21 Reg 2 s6.

Prohibitions re purchase or use of halocarbons

7(1) In this section, “sterilant” means a gas mixture containing a halocarbon that is used to sterilize equipment, things or materials.

(2) Those halocarbons to which Part V of the Act applies are identified for the purposes of clauses 40(1)(a) to (d) of the Act.

(3) For the purposes of clause 40(1)(a) of the Act, the following products are prescribed:

(a) hand-held fire extinguishers;

(b) foam insulation;

(c) furniture foam;

(d) sterilants;

(e) release agents for plastic or elastomeric moulds;

(f) protective spray for photographic applications;

(g) cleaning solvents for commercial uses on electronic equipment.

(4) For the purposes of clause 40(1)(b) of the Act, the prescribed purpose is the testing of fire equipment.

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(5) For the purposes of clause 40(1)(d) of the Act, the prescribed purpose is the installation, servicing, repairing, charging or recharging of any air conditioning, refrigeration or fire extinguishing equipment.

16 Sep 2005 cE-10.21 Reg 2 s7.

Prohibition re sale or transfer of halocarbons

8 No person, other than a certified person, may offer for sale, sell or transfer a halocarbon to another person for the purpose of installing, servicing, repairing, charging or recharging any air conditioning, refrigeration or fire extinguishing equipment.

16 Sep 2005 cE-10.21 Reg 2 s8.

Refillable pressurized containers

9 On and after January 1, 2006, no person shall manufacture, offer for sale, sell or use a container for halocarbons unless it:

- (a) is a refillable, pressurized container designed to contain halocarbons; and
- (b) weighs at least 10 kilograms.

16 Sep 2005 cE-10.21 Reg 2 s9.

Dismantling or discarding

10 Before dismantling or discarding any equipment containing a halocarbon:

- (a) the owner of the equipment must ensure that the halocarbon has been removed by a certified person and contained in accordance with the Code of Practice or the Halon Code of Practice, as the case requires;
- (b) the owner or operator of the salvage yard in which the equipment is being discarded must ensure that the halocarbon has been removed by a certified person and contained in accordance with the Code of Practice or the Halon Code of Practice, as the case requires; and
- (c) the owner or operator of the waste management facility in which the equipment is being discarded must ensure that the halocarbon has been removed by a certified person and contained in accordance with the Code of Practice or the Halon Code of Practice, as the case requires.

16 Sep 2005 cE-10.21 Reg 2 s10.

Certification

11(1) The minister may certify, and assign a certification number to, any person who has successfully completed a course of study approved by the minister in the proper:

- (a) recovery, recycling and handling of halocarbons; and
- (b) handling of sealed systems.

(2) The minister may amend or cancel a certification granted pursuant to subsection (1), or suspend the certification for a stated period, if the minister is satisfied that:

- (a) the certification was obtained by fraud or deceit or from the submission of inaccurate information;

- (b) the person holding the certification has not followed the Code of Practice or the Halon Code of Practice, as the case requires;
 - (c) the person holding the certification has placed the environment, human health or public safety at risk; or
 - (d) the person has failed to comply with the obligations imposed by these regulations.
- (3) Before taking any action pursuant to subsection (2), the minister must provide the person holding the certification with:
- (a) reasonable notice of the minister's intended action, with written reasons for the intended action; and
 - (b) an opportunity to make written representations to the minister.

16 Sep 2005 cE-10.21 Reg 2 s11.

Record-keeping requirements for prescribed equipment

12(1) Any air conditioning, refrigeration or fire extinguishing equipment that contains or may contain halocarbons is prescribed as equipment for the purposes of section 44 of the Act.

(2) For the purposes of clause 44(b) of the Act, every certified person shall maintain records in the following manner:

- (a) the certified person shall prepare a work invoice showing:
 - (i) the date on which he or she performed the work on the equipment containing a halocarbon;
 - (ii) the type of service performed on the equipment;
 - (iii) the quantity of the halocarbon contained in the equipment;
 - (iv) the quantity of the halocarbon recovered from or added to the equipment; and
 - (v) the manner of recycling, destroying or disposing of any halocarbon recovered from the equipment;
- (b) the certified person shall provide to the owner or operator of the equipment the work invoice prepared in accordance with clause (a);
- (c) the certified person shall retain a copy of the work invoice prepared in accordance with clause (a) for two years after the date of the work; and
- (d) at the request of the minister at any time during the two-year period mentioned in clause (c), the certified person shall make a copy of the work invoice available to the minister.

16 Sep 2005 cE-10.21 Reg 2 s12.

Labelling

13 No person shall sell or offer for sale new air conditioning, refrigeration or fire extinguishing equipment, or a new heat pump, that uses a halocarbon unless the equipment has a prominent and permanent label:

- (a) identifying the halocarbon and the amount used in the equipment; and
- (b) advising that only certified persons shall perform any servicing of, repair to or recharging of the equipment that could result in the release of the halocarbon.

16 Sep 2005 cE-10.21 Reg 2 s13.

Transportation and storage

14 Every container in which a halocarbon is stored or transported must bear a clearly legible and conspicuous warning label identifying the halocarbon.

16 Sep 2005 cE-10.21 Reg 2 s14.

Seller take-back

15(1) In this section, “**seller**” means a person who sells any halocarbon, and includes the retailer, the supplier and the manufacturer of the halocarbon.

(2) Subject to subsection (3), if a person takes a halocarbon to a seller’s normal place of business, during normal business hours, in a container designed to contain the halocarbon, the seller must accept and store the halocarbon until the seller can deliver it to a person who manufactures, recycles, converts or destroys the halocarbon.

(3) Subsection (2) does not apply to a halocarbon that has been mixed or contaminated so that it is hazardous.

(4) Suppliers and manufacturers of halocarbons must:

- (a) at the seller’s normal place of business, prepare and retain a plan for accepting halocarbons returned for recycling, conversion or destruction; or
- (b) participate in a stewardship program respecting the proper recycling, conversion or destruction of halocarbons.

(5) A plan pursuant to clause (4)(a) or a stewardship program pursuant to clause (4)(b) must:

- (a) demonstrate how halocarbons will be effectively collected and stored;
- (b) demonstrate how the returned halocarbons will be disposed of in an environmentally sound manner; and
- (c) provide for proper record-keeping in relation to the returned halocarbons.

16 Sep 2005 cE-10.21 Reg 2 s15.

Phase-out of certain halocarbons

16(1) In this section:

- (a) “**chiller**” means an air conditioning or refrigeration system that has a compressor, an evaporator and a secondary refrigerant;
- (b) “**mobile air conditioning system**” means an air conditioning system that is installed in, normally operates in or in conjunction with, or is attached to a means of transportation;

- (c) **“mobile refrigeration system”** means a refrigeration system that is installed in, normally operates in or in conjunction with, or is attached to a means of transportation.
- (2) Commencing on January 1, 2006, no person shall charge or recharge, or permit the charging or recharging of, a mobile air conditioning system or a mobile refrigeration system with a halocarbon listed in Class I of the Appendix.
- (3) Subject to subsection (4), no person shall charge or recharge, or permit the charging or recharging of, the following equipment with a halocarbon listed in Class I of the Appendix:
- (a) commencing on January 1, 2006, a refrigeration system with a capacity of 4 KW or less;
 - (b) commencing on January 1, 2007, a refrigeration system with a capacity greater than 4 KW and less than 22 KW;
 - (c) commencing on January 1, 2008, a refrigeration system with a capacity of 22 KW or more; and
 - (d) commencing on January 1, 2009, all air conditioning systems.
- (4) Subsection (3) does not apply to chillers, household refrigerators, household freezers or water coolers.
- (5) Commencing on January 1, 2006, no person shall charge or recharge, or permit the charging or recharging of, a chiller with a halocarbon listed in Class I of the Appendix if the chiller has undergone an overhaul that includes any of the following procedures or repairs:
- (a) the replacement or modification of an internal sealing device;
 - (b) the replacement or modification of an internal mechanical part other than:
 - (i) an oil heater;
 - (ii) an oil pump;
 - (iii) a float assembly; or
 - (iv) in the case of a chiller with a single-stage compressor, a valve assembly;
 - (c) any procedure or repair that results from the failure of an evaporator or a condenser heat-exchanger tube.
- (6) Notwithstanding subsection (5), during the period commencing on September 1, 2005 and ending on December 31, 2014, a person may charge or recharge, or permit the charging or recharging of, a chiller with a halocarbon listed in Class I of the Appendix, but the chiller must not be operated with that halocarbon more than one year after the charging.
- (7) Commencing on January 1, 2015, no person shall charge or recharge, or permit the charging or recharging of, any chiller with a halocarbon listed in Class I of the Appendix.
- (8) Subject to subsection (9), during the period commencing on September 1, 2005 and ending on December 31, 2009, a person may charge or recharge, or permit the charging or recharging of, fixed fire extinguishing equipment with a halocarbon listed in Class I of the Appendix, subject to the following conditions:
- (a) the equipment may be charged or recharged with that halocarbon only once;

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- (b) within one year after the charging or recharging:
 - (i) the equipment must be replaced with equipment that does not require a halocarbon listed in Class I of the Appendix; or
 - (ii) the equipment must be recharged with a substance that is not a halocarbon listed in Class I of the Appendix.
- (9) A person is exempt from the requirements of subsection (8) if the charging or recharging is necessary to prevent an immediate danger to human life or health.
- (10) Commencing on January 1, 2010, no person shall charge or recharge, or permit the charging or recharging of, fixed fire extinguishing equipment with a halocarbon listed in Class I of the Appendix.
- (11) A certified person must ensure that these provisions are complied with in relation to any equipment that contains a halocarbon and that is undergoing installation, maintenance, servicing or repair by or under the direction of the certified person.

16 Sep 2005 cE-10.21 Reg 2 s16.

R.R.S. c.O-8.1 Reg 1 repealed

17 *The Ozone-depleting Substances Control Regulations* are repealed.

16 Sep 2005 cE-10.21 Reg 2 s17.

Coming into force

18 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

16 Sep 2005 cE-10.21 Reg 2 s18.

Appendix
[Section 5]

Class I
CFC, Halon and Chlorocarbon Compounds

1 Chlorofluorocarbons

- (a) current commercially used CFCs:
 - CFC-11, trichlorofluoromethane, R-11
 - CFC-12, dichlorodifluoromethane, R-12
 - CFC-13, chlorotrifluoromethane, R-13
 - CFC-111, pentachlorofluoroethane, R-111
 - CFC-112, tetrachlorodifluoroethane, R-112
 - CFC-113, trichlorotrifluoroethane, R-113
 - CFC-114, dichlorotetrafluoroethane, R-114
 - CFC-115, chloropentafluoroethane, R-115
- (b) all other CFCs; and
- (c) all isomers and mixtures containing any of the above.

2 Halons

- (a) Halon-1211, also known as bromochlorodifluoromethane
Halon-1301, also known as bromotrifluoromethane
Halon-2402, also known as dibromotetrafluoroethane
- (b) all other bromofluorocarbons and bromochlorofluorocarbons; and
- (c) all isomers and mixtures containing any of the above.

3 Chlorocarbons

- (a) trichloroethane, also known as methylchloroform, R-140
tetrachloromethane, also known as carbon tetrachloride, R-10; and
- (b) all isomers and mixtures containing any of the above.

Class II
Hydrochlorofluorocarbons

1 Hydrochlorofluorocarbon

HCFC-21, dichlorofluoromethane, R-21
HCFC-22, chlorodifluoromethane, R-22
HCFC-31, chlorofluoromethane, R-31
HCFC-121, tetrachlorofluoroethane, R-121
HCFC-122, trichlorodifluoroethane, R-122
HCFC-123, dichlorotrifluoroethane, R-123
HCFC-124, chlorotetrafluoroethane, R-124
HCFC-131, trichlorofluoroethane, R-131
HCFC-132, dichlorodifluoroethane, R-132
HCFC-133, chlorotrifluoroethane, R-133
HCFC-141, dichlorofluoroethane, R-141
HCFC-142, chlorodifluoroethane, R-142
HCFC-151, chlorofluoroethane, R-151
HCFC-221, hexachlorofluoropropane, R-221
HCFC-222, pentachlorodifluoropropane, R-222
HCFC-223, tetrachlorotrifluoropropane, R-223
HCFC-224, trichlorotetrafluoropropane, R-224
HCFC-225, dichloropentafluoropropane, R-225
HCFC-226, chlorohexafluoropropane, R-226
HCFC-231, pentachlorofluoropropane, R-231
HCFC-232, tetrachlorodifluoropropane, R-232
HCFC-233, trichlorotrifluoropropane, R-233
HCFC-234, dichlorotetrafluoropropane, R-234
HCFC-235, chloropentafluoropropane, R-235
HCFC-241, tetrachlorofluoropropane, R-241
HCFC-242, trichlorodifluoropropane, R-242
HCFC-243, dichlorotrifluoropropane, R-243
HCFC-244, chlorotetrafluoropropane, R-244
HCFC-251, trichlorofluoropropane, R-251
HCFC-252, dichlorodifluoropropane, R-252

- HCFC-253, chlorotrifluoropropane, R-253
- HCFC-261, dichlorofluoropropane, R-261
- HCFC-262, chlorodifluoropropane, R-262
- HCFC-271, chlorofluoropropane, R-271.
- 2** All other hydrochlorofluorocarbons not specifically listed.
- 3** All mixtures containing any of the above.

**Class III
Other Halocarbons**

- 1** Hydrofluorocarbons
 - HFC-23, trifluoromethane, R-23
 - HFC-32, difluoromethane, R-32
 - HFC-125, pentafluoroethane, R-125
 - HFC-134, tetrafluoroethane, R-134
 - HFC-143, trifluoroethane, R-143
 - HFC-152, difluoroethane, R-152
 - HFC-161, monofluoroethane, R-161
 - HFC-227, heptafluoropropane, R-227
 - HFC-236, hexafluoropropane, R-236
 - HFC-245, pentafluoropropane, R-245
 - HFC-254, tetrafluoropropane, R-254
 - HFC-263, trifluoropropane, R-263
 - HFC-272, difluoropropane, R-272
 - HFC-281, fluoropropane, R-281.
- 2** Perfluorocarbons
 - FC-14, tetrafluoromethane
 - FC-116, hexafluoroethane
 - FC-218, octafluoropropane
 - FC-3-1-10, decafluorobutane
 - FC-4-1-12, dodecafluoropentane
 - FC-5-1-14, tetradecafluorohexane.
- 3** All other hydrofluorocarbons and perfluorocarbons not specifically listed.
- 4** All mixtures containing any of the above.

16 Sep 2005 cE-10.21 Reg 2.