



Australian Government

Department of the Environment and Heritage

Mr Mark Padwick
President
VASA
PO Box 1160
PARADISE POINT QLD 4216

Dear Mr Padwick

Your association has drawn to this Department's attention the trend in some Australian states towards the promotion and sale of hydrocarbon refrigerants for use in mobile air conditioning systems, and that in the process of retrofitting, this could lead to the unlawful handling or venting of fluorocarbon refrigerants, the use of which is subject to the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* ("the Act") and the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* ("the Regulations").

As you would be aware, in July 2005 the Australian Government introduced a national licensing and authorisation system for businesses and technicians that use ozone depleting or synthetic greenhouse gas (i.e. fluorocarbon) refrigerants. The system establishes national standards for the sale, purchase, use, storage and disposal of these refrigerants and replaces existing state and territory requirements. The national system applies only to ozone depleting and synthetic greenhouse gas refrigerants.

I would be grateful if you would pass on to your members and others who may be interested the following information concerning the handling of fluorocarbon refrigerants:

1. A national refrigerant handling licence is not required for natural refrigerants such as hydrocarbons. However, regulation 111(1) of the Regulations provides that is an offence for a person to handle a fluorocarbon refrigerant without a relevant licence. For the purposes of this offence, 'handle a refrigerant' means 'to do anything with the refrigerant that carries the risk of its emission', including decanting the refrigerant or decommissioning or disposing of refrigeration and air conditioning equipment. This offence applies to all handling of fluorocarbon refrigerants, including evacuating systems prior to decommissioning or retrofitting so that it will operate on an alternative refrigerant. Technicians working with natural refrigerants will therefore contravene regulation 111 if they do not hold a refrigerant handling licence when they convert refrigeration or air conditioning equipment with a fluorocarbon refrigerant, such as R134a, to an alternative refrigerant. It will be necessary for technicians to engage a licensed technician in these circumstances.



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2. In addition to contravening the Regulations, the discharge of a fluorocarbon refrigerant to the atmosphere will also be a strict liability offence under section 45B of the Act – this section is expected to come into effect later this year. Section 45B provides that a person is guilty of an offence if they:
- engage in conduct that results in the discharge of a ‘scheduled substance’ (fluorocarbons are a ‘scheduled substance’ for the purposes of the Act);
 - it is likely that the scheduled substance will enter the atmosphere; and
 - the discharge of the substance is not in accordance with the Regulations.

This offence will carry a penalty of up to \$11,000.

3. Natural refrigerants users should be aware that its use may also be regulated under some state and territory laws, including for occupational health and safety purposes. Users should ensure that they are familiar with the requirements in the relevant state or territory.

The Department supports measures to reduce fluorocarbon emissions, including using alternative refrigerants in suitably designed equipment. It is, however, important that all people who intend to convert their fluorocarbon systems to an alternative refrigerant are aware of the legal requirement for technicians undertaking the conversion to hold a refrigerant handling licence when working with equipment that uses fluorocarbon.

Yours sincerely



Patrick McInerney
Director, Ozone and Synthetic Gas Team
5 April 2006