ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-5199-4]

Motor Vehicle Air Conditioners and Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency.

ACTION: Supplemental final rule.

SUMMARY: On July 14, 1992, EPA published a final rule in the **Federal Register** establishing the standards and requirements regarding the servicing of motor vehicle air conditioners and restrictions on the sale of small containers of class I or class II substances pursuant to section 609 of the Clean Air Act as amended (Act). The rule requires that only approved refrigerant recovery/recycling equipment be used to perform service for consideration on motor vehicle air conditioners. Two types of equipment could be approved: Equipment that recovers refrigerant and recycles it onsite, and equipment that only recovers refrigerant. The refrigerant from recoveronly equipment may be recycled on-site or sent off-site for reclamation. The Agency established a standard for recover/recycle equipment (appendix A), but reserved finalizing the standard for recover-only equipment.

Today's final rule establishes a standard for approval of recover-only equipment that extracts CFC-12 from motor vehicle air conditioners. This standard follows closely the Society of Automotive Engineers (SAE) Standards J1989: Recommended Service Procedure for the Containment of R-12, and J2209: CFC-12 (R-12) Extraction Equipment for Mobile Automotive Air-conditioning Systems. Because automotive technicians have previously been required to use only recover/recycle equipment for which an Agency standard had been established, today's rule permits these technicians additional flexibility in determining how to meet Section 609 requirements.

This final rule also updates the purity standard for off-site reclamation, by changing the standard from ARI 700–88 to ARI 700–93.

By promoting the reclamation of refrigerants from motor vehicle air conditioners, this final rule will help to lower the risk of depletion of the stratospheric ozone layer, thus diminishing potentially harmful effects to human health and the environment, including increased incidences of certain skin cancers and cataracts.

DATES: This final rule is effective June 1, 1995, except that the changes to § 82.32(e)(2) will become effective on July 3, 1995, unless EPA has received by June 1, 1995, adverse comment. Should EPA receive such notice, EPA will publish one subsequent action in the Federal Register to withdraw the changes to § 82.32(e)(2), and will publish another action proposing this action and requesting comments.

Judicial review of this action is available only by the filing of a petition for review in the United States Circuit Court of Appeals for the District of Columbia Circuit within 60 days of publication.

ADDRESSES: Comments and materials supporting this rulemaking are contained in Public Docket No. A-91-41 in room M-1500. Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected from 8:30 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials. Those wishing to submit adverse comments on the portion of this action relating to the adoption of the ARI 700-1993 standard should contact Christine Dibble, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205-J), 401 M Street, SW., Washington, DC 20460 Docket #A-91-41 IV-D (202) 233-9147.

FOR FURTHER INFORMATION CONTACT: Christine Dibble, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street SW., Washington, DC 20460. (202) 233–9147. The Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

- I. Background
- II. Summary of Public Participation
- III. Summary and Response to Major Public Comments
- IV. Summary of Today's Final Rule
- A. Adoption of Standard Based on ARI 700–1993 in Definition of "Properly Using" and in Appendix B
- B. Standard for Recover-Only Equipment
- C. Substantially Identical Equipment
- D. Approved Independent Standards Testing Organizations
- E. Technician Training and Certification
- V. Summary of Supporting Analyses A. Executive Order 12866
 - B. Regulatory Flexibility Analysis
 - C. Paperwork Reduction Act

I. Background

Title VI of the Act is designed to protect the stratospheric ozone layer. Section 609 of the Act requires the Administrator to promulgate regulations establishing standards and requirements regarding the servicing of motor vehicle air conditioners. On July 14, 1992, the Agency published the final rule implementing this section. In that rule, the Agency defined "approved refrigerant recycling equipment" as equipment certified by the Administrator or by an independent standards testing organization approved by the Agency as meeting the standards set forth in appendix A in the rule. Refrigeration recycling equipment was also considered approved if it was purchased before September 4, 1991, and is substantially identical to the certified equipment. Only equipment certified as meeting the standards or meeting the criteria for substantially identical equipment are approved for use in the servicing of motor vehicle air conditioners under section 609 of the Act.

Underwriters Laboratories (UL) and ETL Testing Laboratories (ETL) are the approved independent standards testing organizations that currently certify equipment using the standards that appear in appendix A of the rule. These standards apply to recover/recycle equipment that extracts CFC-12 refrigerant from a motor vehicle air conditioner and cleans the refrigerant on-site (recover/recycle equipment). The regulatory standards, based on those developed by the SAE, cover service procedures for recovering CFC-12 (SAE J1989, issued in October 1989), test procedures to evaluate recover/recycle equipment (SAE J1990, issued in October 1989 and revised in March 1992) and a purity standard for recycled CFC-12 refrigerant (SAE J1991, issued in October 1989).

Although appendix A set forth the standards appropriate for recover/ recycle equipment, EPA has until now not established a standard which would apply to certification of equipment that extracts but does not recycle refrigerant (recover-only equipment). Under the current regulation, the refrigerant from these recover-only machines would typically be sent off-site for purification, but it may be recycled on-site in a recover/recycle machine to the SAE J1991 standard of purity. In addition, refrigerant may be extracted using the recover-only equipment and subsequently recycled off-site by equipment owned by the person who owns both the recover-only equipment