(6205J), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, Attention: Substantially Identical Equipment Review. EPA will maintain a strict interpretation of the substantially identical clause in order to protect the air-conditioning units and the integrity of the recycling program. As a result, the Agency does not anticipate that many types of recoveronly machines will qualify as substantially identical through this evaluation procedure.

D. Approved Independent Standards Testing Organizations

Section 82.38 establishes the criteria for approval of testing laboratories or organizations to certify whether equipment governed by the regulations meets the standards set forth in the regulations. Under the original final rule, approved organizations would determine whether recover/recycle equipment met the standards set forth in appendix A to the rule, which was based on SAE J1990 and 1991. Today's rulemaking will expand that provision so that approved organizations will be able to determine whether recover-only equipment meets the standards set forth in appendix B to the rule.

Because the Agency received written requests from both UL and ETL requesting that they be approved to certify recover-only equipment, and because the application materials received by the Agency from UL on October 21, 1991, and from ETL on November 27, 1991 demonstrate that both organizations have met the criteria set forth in § 82.38(b) with respect to recover-only equipment, the Agency has approved UL and ETL to certify recover-only equipment, effective as of the effective date of this rulemaking.

EPA encourages applications from other facilities that are capable of testing equipment to the necessary standards. Organizations must demonstrate that they have the experience and the appropriate equipment to perform testing. The EPA will maintain a list of approved independent standards testing organizations available upon request at the address set forth in § 82.38. The Agency reserves the right to revoke approval if the testing organization violates any of the requirements contained in § 82.38.

E. Technician Training and Certification

Section 82.40 established the standards for programs approved to train and certify technicians. The standards cover training, the subject material that must be covered by each program, and minimum test administration procedures. Summaries

of reviews of programs must be submitted every two years and programs must offer technicians proof of certification upon successful completion of the test.

At this time, 23 organizations have been approved by EPA to train and certify technicians in the use of recoverrecycle equipment. Ten of these organizations train and certify their employees, while the remaining train members of the general public. While EPA's approval of these organizations has been limited to recover-recycle equipment, the Agency believes that for purposes of training and certification conducted prior to June 1, 1995, these organizations should also be considered as approved for purposes of recoveronly equipment. As discussed below, recover-only equipment and the recovery aspects of recover-recycle equipment are very similar, and the procedures for extracting refrigerant are very similar for both types of equipment. Retraining and recertifying of technicians already certified to use recover-recycle equipment would therefore produce only a limited environmental benefit. In addition, such retraining and recertification would impose a large burden on the technicians and the organizations that certify them. For these reasons, EPA intends at this time to approve the 23 organizations noted above for training and certification of technicians in the use of recover-only equipment conducted prior to June 1, 1995.

EPA will also approve organizations for future training and certification of technicians for the use of recover-only equipment on the condition that each organization certify in writing to the Agency that its training materials discuss the standard set forth in Appendix B, and that its testing materials include questions concerning that standard. Each organization that submits such a certification shall be approved upon the date which is the later of (i) the effective date of this rule (*i.e.*, June 1, 1995), or (ii) the receipt by the Agency of such a certification. Organizations that do not submit such a certification will not be approved to train and certify future technicians for the use of recovery-only equipment.

As noted above, the prior training and testing of previously approved technicians for recover-recycle equipment adequately and sufficiently covers the standards set forth in appendix B because of the large overlap between the text of the standard based on SAE J1990 contained in appendix A and the standard based on SAE J2209 contained in appendix B. In both appendix A and appendix B, the

following provisions are identical or nearly identical: safety requirements; requirement that the manufacturer must provide operating instructions; requirement that the equipment must ensure the refrigerant recovery by reducing system pressure below atmospheric to a minimum of 102 mm of mercury; the preconditioning of the equipment with a contaminated sample; the composition of that contaminated sample; the requirement that the equipment must be certified by UL or an equivalent certifying laboratory; the requirement that the label on the equipment must state that it has been design certified to meet applicable SAE standards; and the additional storage tank requirements.

Where the SAE J1990-based standards in appendix A differ from the SAE J2209-based standards in appendix B, they differ largely because appendix A contains many provisions which relate to the recycle portion of the equipment operation and which are thus not applicable to appendix B. For example, appendix A describes requirements for the recycling test cycle and for the quantitative determination of moisture, lubricant, and noncondensable gas in that cycle.

In addition, SAE J2209 contains one provision which applies to recover-only but not to recover/recycle equipment. Section 3.5 of J2209 states that the label on the equipment must be processed to ARI 700–88 specifications before reuse in a mobile air-conditioning system. The Agency recognizes that refrigerant may be transferred on-site to recover/recycle equipment and processed to the standards set forth in appendix A, rather than be transferred off-site to a reclamation facility for processing to the ARI 700 standard. However, since the final SAE J2209 standard, including the textual requirements for the equipment label, was issued over two years prior to the date of this rule, the Agency has determined not to require the inclusion of any language on the label which would be inconsistent with SAE requirements.

A review of SAE J2209 indicates it contains two provisions which relate to the recovery of refrigerant for which there are no equivalent provisions in SAE J1990. First, section 3.2 of SAE J2209 requires that the equipment discharge or transfer fitting shall be unique. SAE did not consider this requirement until after the publication of the final version of J1990. Second, section 6.1 of SAE J2209 requires that the unit must have a device that assures that refrigerant has been recovered so that outgassing is prevented. Although there is no equivalent to this provision