



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Douglas I. Greenhaus
Director, Environment, Health and Safety
National Automobile Dealers Association
8400 Westpark Drive
McLean, Virginia 22102

Dear Mr. Greenhaus:

The purpose of this letter is to remind both you and your members who are involved in the servicing of motor vehicle air conditioners (MVACs) of the requirements for servicing of MVACs and sales of refrigerants. While I am sure that you recognize that your members have a legal obligation to comply with these requirements, the standards and practices embodied in those regulations (which your membership helped to develop) are essential for ensuring that ozone-depleting chemicals are handled safely and appropriately. While this program is long-standing and has been well-advertised over the years, as part of your continuing outreach and membership services, I would encourage you to promote awareness of and compliance with this important regulatory program.

MVACs are governed by Section 609 of the Clean Air Act (CAA), and the regulations are found at 40 C.F.R. Part 82, Subpart B. Some of the critical elements of the program include requirements for proper training of technicians, certification by an approved program, the use of approved recover/recycle equipment, and certification submitted to EPA. If there is a change in ownership, the new owner of the equipment must certify to EPA within 30 days of the change of ownership. Sale of Class I or II refrigerants suitable for use in an MVAC and which is in a container of less than 20 pounds of such refrigerant is prohibited unless the buyer is properly trained and certified as a MVAC technician. Appropriate records establishing compliance – and, more importantly, demonstrating the presence of a well-trained and knowledgeable staff and the use of appropriate equipment – must be maintained on site.

In addition, use of substitute refrigerants is governed by the Significant New Alternatives Policy (SNAP), under Section 612 of the CAA and regulations at 40 C.F.R. Subpart G (the original SNAP rule was issued on March 18, 1994 (59 *Fed. Reg.* 13044)). Under the SNAP rule, EPA determines whether new substitute refrigerants are acceptable for use as CFC-12 replacements in MVACs, subject to certain use restrictions, and each approved new refrigerant must be used in accordance with specified conditions such as unique fittings and labels. EPA decisions regarding acceptability or unacceptability of a substitute for a class I or class II substance is published in a Federal Register Notice. For more information and the current list of

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acceptable and unacceptable substitutes for MVACS you may want to access the EPA website, at <http://www.epa.gov/ozone/snap/index.html>.

Please also let your members know of other compliance assistance information that is available on EPA's web sites. For information and assistance with understanding and working with the program's requirements, you may visit our main web site, <http://www.epa.gov/ozone>. There is also a small business information web site which may also be a source of assistance, at <http://www.epa.gov/compliance/incentives/smallbusiness/index.html>.

These are neither complex nor difficult requirements, but they are integral for assuring both EPA and the public at large of the safe handling and management of refrigerants by your membership. Failure to abide by these requirements can result in penalties, which has recently been increased to a statutory maximum of \$32,500 per day per violation.¹ However, we would encourage responsible NADA members to voluntarily take action to address compliance concerns, and thereby avoid the need to assess penalties. Your members should know about EPA's *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations Final Policy Statement* ("Audit Policy"), 65 *Fed. Reg.* 19,618 (April 11, 2000). The policy substantially reduces, and in some cases eliminates, penalties for violations discovered, disclosed and promptly corrected by a company. EPA's Audit Policy can be found at: <http://www.epa.gov/compliance/resources/policies/incentives/auditing/index.html>. To assist your members in performing a self-audit, they may wish to utilize the Screening Checklist for Automotive Repair Facilities: <http://www.epa.gov/compliance/resources/publications/assistance/sectors/autopub.html> (look for the consolidated screening checklist guidebook). By acting in advance to avoid noncompliance problems, responsible NADA members can both avoid potential penalties while acting as environmentally responsible stewards.

If your members have any questions, they can call our toll free hotline, 1-800-296-1996.

Sincerely,



John Fogarty
Associate Director
Air Enforcement Division

¹ Where EPA has found it necessary to take formal action against those who have violated these requirements, in order to ensure that they are treated fairly and consistently, EPA has a Clean Air Act Penalty Policy for Section 609 MVAC violations, at <http://www.epa.gov/Compliance/resources/policies/civil/caa/stationary/penpol.pdf> (Appendix IX deals specifically with MVAC issues).