

ATTACHMENT 2

Proposed Additional Modifications

Certification Procedures for Small Containers of Automotive Refrigerant

NOTE: This document, approved by the Air Resources Board at its January 22, 2009 hearing for incorporation by reference in California Code of Regulations (CCR), title 17, sections 95360 through 95370, was originally shown without underline as permitted by California Code of Regulations, title 1, section 8. The modifications presented in the “Notice of Public Availability of Modified Text” made available on April 9, 2009 are indicated in underline to indicate additions and in ~~strikeout~~ to indicate deletions. The additional set of modifications to the language presented in the “Second Notice of Public Availability of Modified Text” are shown in double underline to indicate proposed additional text, and ~~**bold strikeout**~~ to indicate proposed deleted text.

California Environmental Protection Agency



Certification Procedures for Small Containers of Automotive Refrigerant

Adoption Date: ~~[To be determined]~~ July 20, 2009

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**California Environmental Protection Agency
Air Resources Board**

**Certification Procedures For
Small Containers of Automotive Refrigerant**

The definitions in Section 95361, Title 17 of the California Code of Regulations (CCR) apply to this Certification Procedure. For purposes of these Procedures, the term "ARB" refers to the California Air Resources Board.

1. GENERAL INFORMATION AND APPLICABILITY

This document specifies the criteria and procedures used by ARB to evaluate and certify small containers of automotive refrigerant that are manufactured for sale, advertised for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California for introduction into commerce. An Executive Order will only be issued for a small container of automotive refrigerant that demonstrates compliance with all applicable certification requirements.

Compliance with the standards specified in these procedures does not exempt small containers of automotive refrigerant from compliance with other applicable federal or state statutes or regulations such as safety codes and other safety regulations, nor will the ARB test for or determine compliance with such other statutes or regulations.

2. CERTIFICATION REQUIREMENTS

A manufacturer seeking an Executive Order for small containers of automotive refrigerant that are subject to the requirements set forth in ~~§~~ Title 17, CCR sections 95360 *et seq.* must submit information demonstrating that the small containers of automotive refrigerant comply with each of the requirements set forth below.

2.1 Self-sealing Valve and Leakage Rate

- (A) Each container of refrigerant must be equipped with a single self-sealing valve that automatically closes and seals when not dispensing refrigerant.
- (B) The leakage rate from each container must not exceed 3.0 grams per year when the self-sealing valve is closed. This leakage rate applies to new, full containers as well as containers that may be partially full.
- (C) The leakage rate specified in 2.1(B) of these procedures will be determined by TP-503, Test Procedure for ~~Diurnal~~ Leaks from Small

Containers of Automotive Refrigerant , adopted ~~[Date of Adoption]~~ July 20, 2009, which is incorporated herein by reference.

- (D) All testing to demonstrate compliance with sections 2.1(B) and (C) of these procedures must be conducted by an independent test laboratory in the United States. For purposes of this requirement, an independent test laboratory is one that is not owned, operated or affiliated with the applicant seeking an Executive Order.
- (E) Test procedures other than those specified in this Certification Procedure may be used only if prior written approval is obtained from the Executive Officer. A request for approval to use an alternative test procedure must describe the proposed alternative test procedure, including equipment specifications and personnel skill requirements necessary to conduct the test. If training is required to properly perform a test, a proposed training program must be included. The Executive Officer will utilize good engineering judgment to determine if an alternative test procedure will produce data that is as accurate and precise as the data generated from the specified test procedures.

If the Executive Officer approves a request to utilize an alternative test procedure, he or she may condition the approval upon ~~conditions~~ provisos including, but not limited to, the manufacturer's acknowledgement and agreement that notwithstanding the approval, ARB will determine the leakage rate for a small container of automotive refrigerant by using test procedure TP-503, Test Procedure for **Diurnal** Leaks from Small Containers of Automotive Refrigerant , adopted ~~[Date of Adoption]~~ July 20, 2009, which is incorporated herein by reference, and will base decisions whether to initiate enforcement actions for non-compliant small containers of automotive refrigerant on the results obtained from TP -503.

- (F) Test procedures referred to in this subaArticle can be obtained from the California Air Resources Board.

2.2 Recovery Facilities

- (A) Each manufacturer seeking an Executive Order for small containers of refrigerant must identify and register with ARB each facility that will be used to recover refrigerant from a small container. Registration includes providing location, contact information, a description of recovery equipment including operating parameters such as vacuum to be used and operational capacity, and description of any processing and ultimate fate of the recovered refrigerant. Any recovery facility must use best operating procedures to minimize leakage of refrigerant to the atmosphere.

2.3 Container Labeling Requirements

- (A) Each container of refrigerant must clearly display instructions for proper use in both English and Spanish. The instructional language must be approved by ARB and must include the following:
- (1) General safety precautions with the following statements required:
- (a) "Wear protective (rubber) gloves and safety glasses".
 - (b) "Contents under pressure".
 - (c) "Do not exposure to temperatures above 120°F".
 - (d) "Store in a cool place".
 - (e) "Do not puncture or incinerate".
 - (f) "Keep out of reach of children".
- (2) Vehicle operating parameters for the performance of a typical DIY air conditioning recharge, phrases to be included are:
- (a) "Start engine..."
 - (b) "... Set air conditioner on maximum cooling".
 - (c) "...fan on highest setting (high)".
- (3) Procedures for recharging with the following phrases included as a minimum requirement:
- (a) "Check hoses and ports for leaks and repair before recharging".
 - (b) "Follow instructions on recharge hose." – or similar instruction.
 - (c) "Hold can upright to charge. While charging, rotate can between 12 o'clock and 3 o'clock, continually agitating (sweeping) can back and forth." – or similar instruction.
 - (d) "Continue process until can is empty (5 to 15 minutes) or until correct amount of refrigerant is charged into system". – or similar instruction.

(e) An instructional phrase such as “Check A/C system nameplate for maximum volume”, or “Check A/C system pressure”, followed by the instruction: “Do not overcharge”.

(f) “Visit ‘a website address’ www.staycoolcalifornia.com” [the website will contain information as described in Certification Procedures 2.4 (A)(6)] with one of the following: “for best practices”, “for more info”, “to learn more”, “for project instructions”.

(B) Each small container must clearly display the following items:

(1) The following statement in English and Spanish in a font size of at least 6 point unless otherwise specified “Contents of this container contribute to Global Warming. It is illegal to destroy or discard this container or its contents. Return for \$XX refund.” Refer to Title 17, CCR section 95360 *et seq.* for actual dollar amount.

(2) The following statement in English and Spanish in a font size of at least 9 point for English and 8 point for Spanish: “Approved for use in California”.

(3) The following statement in English and Spanish: “\$XX refundable deposit, if returned within 90 days of purchase”. “~~\$10~~” “XX” must be in the lead position and at least 15 point font. “Refundable Deposit” must be at least 10 point font for English and 7 point font for Spanish. “If returned within 90 days of purchase” must be at least 7 point font for English and 6 point font for Spanish. Refer to Title 17, CCR section 95360 *et seq.* for actual dollar amount.

(4) A product SKU code that is uniquely identifiable to this program by dedicated markings, UPC coding, and program identification markings, language or icons that serve to reasonably differentiate this product as approved for use in California.

(C) Each manufacturer must display on each small container of refrigerant offered for sale in California a legible date or coded data of manufacture and file an explanation of such date code with the Executive Officer no later than three months after the effective date of this subarticle or within three months of production, and within three months of any change in coding.

(D) Each manufacturer must supply to the Executive Officer a list of California specific SKU codes and non-California SKU codes with their application no later than three months after the effective date of this subarticle or within three months of production, and within three months

of any change in coding.

2.4 Education Requirement

- (A) Each manufacturer seeking an Executive Order for small containers of refrigerant must develop educational materials suitable for use by ultimate purchasers of automotive refrigerant in small containers. The format and content of the educational materials must be in both English and Spanish, must be approved by the Executive Officer, and must include the following:
- (1) Advice to identify and repair leaks in the MVAC system;
 - (2) Proper techniques to minimize can heel and servicing loss while transferring refrigerant from the container to the MVAC system;
 - (3) Information on environmental hazards associated with refrigerant;
 - (4) Information on risks and consequences of overcharging or undercharging the MVAC due to lack of professional diagnostic techniques.
 - (5) Components of the container deposit and return program.
 - (6) Web pages containing the information in items 1 through 5 above that are suitable for browsing by do-it-yourself consumers of automotive refrigerant in small containers
 - (7) Brochures containing the information in items 1 through 5 above that are suitable for distribution to do-it-yourself consumers of automotive refrigerant in small containers
 - (8) Each manufacturer must also provide a description of any enhanced educational program it proposes to fund with unclaimed consumer deposits as specified in Title 17, CCR section 95366(b)(6).
- (B) Any manufacturer who sells small containers of automotive refrigerant that are subject to Title 17, CCR section 95360 *et seq.* must make available to consumers an Internet web site containing the educational course materials described in 2.4 (A)(6) of these certification procedures.
- (C) Any retailer who sells small containers of automotive refrigerant that are subject to Title 17, CCR section 95360 *et seq.* must display material as described in 2.4 (A)(7) of these certification procedures to customers.

- (D) On or after January 1, 2010, any retailer selling small containers of automotive refrigerant must display a placard next to the display of small containers of automotive refrigerant. This placard must be at least 8 ½ inches by 11 inches and describe environmental hazards associated with release of HFC-134a, references for proper recharge techniques, and a description of the deposit and recycle program. The language must be in English and Spanish and must be approved by ARB.

3. SUBMITTING AN APPLICATION

An applicant must submit the following information in an application for certification:

- 3.1** Model number(s), size(s), and SKU(s) of the small containers of automotive refrigerant for which certification is requested. The applicant must supply test data that demonstrates the small cans of automotive refrigerant comply with each of the requirements specified in Section 2.1 of these Procedures.
- 3.2** The bill of materials and eEngineering drawings of the small containers of automotive refrigerant that detail the dimensions specific to each component.
- 3.3** A sample of the small container of automotive refrigerant.
- 3.4** Test data from each of the test procedures specified in Section 2.1 of these procedures.
- 3.5** Any other test data that supports the requirements in 3.4 above and that would assist in the determination of certification.
- 3.6** The language and documentation required by Sections 2.2 through 2.4 of these procedures.

4. APPLICATION REVIEW

- 4.1** If an application for certification contains all of the information required by these procedures, it will be deemed to be complete, and will be processed for certification. The application will not be deemed complete unless an applicant has supplied all of the information required by section 3 of these procedures.
- 4.2** The Executive Officer may find it necessary to request additional information from the applicant in order to fully evaluate the application.
- 4.3** Applications will be processed in accordance with the procedures and time periods set forth in Title 17, CCR section 60030 *et seq.* The time periods may be extended by the Executive Officer for good cause.
- 4.4** An application must be signed by the applicant or their authorized delegate.