

UNDERSTANDING THE LAW:

AN OVERVIEW OF NEW BRUNSWICK'S OZONE DEPLETING SUBSTANCES REGULATION

ODS and the Ozone Layer

Fifteen to 45 kilometres above us, in the upper levels of the earth's atmosphere, is the protective ozone layer. It shields our world from the sun's harmful ultraviolet (UV) radiation.

In recent years, scientists have discovered that this vital sunscreen is thinning. More UV rays are getting through to us, causing a variety of human health problems and threatening animals, marine life, food crops and forests.

The cause is clear: a group of human-made chemicals known as ozone depleting substances, or ODS. Scientists believe that two of the more damaging families of ozone depleting substances are chlorofluorocarbons (CFCs) which are also known as freons and contain chlorine, and bromofluorocarbons, which are commonly referred to as halons and contain bromine. Other ODS include carbon tetrachloride and methyl chloroform.

Typically found in refrigerators, freezers, air conditioners, and fire extinguishers, ODS are also used in certain medical sterilizing and manufacturing processes.

When these substances escape into the environment, they move up to the upper layers of earth's atmosphere. Some kinds of ODS can remain in the atmosphere for centuries, breaking down and freeing the chlorine and bromine atoms which destroy ozone.

The good news is that the ozone layer has the potential to "heal" itself over time, if we can only stop the release of ozone depleting substances.

What is New Brunswick doing about ODS?

New Brunswick has joined a national effort to eliminate the release of all ozone depleting substances. The federal government controls the import, export, and manufacture of any ODS in Canada. Each province, in turn, is responsible for

How the Regulation is Enforced

The Department of the Environment undertakes audits and spot inspections to ensure that sellers and purchasers have ODS certification and have kept adequate records of purchase and servicing with ODS.

When the terms of a permit or certificate are not followed, the Minister of the Environment may suspend or revoke it.

The Minister may also give warnings, and may issue Ministerial Orders with directions for corrective action such as the reduction or elimination of the release of a contaminant into the environment.

Finally, legal proceedings may be undertaken against anyone who violates the Act, the Regulation, or Ministerial Orders. If convicted of an offence under this Regulation, individuals may be fined up to \$50,000. Corporations may be fined up to \$1,000,000.

regulating the actual use of ODS within its own boundaries.

New Brunswick's Ozone Depleting Substances Regulation, prohibits the release of ozone depleting substances. It also spells out requirements for leak testing and repair of equipment, and for recovery and recycling of ODS.

The long-term goal, of course, is to eliminate all ODS in favour of ozone-friendly alternatives.

Under the Regulation, those who handle or work with ODS must take a one-day course on ozone depletion and refrigerant recovery in order to be certified by the Minister of the Environment. Only these certified technicians are eligible for a permit to buy ODS in New Brunswick.

Although people in the air conditioning and refrigeration industries are most directly affected by the Regulation, every citizen of New Brunswick who uses products that contain ODS shares the responsibility of seeing that these substances do not escape into the atmosphere.



New  Nouveau
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This fact sheet provides an overview of New Brunswick's ODS Regulation. If you require more detailed information ask for a copy of *Understanding the Law: A Guide to New Brunswick's Ozone Depleting Substances Regulation*, by contacting the Industrial Approvals Section, Assessment and Approvals Branch, NB Department of the Environment, P.O. Box 6000, Fredericton, NB, E3B 5H1, Tel: (506) 457-4848.

Your Environmental Trust Fund at Work!

THE REGULATION SAYS

WHAT CAN INDIVIDUALS DO?

PREVENTING ODS RELEASES

Except for a few special exceptions (such as those existing fire extinguishers that operate by releasing ODS), any accidental or deliberate release of ODS is illegal in New Brunswick.

Large equipment (such as restaurant refrigeration equipment or air conditioners for buildings) must be tested for leaks each year.

Leaks must be promptly repaired. ODS cannot be added to leaking or untested systems, nor to automotive air conditioners from which ODS have been removed either accidentally or in servicing.

There are very small releases that can occur during servicing of equipment (when disconnecting hoses or removing a valve cap, for example). Legal action is unlikely for such minimal amounts, but efforts should be made to avoid all ODS releases.

Ensure that home refrigerators, freezers and air conditioners are in good condition. Have auto air conditioners leak-tested each year.

Reduce the chance of leaks by running your car's air conditioner once a week during the winter to keep the seals lubricated.

CERTIFIED TECHNICIANS

Only a technician certified by the Minister of the Environment can legally buy or work with ODS.

Certified Technicians are issued a certificate and a wallet card showing their certification number.

Technicians are required by law to follow a strict Code of Practice, and must use recovery equipment when removing ODS from systems.

Hire only a certified technician to service any equipment containing ODS.

You may ask to see a technician's identification to be sure of hiring someone trained to handle ODS safely.

If you have questions about the actions or equipment required under the Code of Practice, don't hesitate to ask your technician.

REPORTING RELEASES OF ODS

Although encouraged, reporting releases of most ODS is not yet required by law--except for releases of halons, the ODS that is most damaging to the ozone layer.

An amendment is being considered which would require all ODS releases greater than 10 kg to be reported.

Although you are not yet required to report releases of an ODS other than halons, any major ODS releases should be brought to the attention of the nearest regional office of the NB Environment department.

DISPOSING OF EQUIPMENT

If you plan to scrap an old car, the ODS in its air conditioner must be removed by a certified technician.

The law does not require home-owners to recover the ODS in their old appliances, such as refrigerators, home freezers, or window air conditioners. However, those who manage the disposal of these appliances are obligated to recover any ODS.

As a home-owner, your contribution in preventing the release of ODS can be to make sure that a certified technician at a service centre or the local landfill removes any ODS from your old appliances before disposal. There may be a small cost associated with this service.

Labels indicating that discarded equipment is "ODS-free" are available to certified technicians without charge from the Department of the Environment.

BUYING NEW EQUIPMENT

Of appliances containing CFCs in their insulating foam, only those that were in New Brunswick before 1996 can legally be offered for sale.

All new equipment should have a label indicating the type of ODS used, if any.

CFCs can no longer be added to any automotive air conditioner.

Choose ozone-friendly alternative products where possible. For example, ODS-free home refrigerators and freezers are now available.

Read the labels and ask questions when shopping for appliances.

You can continue to use a car's CFC air conditioning system only as long as it is in good working order and maintained to prevent leaks. Conversion kits are available, in most cases, to allow some systems to use non-CFC refrigerants. If no kit is available for your car, you may choose to replace the refrigerant contained in the air conditioner or have its remaining CFC removed.



RECYCLED PAPER

