

OZONE PROTECTION ACT 1989

(Ozone Protection Regulation 1991)

ERRATUM

NEW SOUTH WALES



[Published in Gazette No. 48 of 22 March 1991]

The explanatory note for the Regulation under the Ozone Protection Act 1989 published in Government Gazette No 45 of Friday, 15 March 1991 at pages 2111 and 2112 was published in error and has no effect. It is replaced by:

EXPLANATORY NOTE

The object of this Regulation is to impose controls on the sale, purchase and use of certain ozone depleting substances, namely chlorofluorocarbons ("CFCs") and halons. These substances are referred to in the Regulation as "controlled substances" (the term includes mixtures containing those substances, such as the substance known as R-502).

The controls are as follows:

Buying and selling controlled substances

From 30 September 1991 a person will not be permitted to buy or sell controlled substances unless the person is the holder of an authorisation issued under the Regulation. This will not apply to CFC-113 until 1 January 1992 unless it is for use in dry cleaning. Authorised sellers will be under a duty to limit to the maximum extent practicable emissions of controlled substances and to provide containers suitable for, and accept the return of, reclaimed controlled substances. Authorised sellers and buyers will have to keep various records concerning controlled substances which will either be sent to or be available for inspection by the State Pollution Control Commission ("the Commission").

Using controlled substances

From 30 September 1991 a person will not be permitted to engage in certain "restricted activities" involving the use of controlled substances unless the person is the holder of an authorisation issued under the Regulation.

Restricted activities are any manufacturing or industrial activity (other than foam blowing), and the manufacture, installation, servicing or decommissioning of equipment etc., that uses a controlled substance (other than CFC-113), and dry cleaning that uses any controlled substance.

Persons authorised to engage in a restricted activity will be under a duty to prevent emissions of controlled substances and to reclaim controlled substances that would otherwise be released. Special containers will have to be used for reclaiming controlled substances and reclaimed controlled substances will have to be re-used, reprocessed, recycled, securely stored, resold or returned to a supplier, or destroyed in a manner approved by the Commission.

Foam manufacture

From 31 March 1991 the manufacture of rigid polyurethane foam products as a packaging material using a controlled substance will be prohibited. From 30 September 1991 the sale of those products will be prohibited.

From 31 March 1991 the use of a controlled substance in the manufacture of an extruded polystyrene product for packaging or insulation will be prohibited and the sale of such a product will be prohibited.

From 31 March 1991 the manufacture of phenolic foams using a controlled substance will be prohibited unless the particular manufacturing operation concerned already existed at that date.

From 1 January 1992 the use of controlled substances in the manufacture of moulded flexible polyurethane foam will be prohibited.

Solvents and dry cleaning

From 31 March 1991 the operation and servicing of dry cleaning equipment that uses a controlled substance must be done in accordance with a code of practice (codes of practice are formulated by the Commission and published in the Gazette).

From 31 March 1991 the operation and servicing of solvent cleaning or degreasing equipment that uses a controlled substance must be done in accordance with the relevant code of practice. Controlled substances must not be released and must be reclaimed.

Halon fire protection systems

From 31 March 1991 fixed fire protection systems that use a halon must not be tested by releasing the halon and must not be discharged except to extinguish a fire. The installation of new fixed halon systems will be prohibited except with the Commission's approval which is not to be given except in special cases. The occupier of premises at which an existing fixed halon system is installed will

have to notify the Commission of the system's existence and capacity. The discharge of a fixed halon system will have to be notified to the Commission. Fixed halon systems will have to be manufactured, installed and serviced in accordance with the relevant code of practice. When a fixed halon system is serviced or decommissioned the halon it contains will have to be reclaimed.

Portable halon fire extinguishers

From 31 March 1991 the sale of aerosol and non-rechargeable halon fire extinguishers will be prohibited. The sale of other portable halon fire extinguishers will be prohibited except where the seller is authorised under the Regulation to sell them and the particular sale is approved by the Commission. Approval can only be given in special cases. The Commission will be able to attach conditions to the possession of a portable halon fire extinguisher. A portable halon fire extinguisher in existence before 31 March 1991 will have to be decommissioned and the halon reclaimed by 1 January 1996 (or when it is due for testing or is discharged before then) unless the Commission approves of its continued use. The discharge of a portable halon fire extinguisher will be prohibited except to extinguish a fire.

Refrigeration and air conditioning equipment

From 31 March 1991 the manufacture, installation and servicing of motor vehicle air conditioning equipment will be required to be in accordance with the relevant code of practice. The manufacture, installation and servicing of commercial/industrial air conditioning or refrigeration equipment will be required to be in accordance with the relevant code of practice. Domestic refrigeration equipment will have to be manufactured and serviced in accordance with the relevant code of practice.

From 30 September 1991 refrigeration and air conditioning equipment that uses a controlled substance will have to be labelled so as to allow the substance to be readily identified.

Aerosols

From 31 March 1991 the manufacture and sale of aerosols containing a controlled substance will be prohibited unless there is an exemption for the product under the Ozone Protection Act 1989, of the Commonwealth.

Miscellaneous

An authorisation required under the Regulation will be issued by the Commission or by a body authorised by the Commission to grant it (such as the Motor Vehicle Repair Industry Council in the case of an authorisation to install motor vehicle air conditioners).

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The Commission can grant exemptions of up to 12 months from provisions of the Regulation.

Penalties of up to 200 penalty units (\$20,000) for a corporation and 100 penalty units (\$10,000) in other cases are provided for breaches of the Regulation.

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