

## Appendix A to Subpart A of Part 82—Class I Controlled Substances

<b>Class 1 controlled substances</b>	<b>ODP</b>
<b>A. Group I:</b>	
CFC13-Trichlorofluoromethane (CFC-11)	1.0
CF2 Cl2-Dichlorodifluoromethane (CFC-12)	1.0
C2 F3 Cl3-Trichlorotrifluoroethane (CFC-113)	0.8
C2 F4 Cl2-Dichlorotetrafluoroethane (CFC-114)	1.0
C2 F5 Cl-Monochloropentafluoroethane (CFC-115)	0.6
All isomers of the above chemicals	
<b>B. Group II:</b>	
CF2 ClBr-Bromochlorodifluoromethane (Halon-1211)	3.0
CF3 Br-Bromotrifluoromethane (Halon-1301)	10.0
C2 F4 Br2-Dibromotetrafluoroethane (Halon-2402)	6.0
All isomers of the above chemicals	
<b>C. Group III:</b>	
CF3 Cl-Chlorotrifluoromethane (CFC-13)	1.0
C2 FCl5-(CFC-111)	1.0
C2 F2 Cl4-(CFC-112)	1.0
C3 FCl7-(CFC-211)	1.0
C3 F2 Cl6-(CFC-212)	1.0
C3 F3 Cl5-(CFC-213)	1.0
C3 F4 Cl4-(CFC-214)	1.0
C3 F5 Cl3-(CFC-215)	1.0
C3 F6 Cl2-(CFC-216)	1.0
C3 F7 Cl-(CFC-217)	1.0
All isomers of the above chemicals	
<b>D. Group IV: CCl4-Carbon Tetrachloride</b>	1.1
<b>E. Group V:</b>	
C2 H3 Cl3-1,1,1 Trichloroethane (Methyl chloroform)	0.1
All isomers of the above chemical except 1,1,2-trichloroethane	
<b>F. Group VI: CH3 Br—Bromomethane (Methyl Bromide)</b>	0.7
<b>G. Group VII:</b>	
CHFBR2	1.00
CHF2 Br (HBFC-2201)	0.74
CH2 FBr	0.73
C2 HFBr4	0.3-0.8
C2 HF2 Br3	0.5-1.8
C2 HF3 Br2	0.4-1.6
C2 HF4 Br	0.7-1.2
C2 H2 FBr3	0.1-1.1
C2 H2 F2 Br2	0.2-1.5
C2 H2 F3 Br	0.7-1.6
C2 H2 FBr2	0.1-1.7

C2 H3 F2 Br	0.2-1.1
C2 H4 FBr	0.07-0.1
C3 HFBr6	0.3-1.5
C3 HF2 Br5	0.2-1.9
C3 HF3 Br4	0.3-1.8
C3 HF4 Br3	0.5-2.2
C3 HF5 Br2	0.9-2.0
C3 HF6 Br	0.7-3.3
C3 H2 FBR5	0.1-1.9
C3 H2 F2 BR4	0.2-2.1
C3 H2 F3 Br3	0.2-5.6
C3 H2 F4 Br2	0.3-7.5
C3 H2 F5 BR	0.9-14
C3 H3 FBR4	0.08-1.9
C3 H3 F2 Br3	0.1-3.1
C3 H3 F3 Br2	0.1-2.5
C3 H3 F4 Br	0.3-4.4
C3 H4 FBr3	0.03-0.3
C3 H4 F2 Br2	0.1-1.0
C3 H4 F3 Br	0.07-0.8
C3 H5 FBr2	0.04-0.4
C3 H5 F2 Br	0.07-0.8
C3 H6 FB	0.02-0.7
H. Group VIII:	
CH2BrCl (Chlorobromomethane) 0.12	

[60 FR 24986, May 10, 1995, as amended at 68 FR 42892, July 18, 2003]

[↑ Back to Top](#)

## Appendix B to Subpart A of Part 82—Class II Controlled Substancesab

Controlled substance	ODP
1. HCFC-21 (CHFCI <sub>2</sub> ) Dichlorofluoromethane	0.04
2. HCFC-22 (CHF <sub>2</sub> Cl) Monochlorodifluoromethane	0.055
3. HCFC-31 (CH <sub>2</sub> FCI) Monochlorofluoromethane	0.02
4. HCFC-121 (C <sub>2</sub> HFCI <sub>4</sub> ) Tetrachlorofluoroethane	0.01-0.04
5. HCFC-122 (C <sub>2</sub> HF <sub>2</sub> CI <sub>3</sub> ) Trichlorodifluoroethane	0.02-0.08
6. HCFC-123 (C <sub>2</sub> HF <sub>3</sub> CI <sub>2</sub> ) Dichlorotrifluoroethane	0.02
7. HCFC-124 (C <sub>2</sub> HF <sub>4</sub> Cl) Monochlorotetrafluoroethane	0.022
8. HCFC-131 (C <sub>2</sub> H <sub>2</sub> FCI <sub>3</sub> ) Trichlorofluoroethane	0.007-0.05
9. HCFC-132 (C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> CI <sub>2</sub> ) Dichlorodifluoroethane	0.008-0.05
10. HCFC-133 (C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl) Monochlorotrifluoroethane	0.02-0.06
11. HCFC-141 (C <sub>2</sub> H <sub>3</sub> FCI <sub>2</sub> ) Dichlorofluoroethane	0.005-0.07
12. HCFC-141b (CH <sub>3</sub> CFCl <sub>2</sub> ) Dichlorofluoroethane	0.11
13. HCFC-142 (C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl) Chlorodifluoroethane	0.008-0.07
14. HCFC-142b (CH <sub>3</sub> CF <sub>2</sub> Cl) Monochlorodifluoroethane	0.065

15. HCFC-151 (C2H4FCI) Chlorofluoroethane	0.003-0.005
16. HCFC-221 (C3HFCI6) Hexachlorofluoropropane	0.015-0.07
17. HCFC-222 (C3HF2CI5) Pentachlorodifluoropropane	0.01-0.09
18. HCFC-223 (C3HF3CI4) Tetrachlorotrifluoropropane	0.01-0.08
19. HCFC-224 (C3HF4CI3) Trichlorotetrafluoropropane	0.01-0.09
20. HCFC-225 (C3HF5CI2) Dichloropentafluoropropane	0.02-0.07
21. HCFC-225ca (CF3CF2CHCI2) Dichloropentafluoropropane	0.025
22. HCFC-225cb (CF2CI CF2CHCIF) Dichloropentafluoropropane	0.033
23. HCFC-226 (C3HF6CI) Monochlorohexafluoropropane	0.02-0.1
24. HCFC-231 (C3H2FCI5) Pentachlorofluoropropane	0.05-0.09
25. HCFC-232 (C3H2F2CI4) Tetrachlorodifluoropropane	0.008-0.1
26. HCFC-233 (C3H2F3CI3) Trichlorotrifluoropropane	0.007-0.23
27. HCFC-234 (C3H2F4CI2) Dichlorotetrafluoropropane	0.01-0.28
28. HCFC-235 (C3H2F5CI) Monochloropentafluoropropane	0.03-0.52
29. HCFC-241 (C3H3FCI4) Tetrachlorofluoropropane	0.004-0.09
30. HCFC-242 (C3H3F2CI3) Trichlorodifluoropropane	0.005-0.13
31. HCFC-243 (C3H3F3CI2) Dichlorotrifluoropropane	0.007-0.12
32. HCFC-244 (C3H3F4CI) Monochlorotetrafluoropropane	0.009-0.14
33. HCFC-251 (C3H4FCI3) Monochlorotetrafluoropropane	0.001-0.01
34. HCFC-252 (C3H4F2CI2) Dichlorodifluoropropane	0.005-0.04
35. HCFC-253 (C3H4F3CI) Monochlorotrifluoropropane	0.003-0.03
36. HCFC-261 (C3H5FCI2) Dichlorofluoropropane	0.002-0.02
37. HCFC-262 (C3H5F2CI) Monochlorodifluoropropane	0.002-0.02
38. HCFC-271 (C3H6FCI) Monochlorofluoropropane	0.001-0.03

<sup>a</sup>According to Annex C of the Montreal Protocol, "Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

<sup>b</sup>This table includes all isomers of the substances above, regardless of whether the isomer is explicitly listed on its own.

[79 FR 64288, Oct. 28, 2014]

## Appendix F to Subpart A of Part 82—Listing of Ozone-Depleting Chemicals

Controlled substance	ODP	AT L	CLP	BLP
A. Class I:				
1. Group I:				
CFCl3-Trichlorofluoromethane (CFC-11)	1.0	60.0	1.0	0.00
CF2 Cl2-Dichlorodifluoromethane (CFC-12)	1.0	120.0	1.5	0.00
C2 F3 Cl3-Trichlorotrifluoroethane (CFC-113)	0.8	90.0	1.11	0.00
C2 F4 Cl2-Dichlorotetrafluoroethane (CFC-114)	1.0	200.00	1.8	0.00
C2 F5 Cl1-Monochloropentafluoroethane (CFC-115)	0.6	400.0	2.0	0.00
All isomers of the above chemicals		[Reserved]		
2. Group II:				
CF2 ClBr-Bromochlorodifluoromethane (Halon-	3.0	12	0.06	0.13

1211)				
		-18	-08	-03
CF3 Br-Bromotrifluoromethane (Halon-1301)	10.0	72	0.00	1.00
		-107		
C2 F4 Br2-Dibromotetrafluoroethane (Halon-2402)	6.0	23	0.00	0.30
		-28		-37
All isomers of the above chemicals		[Reserved]		
3. Group III:				
CF3 Cl-Chlorotrifluoromethane (CFC-13)	1.0	120	0.88	0.00
		-250	-1.83	
C2 FCl5- (CFC-111)	1.0	60	1.04	0.00
		-90	-1.56	
C2 F2 Cl4- (CFC-112)	1.0	60	0.90	0.00
		-90	-1.35	
C3 FCl7- (CFC-211)	1.0	100	1.76	0.00
		-500	-8.81	
C3 F2 Cl6- (CFC-212)	1.0	100	1.60	0.00
		-500	-7.98	
C3 F3 Cl5- (CFC-213)	1.0	100	1.41	0.00
		-500	-7.06	
C3 F4 Cl4- (CFC-214)	1.0	100	1.20	0.00
		-500	-6.01	
C3 F5 Cl3 -(CFC-215)	1.0	100	0.96	0.00
		-500	-4.82	
C3 F6 Cl2- (CFC-216)	1.0	100	0.69	0.00
		-500	-3.45	
C3 F7 Cl- (CFC-217)	1.0	100	0.37	0.00
		-500	-1.87	
All isomers of the above chemicals		[Reserved]		
4. Group IV:				
CCl4 -Carbon Tetrachloride	1.1	50.0	1.0	0.00
5. Group V:				
C2 H3 Cl3-1,1,1 Trichloroethane (Methyl chloroform)	0.1	6.3	0.11	0.00
All isomers of the above chemical except 1,1,2-trichloroethane		[Reserved]		
6. Group VI:				
CH3Br-Bromomethane (Methyl Bromide)	0.7		[Reserved]	
7. Group VII:				
CHFBr2-	1.00		[Reserved]	
CHF2Br-(HBFC-22B1)	0.74		[Reserved]	
CH2FBr	0.73		[Reserved]	
C2HFBr4	0.3-0.8		[Reserved]	
C2HF2Br3	0.5-1.8		[Reserved]	
C2HF3Br2	0.4-16		[Reserved]	
C2HF4Br	0.7-1.2		[Reserved]	
C2H2FBr3	0.1-1.1		[Reserved]	

C2H2F2Br2	0.2-1.5		[Reserved]	
C2H2F3Br	0.7-1.6		[Reserved]	
C2H3FBr2	0.1-1.7		[Reserved]	
C2H3F2Br	0.2-1.1		[Reserved]	
C2H4FBr	0.07-0.1		[Reserved]	
C3HFBr6	0.3-1.5		[Reserved]	
C3HF2Br5	0.2-1.9		[Reserved]	
C3HF3Br4	0.3-1.8		[Reserved]	
C3HF4Br3	0.5-2.2		[Reserved]	
C3HF5Br2	0.9-2.0		[Reserved]	
C3HF6Br	0.7-3.3		[Reserved]	
C3H2FBr5	0.1-1.9		[Reserved]	
C3H2F2Br4	0.2-2.1		[Reserved]	
C3H2F3Br3	0.2-5.6		[Reserved]	
C3H2F4Br2	0.3-7.5		[Reserved]	
C3H2F5Br	0.9-1.4		[Reserved]	
C3H3FBR4	0.08-1.9		[Reserved]	
C3H3F2Br3	0.1-3.1		[Reserved]	
C3H3F3Br2	0.1-2.5		[Reserved]	
C3H3F4Br	0.3-4.4		[Reserved]	
C3H4FBr3	0.03-0.3		[Reserved]	
C3H4F2Br2	0.1-1.0		[Reserved]	
C3H4F3Br	0.07-0.8		[Reserved]	
C3H5FBr2	0.04-0.4		[Reserved]	
C3H5F2Br	0.07-0.8		[Reserved]	
C3H6FB	0.02-0.7		[Reserved]	
8. Group VIII:				
CH2BrCl (Chlorobromomethane)	0.12		[Reserved]	
B. Class II:				
CHFCl2-Dichlorofluoromethane (HCFC-21)	[Reserved]	2.1	0.03	0.00
CHF2 Cl-Chlorodifluoromethane (HCFC-22)	0.05	15.3	0.14	0.00
CH2 FCl-Chlorofluoromethane (HCFC-31)	[Reserved]	1.44	0.02	0.00
C2 HFCl4- (HCFC-121)	[Reserved]	0.6	0.01	0.00
C2 HF2 Cl3- (HCFC-122)	[Reserved]	1.4	0.02	0.00
C2 HF3 Cl2- (HCFC-123)	0.02	1.6	0.016	0.00
C2 HF4 Cl- (HCFC-124)	0.02	6.6	0.04	0.00
C2 H2 FCl3- (HCFC-131)	[Reserved]	4.0	0.06	0.00
C2 H2 F2 Cl2- (HCFC-132b)	[Reserved]	4.2	0.05	0.00
C2 H2 F3 Cl- (HCFC-133a)	[Reserved]	4.8	0.03	0.00
C2 H3 FCl2- (HCFC-141b)	0.12	7.8	0.10	0.00
C2 H3 F2 Cl- (HCFC-142b)	0.06	19.1	0.14	0.00
C3 HFCl6- (HCFC-221)	[Reserved]			0.00
C3 HF2 Cl5- (HCFC-222)	[Reserved]			0.00
C3 HF3 Cl4- (HCFC-223)	[Reserved]			0.00
C3 HF4 Cl3- (HCFC-224)	[Reserved]			0.00
C3 HF5 Cl2- (HCFC-225ca)	[Reserved]	1.5	0.01	0.00
		-1.7		

(HCFC-225cb)	[Reserved]	5.1	0.04	0.00
C3 HF6 Cl- (HCFC-226)	[Reserved]			0.00
C3 H2 FCl5- (HCFC-231)	[Reserved]			0.00
C3 H2 F24- (HCFC-232)	[Reserved]			0.00
C3 H2 F3 Cl3- (HCFC-233)	[Reserved]			0.00
C3 H2 F4 Cl2- (HCFC-234)	[Reserved]			0.00
C3 H2 F5 Cl- (HCFC-235)	[Reserved]			0.00
C3 H3 FCl4- (HCFC-241)	[Reserved]			0.00
C3 H3 F2 Cl3- (HCFC-242)	[Reserved]			0.00
C3 H3 F3 Cl2- (HCFC-243)	[Reserved]			0.00
C3 H3 F4 Cl- (HCFC-244)	[Reserved]			0.00
C3 H4 FCl3- (HCFC-251)	[Reserved]			0.00
C3 H4 F2 Cl2- (HCFC-252)	[Reserved]			0.00
C3 H4 F3 Cl- (HCFC-253)	[Reserved]			0.00
C3 H5 FCl2- (HCFC-261)	[Reserved]			0.00
C2 H5 F2 Cl- (HCFC-262)	[Reserved]			0.00
C3 H6 FCl- (HCFC-271)	[Reserved]			0.00
All isomers of the above chemicals	[Reserved]			

[60 FR 24986, May 10, 1995, as amended at 68 FR 42894, July 18, 2003]

Appendix I to Subpart A of Part 82—Global Warming Potentials (Mass Basis), Referenced to the Absolute GWP for the Adopted Carbon Cycle Model CO<sub>2</sub> Decay Response and Future CO<sub>2</sub> Atmospheric Concentrations Held Constant at Current Levels. (Only Direct Effects Are Considered.)

Species (chemical)	Chemical formula	Global warming potential (time horizon)		
		20 years	100 years	500 years
CFC-11	CFC13	5000	4000	1400
CFC-12	CF2 Cl2	7900	8500	4200
CFC-13	CClF3	8100	11700	13600
CFC-113	C2 F3 Cl3	5000	5000	2300
CFC-114	C2 F4 Cl2	6900	9300	8300
CFC-115	C2 F5 Cl	6200	9300	13000
H-1301	CF3 Br	6200	5600	2200
Carbon Tet	CCl4	2000	1400	500
Methyl Chl	CH3 CCl3	360	110	35
HCFC-22	CF2 HCl	4300	1700	520
HCFC-141b	C2 FH3 Cl2	1800	630	200
HCFC-142b	C2 F2 H3 Cl	4200	2000	630
HCFC-123	C2 F3 HCl2	300	93	29

12 March 2019

HCFC-124	C2 F4 HCl	1500	480	150
HCFC-225ca	C3 F5 HCl2	550	170	52
HCFC-225cb	C3 F5 HCl2	1700	530	170

AUnited Nations Environment Programme (UNEP), February 1995, Scientific Assessment of Ozone Depletion: 1994, Chapter 13, "Ozone Depleting Potentials, Global Warming Potentials and Future Chlorine/Bromine Loading," and do not reflect review of scientific documents published after that date.

[61 FR 1285, Jan. 19, 1996]

## §82.15 Prohibitions for class II controlled substances.

(a) Production. (1) Effective January 21, 2003, no person may produce class II controlled substances for which EPA has apportioned baseline production and consumption allowances, in excess of the quantity of unexpended production allowances, unexpended Article 5 allowances, unexpended export production allowances, or conferred unexpended HCFC-141b exemption allowances held by that person for that substance under the authority of this subpart at that time in that control period, unless the substances are transformed or destroyed domestically or by a person of another Party, or unless they are produced using an exemption granted in paragraph (f) of this section. Every kilogram of excess production constitutes a separate violation of this subpart.

(2) Effective January 21, 2003, no person may use production allowances to produce a quantity of class II controlled substance unless that person holds under the authority of this subpart at the same time consumption allowances sufficient to cover that quantity of class II controlled substances. No person may use consumption allowances to produce a quantity of class II controlled substances unless the person holds under authority of this subpart at the same time production allowances sufficient to cover that quantity of class II controlled substances.

(b) Import. (1) Effective January 21, 2003, no person may import class II controlled substances (other than transshipments, heels or used class II controlled substances) for which EPA has apportioned baseline production and consumption allowances, in excess of the quantity of unexpended consumption allowances, or conferred unexpended HCFC-141b exemption allowances held by that person under the authority of this subpart at that time in that control period, unless the substances are for use in a process resulting in their transformation or their destruction, or unless they are produced using an exemption granted in paragraph (f) of this section. Every kilogram of excess import constitutes a separate violation of this subpart.

(2) Effective January 21, 2003, no person may import, at any time in any control period, a used class II controlled substance for which EPA has apportioned baseline production and consumption allowances, without having submitted a petition to the Administrator and received a non-objection notice in accordance with §82.24(c)(3) and (4). A person issued a non-objection notice for the import of an individual shipment of used class II controlled substances may not transfer or confer the right to import, and may not import any more than the exact quantity (in kilograms) of the used class II controlled substance stated in the non-objection notice. Every kilogram of import of used class II controlled substance in excess of the quantity stated in the non-objection notice issued by the Administrator in accordance with §82.24(c)(3) and (4) constitutes a separate violation of this subpart.

(c) Production with Article 5 allowances. No person may introduce into U.S. interstate commerce any class II controlled substance produced with Article 5 allowances, except for export to an Article 5 Party as listed in Appendix E of this subpart. Every kilogram of a class II controlled substance produced with Article 5 allowances that is introduced into interstate commerce other than for export to an Article 5 Party constitutes a separate violation under this subpart. No person may export any class II controlled substance produced with Article 5 allowances to a non-Article 5 Party. Every kilogram of a class II controlled substance that was produced with Article 5 allowances that is exported to a non-Article 5 Party constitutes a separate violation under this subpart.

(d) Production with export production allowances. No person may introduce into U.S. interstate commerce any class II controlled substance produced with export production allowances. Every kilogram of a class II controlled substance that was produced with export production allowances that is introduced into U.S. interstate commerce constitutes a separate violation under this subpart.

Extracted by GlobalMSDS Ltd

12 March 2019

(e) Trade with Parties. No person may import or export any quantity of a class II controlled substance listed in Appendix A to this subpart, from or to any foreign state that is not either:

(1) A Party to the Beijing Amendment. As of March 14, 2014, the following foreign states had not ratified the Beijing Amendment: Kazakhstan, Libya, and Mauritania. For updates on ratification status, see the Ozone Secretariat's Web site at: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php). Or,

(2) A foreign state not party to the Beijing Amendment that is complying with the Beijing Amendment as defined in this subpart.

(f) Exemptions. (1) Medical Devices [Reserved]

(g) Introduction into interstate commerce or use. (1) Effective January 1, 2010, no person may introduce into interstate commerce or use HCFC-141b (unless used, recovered, and recycled) for any purpose except for use in a process resulting in its transformation or its destruction; for export to Article 5 Parties under §82.18(a); for HCFC-141b exemption needs; as a transshipment or heel; or for exemptions permitted in paragraph (f) of this section.

(2)(i) Effective January 1, 2010, no person may introduce into interstate commerce or use HCFC-22 or HCFC-142b (unless used, recovered, and recycled) for any purpose other than for use in a process resulting in its transformation or its destruction; for use as a refrigerant in equipment manufactured before January 1, 2010; for export to Article 5 Parties under §82.18(a); as a transshipment or heel; or for exemptions permitted in paragraph (f) of this section.

(ii) Introduction into interstate commerce and use of HCFC-22 is not subject to the prohibitions in paragraph (g)(2)(i) of this section if the HCFC-22 is for use in medical equipment prior to January 1, 2015; for use in thermostatic expansion valves prior to January 1, 2015; or for use as a refrigerant in appliances manufactured before January 1, 2012, provided that the components are manufactured prior to January 1, 2010, and are specified in a building permit or a contract dated before January 1, 2010, for use on a particular project.

(3) Effective January 1, 2015, no person may introduce into interstate commerce or use HCFC-141b (unless used, recovered, and recycled) for any purpose other than for use in a process resulting in its transformation or its destruction; for export to Article 5 Parties under §82.18(a), as a transshipment or heel; or for exemptions permitted in paragraph (f) of this section.

(4)(i) Effective January 1, 2015, no person may introduce into interstate commerce or use any class II controlled substance not governed by paragraphs (g)(1) through (3) of this section (unless used, recovered and recycled) for any purpose other than for use in a process resulting in its transformation or its destruction; for use as a refrigerant in equipment manufactured before January 1, 2020; for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part; for export to Article 5 Parties under §82.18(a); as a transshipment or heel; for exemptions permitted under paragraph (f) of this section; or for exemptions permitted under paragraph (g)(4)(ii) or (iii) of this section.

(ii) Effective January 1, 2015, use of HCFC-225ca or HCFC-225cb as a solvent (excluding use in manufacturing a product containing HCFC-225ca or HCFC-225cb) is not subject to the use prohibition in paragraph (g)(4)(i) of this section if the person using the HCFC-225ca or HCFC-225cb placed the controlled substance into inventory before January 1, 2015. This paragraph does not create an exemption to the prohibition on introduction into interstate commerce in paragraph (g)(4)(i) of this section.

(iii) Effective January 1, 2015, use of HCFC-124 as a sterilant for the manufacture and testing of biological indicators is not subject to the use prohibition in paragraph (g)(4)(i) of this section if the person using the HCFC-124 placed the controlled substance into inventory before January 1, 2015. This paragraph does not create an exemption to the prohibition on introduction into interstate commerce in paragraph (g)(4)(i) of this section.

(5) Effective January 1, 2030, no person may introduce into interstate commerce or use any class II controlled substance (unless used, recovered, and recycled) for any purpose other than for use in a process resulting in its transformation or its destruction; for export to Article 5 Parties under §82.18(a); as a transshipment or heel; or for exemptions permitted in paragraph (f) of this section.

(6) Effective January 1, 2040, no person may introduce into interstate commerce or use any class II controlled substance (unless used, recovered, and recycled) for any purpose other than for use



Extracted by GlobalMSDS Ltd

12 March 2019

in a process resulting in its transformation or its destruction, as a transshipment or heel, or for exemptions permitted in paragraph (f) of this section.

[68 FR 2848, Jan. 21, 2003, as amended at 69 FR 34031, June 17, 2004; 71 FR 41171, July 20, 2006; 74 FR 66445, Dec. 15, 2009; 79 FR 16686, Mar. 26, 2014; 79 FR 64286, Oct. 28, 2014]

## §82.16 Phaseout schedule of class II controlled substances.

(a) Calendar-year Allowances. (1) In each control period as indicated in the following tables, each person is granted the specified percentage of baseline production allowances and baseline consumption allowances for the specified class II controlled substances apportioned under §§82.17 and §82.19:

Calendar-Year HCFC Production Allowances

Control period	Percent of HCFC-141b	Percent of HCFC-22	Percent of HCFC-142b	Percent of HCFC-123	Percent of HCFC-124	Percent of HCFC-225ca	Percent of HCFC-225cb
2003	0	100	100				
2004	0	100	100				
2005	0	100	100				
2006	0	100	100				
2007	0	100	100				
2008	0	100	100				
2009	0	100	100				
2010	0	41.9	0.47	0	125	125	125
2011	0	32.0	4.9	0	125	125	125
2012	0	17.7	4.9	0	125	125	125
2013	0	30.1	4.9	0	125	125	125
2014	0	26.1	4.9	0	125	125	125
2015	0	21.7	0.37	0	5.0	0	0
2016	0	21.7	0.32	0	5.0	0	0
2017	0	21.7	0.26	0	5.0	0	0
2018	0	21.7	0.21	0	5.0	0	0
2019	0	21.7	0.16	0	5.0	0	0

Calendar-Year HCFC Consumption Allowances

Control period	Percent of HCFC-141b	Percent of HCFC-22	Percent of HCFC-142b	Percent of HCFC-123	Percent of HCFC-124	Percent of HCFC-225ca	Percent of HCFC-225cb
2003	0	100	100				
2004	0	100	100				
2005	0	100	100				
2006	0	100	100				
2007	0	100	100				
2008	0	100	100				
2009	0	100	100				
2010	0	41.9	0.47	125	125	125	125

12 March 2019

2011	0	32.0	4.9	125	125	125	125
2012	0	17.7	4.9	125	125	125	125
2013	0	18.0	4.9	125	125	125	125
2014	0	14.2	4.9	125	125	125	125
2015	0	7.0	1.7	100	8.3	0	0
2016	0	5.6	1.5	100	8.3	0	0
2017	0	4.2	1.2	100	8.3	0	0
2018	0	2.8	1.0	100	8.3	0	0
2019	0	1.4	0.7	100	8.3	0	0

(2) Recoupment allowances. In the control period beginning January 1, 2013 and ending December 31, 2013, and again in the control period beginning January 1, 2014 and ending December 31, 2014, certain companies are granted HCFC consumption and production allowances in addition to the percentage of baseline listed in the table at paragraph (a)(1) of this section. The following companies will receive the amounts listed below in both 2013 and 2014: 2,374,846 kg of HCFC-22 consumption allowances and 2,305,924 kg of HCFC-22 production allowances to Arkema; 1,170 kg of HCFC-142b consumption allowances to DuPont; 29,146 kg of HCFC-142b consumption allowances and 53,549 kg of HCFC-142b production allowances to Honeywell; 578,948 kg of HCFC-22 consumption allowances to Solvay Fluorides; and 144,900 kg of HCFC-142b production allowances to Solvay Solexis.

(b) Effective January 1, 2003, no person may produce HCFC-141b except for use in a process resulting in its transformation or its destruction, for export under §82.18(a) using unexpended Article 5 allowances, for export under §82.18(b) using unexpended export production allowances, for HCFC-141b exemption needs using unexpended HCFC-141b exemption allowances, or for exemptions permitted in §82.15(f). Effective January 1, 2003, no person may import HCFC-141b (other than transshipments, heels or used class II controlled substances) in excess of the quantity of unexpended HCFC-141b exemption allowances held by that person except for use in a process resulting in its transformation or its destruction, or for exemptions permitted in §82.15(f).

(c) Effective January 1, 2010, no person may produce HCFC-22 or HCFC-142b for any purpose other than for use in a process resulting in their transformation or their destruction, for use in equipment manufactured before January 1, 2010, for export under §82.18(a) using unexpended Article 5 allowances, or for export under §82.18(b) using unexpended export production allowances, or for exemptions permitted in §82.15(f). Effective January 1, 2010, no person may import HCFC-22 or HCFC-142b (other than transshipments, heels or used class II controlled substances) for any purpose other than for use in a process resulting in their transformation or their destruction, for exemptions permitted in §82.15(f), or for use in equipment manufactured prior to January 1, 2010.

(d) Effective January 1, 2015, no person may produce class II controlled substances not previously controlled for any purpose other than for use in a process resulting in their transformation or their destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part, for export under §82.18(a) using unexpended Article 5 allowances, for export under §82.18(b) using unexpended export production allowances, or for exemptions permitted in §82.15(f). Effective January 1, 2015, no person may import class II controlled substances not subject to the requirements of paragraph (b) or (c) of this section (other than transshipments, heels, or used class II controlled substances) for any purpose other than for use in a process resulting in their transformation or their destruction, for exemptions permitted in §82.15(f), for use as a refrigerant in equipment manufactured prior to January 1, 2020, or for use as a fire suppression streaming agent listed as acceptable for use or acceptable subject to narrowed use limits for nonresidential applications in accordance with the regulations at subpart G of this part.

(e)(1) Effective January 1, 2020, no person may produce HCFC-22 or HCFC-142b for any purpose other than for use in a process resulting in their transformation or their destruction, for export under §82.18(a) using unexpended Article 5 allowances, or for export under §82.18(b) using unexpended export production allowances, or for exemptions permitted in §82.15(f).

Effective January 1, 2020, no person may import HCFC-22 or HCFC-142b for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in §82.15(f).

12 March 2019

(2) Effective January 1, 2020, no person may produce HCFC-123 for any purpose other than for use in a process resulting in its transformation or its destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, for export under §82.18(a) using unexpended Article 5 allowances, or for export under §82.18(b) using unexpended export production allowances, or for exemptions permitted in §82.15(f). Effective January 1, 2020, no person may import HCFC-123 for any purpose other than for use in a process resulting in its transformation or its destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, or for exemptions permitted in §82.15(f).

(f) Effective January 1, 2030, no person may produce class II controlled substances, for any purpose other than for use in a process resulting in their transformation or their destruction, for export under §82.18(a) using unexpended Article 5 allowances, or for exemptions permitted in §82.15(f). Effective January 1, 2030, no person may import class II controlled substances for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in §82.15(f).

(g) Effective January 1, 2040, no person may produce class II controlled substances for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in §82.15(f).

(h) [Reserved]

[68 FR 2848, Jan. 21, 2003, as amended at 71 FR 41171, July 20, 2006; 74 FR 66446, Dec. 15, 2009; 76 FR 47467, Aug. 5, 2011; 78 FR 20027, Apr. 3, 2013; 79 FR 64286, Oct. 28, 2014]

## §82.250 Purpose and scope.

(a) The purpose of this subpart is to reduce the emissions of halon in accordance with section 608 of the Clean Air Act by banning the manufacture of halon blends; banning the intentional release of halons during repair, testing, and disposal of equipment containing halons and during technician training; requiring organizations that employ technicians to provide emissions reduction training; and requiring proper disposal of halons and equipment containing halons.

(b) This subpart applies to any person testing, servicing, maintaining, repairing or disposing of equipment that contains halons or using such equipment during technician training. This subpart also applies to any person disposing of halons; to manufacturers of halon blends; and to organizations that employ technicians who service halon-containing equipment.

[↑ Back to Top](#)

## §82.260 Definitions.

Halon-containing equipment means equipment used to store, transfer, and/or disperse halon.

Disposal of halon means the process leading to and including discarding of halon from halon-containing equipment.

Disposal of halon-containing equipment means the process leading to and including:

- (1) The discharge, deposit, dumping or placing of any discarded halon-containing equipment into or on any land or water;
- (2) The disassembly of any halon-containing equipment for discharge, deposit, or dumping or placing of its discarded component parts into or on any land or water; or
- (3) The disassembly of any halon-containing equipment for reuse of its component parts.

Halon means any of the Class I, Group II substances listed in subpart A, appendix A of 40 CFR part 82. This group consists of the three halogenated hydrocarbons known as Halon 1211, Halon 1301, and Halon 2402, and all isomers of these chemicals.

Halon product means any mixture or combination of substances that contains only one halon (e.g., Halon 1301 plus dinitrogen gas (N<sub>2</sub>))

Halon blend means any mixture or combination of substances that contains two or more halons.

12 March 2019

Manufacturer means any person engaged in the direct manufacture of halon, halon blends or halon-containing equipment.

Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.

Technician means any person who performs testing, maintenance, service, or repair that could reasonably be expected to release halons from equipment into the atmosphere. Technician also means any person who performs disposal of equipment that could reasonably be expected to release halons from the equipment into the atmosphere. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases, owners.

[↑ Back to Top](#)

## §82.270 Prohibitions.

(a) Effective April 6, 1998 no person may newly manufacture any halon blend. Halon blends manufactured solely for the purpose of aviation fire protection are not subject to this prohibition, provided that:

- (1) The manufacturer or its designee is capable of recycling the blend to the relevant industry standards for the chemical purity of each individual halon;
- (2) The manufacturer includes in all sales contracts for blends produced by it on or after April 6, 1998 the provision that the blend must be returned to it or its designee for recycling; and
- (3) The manufacturer or its designee in fact recycles blends produced by the manufacturer on or after April 6, 1998 and returned to it for recycling to the relevant industry standards for the chemical purity of each individual halon.

(b) Effective April 6, 1998, no person testing, maintaining, servicing, repairing, or disposing of halon-containing equipment or using such equipment for technician training may knowingly vent or otherwise release into the environment any halons used in such equipment.

- (1) De minimis releases associated with good faith attempts to recycle or recover halon are not subject to this prohibition.
- (2) Release of residual halon contained in fully discharged total flooding fire extinguishing systems would be considered a de minimis release associated with good faith attempts to recycle or recover halon.
- (3) Release of halons during testing of fire extinguishing systems is not subject to this prohibition if the following four conditions are met:
  - (i) Systems or equipment employing suitable alternative fire extinguishing agents are not available;
  - (ii) System or equipment testing requiring release of extinguishing agent is essential to demonstrate system or equipment functionality;
  - (iii) Failure of the system or equipment would pose great risk to human safety or the environment; and
  - (iv) A simulant agent cannot be used in place of the halon during system or equipment testing for technical reasons.
- (4) Releases of halons associated with research and development of halon alternatives, and releases of halons necessary during analytical determination of halon purity using established laboratory practices are exempt from this prohibition.
- (5) This prohibition does not apply to qualification and development testing during the design and development process of halon-containing systems or equipment when such tests are essential to demonstrate system or equipment functionality and when a suitable simulant agent can not be used in place of the halon for technical reasons.

(6) This prohibition does not apply to the emergency release of halons for the legitimate purpose of fire extinguishing, explosion inertion, or other emergency applications for which the equipment or systems were designed.

12 March 2019

(c) Effective April 6, 1998, organizations that employ technicians who test, maintain, service, repair or dispose of halon-containing equipment shall take appropriate steps to ensure that technicians hired on or before April 6, 1998 will be trained regarding halon emissions reduction by September 1, 1998. Technicians hired after April 6, 1998 shall be trained regarding halon emissions reduction within 30 days of hiring, or by September 1, 1998, whichever is later.

(d) Effective April 6, 1998, no person shall dispose of halon-containing equipment except by sending it for halon recovery to a manufacturer operating in accordance with NFPA 10 and NFPA 12A standards, a fire equipment dealer operating in accordance with NFPA 10 and NFPA 12A standards or a recycler operating in accordance with NFPA 10 and NFPA 12A standards. This provision does not apply to ancillary system devices such as electrical detection control components which are not necessary to the safe and secure containment of the halon within the equipment, to fully discharged total flooding systems, or to equipment containing only de minimis quantities of halons.

(e) Effective April 6, 1998, no person shall dispose of halon except by sending it for recycling to a recycler operating in accordance with NFPA 10 and NFPA 12A standards, or by arranging for its destruction using one of the following controlled processes:

(1) Liquid injection incineration;

(2) Reactor cracking;

(3) Gaseous/fume oxidation;

(4) Rotary kiln incineration;

(5) Cement kiln;

(6) Radiofrequency plasma destruction; or

(7) An EPA-approved destruction technology that achieves a destruction efficiency of 98% or greater.

(f) Effective April 6, 1998, no owner of halon-containing equipment shall allow halon release to occur as a result of failure to maintain such equipment.

## §82.4 Prohibitions for class I controlled substances.

(a)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, no person may produce, at any time in any control period, (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of unexpended production allowances or unexpended Article 5 allowances for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(2) Effective January 1, 2003, production of class I, Group VI controlled substances is not subject to the prohibitions in paragraph (a)(1) of this section if it is solely for quarantine or preshipment applications as defined in this subpart.

(b)(1) Effective January 1, 1996, for any Class I, Group I, Group II, Group III, Group IV, Group V or Group VII controlled substances, and effective January 1, 2005 for any Class I, Group VI controlled substances, and effective August 18, 2003, for any Class I, Group VIII controlled substance, no person may produce, at any time in any control period (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of conferred unexpended essential use allowances or exemptions, or in excess of the amount of unexpended critical use allowances, or in excess of the amount of unexpended Article 5 allowances as allocated under §82.9 and §82.11, as may be modified under §82.12 (transfer of allowances) for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(2) Effective January 1, 2005, production of class I, Group VI controlled substances is not subject to the prohibitions in paragraph (b)(1) of this section if it is solely for quarantine or preshipment

Extracted by GlobalMSDS Ltd

12 March 2019

applications as defined in this subpart, or it is solely for export to satisfy critical uses authorized by the Parties for that control period.

(c)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, no person may produce or (except for transshipments, heels or used controlled substances) import, at any time in any control period, (except for controlled substances that are transformed or destroyed) in excess of the amount of unexpended consumption allowances held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production or importation (other than transshipments, heels or used controlled substances) constitutes a separate violation of this subpart.

(2) Effective January 1, 2003, production and import of class I, Group VI controlled substances is not subject to the prohibitions in paragraph (c)(1) of this section if it is solely for quarantine or preshipment applications as defined in this subpart.

(d) Effective January 1, 1996, for any class I, Group I, Group II, Group III, Group IV, Group V, or Group VII controlled substances, and effective January 1, 2005, for any class I, Group VI controlled substance, and effective August 18, 2003, for any class I, Group VIII controlled substance, no person may import (except for transshipments or heels), at any time in any control period, (except for controlled substances that are transformed or destroyed) in excess of the amount of unexpended essential use allowances or exemptions, or in excess of unexpended critical use allowances, for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation (other than transshipments or heels) constitutes a separate violation of this subpart. It is a violation of this subpart to obtain unused class I controlled substances under the general laboratory exemption in excess of actual need and to recycle that material for sale into other markets.

(e) Effective January 1, 1996, no person may place an order by conferring essential-use allowances for the production of the class I controlled substance, at any time in any control period, in excess of the amount of unexpended essential-use allowances, held by that person under the authority of this subpart at that time for that control period. Effective January 1, 1996, no person may import a class I controlled substance with essential-use allowances, at any time in any control period, in excess of the amount of unexpended essential-use allowances, held by that person under the authority of this subpart at that time for that control period. No person may import or place an order for the production of a class I controlled substance with essential-use allowances, at any time in any control period, other than for the class I controlled substance(s) for which they received essential-use allowances under paragraph (u) of this section. Every kilogram of excess production ordered in excess of the unexpended essential-use allowances conferred to the producer constitutes a separate violation of this subpart. Every kilogram of excess import in excess of the unexpended essential-use allowances held at that time constitutes a separate violation of this subpart.

(f) Effective January 1, 1996, no person may place an order by conferring transformation and destruction credits for the production of the class I controlled substance, at any time in any control period, in excess of the amount of transformation and destruction credits, held by that person under the authority of this subpart at that time for that control period. Effective January 1, 1996, no person may import class I controlled substance, at any time in any control period, in excess of the amount of transformation and destruction credits, held by that person under the authority of this subpart at that time for that control period. No person may import or place an order for the production of a class I controlled substance with transformation and destruction credits, at any time in any control period, other than for the class I controlled substance(s) for which they received transformation and destruction credits as under §82.9(f). Every kilogram of excess production ordered in excess of the unexpended transformation and destruction credits conferred to the producer constitutes a separate violation of this subpart. Every kilogram of excess import in excess of the unexpended transformation and destruction credits held at that time constitutes a separate violation of this subpart.

(g) Effective January 1, 1996, the U.S. total production and importation of a class I controlled substance (except Group VI) as allocated under this section for essential-use allowances and exemptions, and as obtained under §82.9 for destruction and transformation credits, may not, at any time, in any control period until January 1, 2000, exceed the percent limitation of baseline production in appendix H of this subpart, as set forth in the Clean Air Act Amendments of 1990. No person shall cause or contribute to the U.S. exceedance of the national limit for that control period.

(h) No person may sell in the U.S. any Class I controlled substance produced explicitly for export to an Article 5 country.

12 March 2019

(i) Effective January 1, 1995, no person may import, at any time in any control period, a heel of any class I controlled substance that is greater than 10 percent of the volume of the container in excess of the amount of unexpended consumption allowances, or unexpended destruction and transformation credits held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation constitutes a separate violation of this subpart.

(j) Effective January 1, 1995, no person may import, at any time in any control period, a used class I controlled substance, except for Group II used controlled substances shipped in aircraft halon bottles for hydrostatic testing, without having received a non-objection notice from the Administrator in accordance with §82.13(g)(2) and (3). A person who receives a non-objection notice for the import of an individual shipment of used controlled substances may not transfer or confer the right to import, and may not import any more than the exact quantity, in kilograms, of the used controlled substance cited in the non-objection notice. Every kilogram of importation of used controlled substance in excess of the quantity cited in the non-objection notice issued by the Administrator in accordance with §82.13(g)(2) and (3) constitutes a separate violation.

(k)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, a person may not use production allowances to produce a quantity of a class I controlled substance unless that person holds under the authority of this subpart at the same time consumption allowances sufficient to cover that quantity of class I controlled substances nor may a person use consumption allowances to produce a quantity of class I controlled substances unless the person holds under authority of this subpart at the same time production allowances sufficient to cover that quantity of class I controlled substances. However, prior to January 1, 1996, for all class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, only consumption allowances are required to import, with the exception of transshipments, heels, and used controlled substances. Effective January 1, 1996, for all Groups of class I controlled substances, except Group VI, only essential use allowances or exemptions are required to import class I controlled substances, with the exception of transshipments, heels, used controlled substances, and essential use CFCs.

(2) Notwithstanding paragraph (k)(1) of this section, effective January 1, 2003, for class I, Group VI controlled substances, consumption allowances are not required to import quantities solely for quarantine or preshipment applications as defined in this subpart.

(l) Every kilogram of a controlled substance, and every controlled product, imported or exported in contravention of this subpart constitutes a separate violation of this subpart. No person may:

(1) Import or export any quantity of a controlled substance listed in class I, Group I or Group II, in appendix A to this subpart from or to any foreign state not Party to the 1987 Montreal Protocol unless that foreign state is complying with the 1987 Montreal Protocol (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php));

(2) Import or export any quantity of a controlled substance listed in class I, Group III, Group IV, or Group V, in appendix A to this subpart, from or to any foreign state not Party to the London Amendment, unless that foreign state is complying with the London Amendment (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php)); or

(3) Import a controlled product, as noted in appendix D, annex 1 to this subpart, from any foreign state not Party to the 1987 Montreal Protocol, unless that foreign state is complying with the 1987 Montreal Protocol (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php)).

(4) Import or export any quantity of a controlled substance listed in class I, Group VII, in appendix A to this subpart, from or to any foreign state not Party to the Copenhagen Amendment, unless that foreign state is complying with the Copenhagen Amendment (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php)).

(5) Import or export any quantity of a controlled substance listed in class I, Group VI, in appendix A to this subpart, from or to any foreign state not Party to the Copenhagen Amendment unless that foreign state is complying with the Copenhagen Amendment (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php)).

(6) Import or export any quantity of a controlled substance listed in class I, Group VIII, in appendix A to this subpart, from or to any foreign state not Party to the Beijing Amendment, unless that foreign state is complying with the Beijing Amendment (For ratification status, see: [http://ozone.unep.org/new\\_site/en/treaty\\_ratification\\_status.php](http://ozone.unep.org/new_site/en/treaty_ratification_status.php)).

Extracted by GlobalMSDS Ltd

12 March 2019

(m) Effective October 5, 1998, no person may export a controlled product to a Party listed in appendix J of this subpart in any control period after the control period in which EPA publishes a notice in the Federal Register listing that Party in appendix J of this subpart. EPA will publish a notice in the Federal Register that lists a Party in appendix J if the Party formally presents to the U.S. a government document through its embassy in the United States stating that it has established a ban on the import of controlled products and a ban on the manufacture of those same controlled products.

(n) No person may use class I controlled substances produced or imported under the essential use exemption for any purpose other than those set forth in this paragraph. Effective January 1, 1996, essential-use allowances are apportioned to a person under §82.8(a) and (b) for the exempted production or importation of specified class I controlled substances solely for the purposes listed in paragraphs (n)(1)(i) through (iii) of this section.

(1) Essential-uses for the production or importation of controlled substances as agreed to by the Parties to the Protocol and subject to the periodic revision of the Parties are:

(i) Metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary disease that were approved by the Food and Drug Administration before December 31, 2000.

(ii) Space Shuttle—solvents.

(iii) Essential laboratory and analytical uses (defined in appendix G of this subpart).

(2) Any person acquiring unused class I controlled substances produced or imported under the authority of essential-use allowances or the essential-use exemption granted in §82.8 to this subpart for use in anything other than an essential-use (i.e., for uses other than those specifically listed in paragraph (n)(1) of this section) is in violation of this subpart. Each kilogram of unused class I controlled substance produced or imported under the authority of essential-use allowances or the essential-use exemption and used for a non-essential use is a separate violation of this subpart. Any person selling unused class I controlled substances produced or imported under authority of essential-use allowances or the essential-use exemption for uses other than an essential-use is in violation of this subpart. Each kilogram of unused class I controlled substances produced or imported under authority of essential-use allowances or the essential-use exemption and sold for a use other than an essential-use is a separate violation of this subpart. It is a violation of this subpart to obtain unused class I controlled substances under the exemption for laboratory and analytical uses in excess of actual need and to recycle that material for sale into other markets.

(o) [Reserved]

(p) Critical Use Exemption: With respect to class I, Group VI substances (methyl bromide):

(1) No person shall sell critical use methyl bromide without first receiving a certification from the purchaser that the quantity purchased will be sold or used solely for an approved critical use. Every kilogram of critical use methyl bromide sold without first obtaining such certification constitutes a separate violation of this subpart.

(2) For approved critical users, each action associated with each 200 kilograms of critical use methyl bromide for the following subparagraphs constitutes a separate violation of this subpart.

(i) No person shall take possession of quantities of critical use methyl bromide or acquire fumigation services using quantities of critical use methyl bromide without first completing the appropriate certification in accordance with the requirements in §82.13.

(ii) No person who purchases critical use methyl bromide may use such quantities for a use other than the specified critical use listed in column A and the specified location of use in column B of appendix L to this subpart.

(iii) No person who purchases critical use methyl bromide produced or imported with expended critical use allowances for pre-plant uses, may use such quantities for other than the pre-plant uses as specified in column A and column B of appendix L to this subpart.

(iv) No person who purchases critical use methyl bromide produced or imported with expended critical use allowances for post-harvest uses, may use such quantities for other than the post-harvest uses as specified in column A and column B of appendix L to this subpart.

(v) No person who uses critical use methyl bromide on a specific field or structure may concurrently or subsequently use non-critical use methyl bromide on the same field or structure for



12 March 2019

the same use (as defined in column A and column B of appendix L) in the same control period, excepting methyl bromide used under the quarantine and pre-shipment exemption.

(vi) No person who purchases critical use methyl bromide during the control period shall use that methyl bromide on a field or structure for which that person has used non-critical use methyl bromide for the same use (as defined in columns A and B of appendix L) in the same control period, excepting methyl bromide used under the quarantine and pre-shipment exemption, unless, subsequent to that person's use of the non-critical use methyl bromide, that person becomes subject to a prohibition on the use of methyl bromide alternatives due to the reaching of a local township limit described in appendix L of this part, or becomes an approved critical user as a result of rulemaking.

(q) Emergency use exemption. [Reserved]

[60 FR 24986, May 10, 1995]

Editorial Note: For Federal Register citations affecting §82.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

## §82.66 Nonessential Class I products and exceptions.

The following products which release a Class I substance (as defined in 40 CFR part 82, appendix A to subpart A) are identified as being nonessential, and subject to the prohibitions specified under §82.64—

(a) Any plastic party streamer or noise horn which is propelled by a chlorofluorocarbon, including but not limited to—

- (1) String confetti;
- (2) Marine safety horns;
- (3) Sporting event horns;
- (4) Personal safety horns;
- (5) Wall-mounted alarms used in factories or other work areas; and
- (6) Intruder alarms used in homes or cars.

(b) Any cleaning fluid for electronic and photographic equipment which contains a chlorofluorocarbon:

- (1) Including but not limited to liquid packaging, solvent wipes, solvent sprays, and gas sprays; and
- (2) Except for those sold or distributed to a commercial purchaser.

(c) Any plastic foam product which is manufactured with or contains a Class I substance; except any plastic foam product blown with CFC-11, but which contains no other Class I substances and where this product is used to provide thermal protection to external tanks for space vehicles;

(d) Any aerosol product or other pressurized dispenser, other than those banned in §82.64(a) or §82.64(b), which contains a chlorofluorocarbon,

- (1) Including but not limited to household, industrial, automotive and pesticide uses,
- (2) Except—

(i) Medical devices listed in 21 CFR 2.125(e);

(ii) Lubricants, coatings or cleaning fluids for electrical or electronic equipment, which contain CFC-11, CFC-12, or CFC-113 for solvent purposes, but which contain no other CFCs;

(iii) Lubricants, coatings or cleaning fluids used for aircraft maintenance, which contain CFC-11 or CFC-113 as a solvent, but which contain no other CFCs;

12 March 2019

(iv) Mold release agents used in the production of plastic and elastomeric materials, which contain CFC-11 or CFC-113 as a solvent, but which contain no other CFCs, and/or mold release agents that contain CFC-12 as a propellant, but which contain no other CFCs;

(v) Spinnerette lubricant/cleaning sprays used in the production of synthetic fibers, which contain CFC-114 as a solvent, but which contain no other CFCs, and/or spinnerette lubricant/cleaning sprays which contain CFC-12 as a propellant, but which contain no other CFCs;

(vi) Document preservation sprays which contain CFC-113 as a solvent, but which contain no other CFCs, and/or document preservation sprays which contain CFC-12 as a propellant, but which contain no other CFCs, and which are used solely on thick books, books with coated or dense paper and tightly bound documents; and

(e) Any air-conditioning or refrigeration appliance as defined in CAA 601(l) that contains a Class I substance used as a refrigerant.

[58 FR 69675, Dec. 30, 1993, as amended at 66 FR 57522, Nov. 15, 2001]

## §82.70 Nonessential Class II products and exceptions.

The following products which release a class II substance (as designated as class II in 40 CFR part 82, appendix B to subpart A) are identified as being nonessential and the sale or distribution of such products is prohibited under §82.64 (d), (e), or (f)—

(a) Any aerosol product or other pressurized dispenser which contains a class II substance:

(1) Including but not limited to household, industrial, automotive and pesticide uses;

(2) Except—

(i) Medical devices listed in 21 CFR 2.125(e);

(ii) Lubricants, coatings or cleaning fluids for electrical or electronic equipment, which contain class II substances for solvent purposes, but which contain no other class II substances;

(iii) Lubricants, coatings or cleaning fluids used for aircraft maintenance, which contain class II substances for solvent purposes but which contain no other class II substances;

(iv) Mold release agents used in the production of plastic and elastomeric materials, which contain class II substances for solvent purposes but which contain no other class II substances, and/or mold release agents that contain HCFC-22 as a propellant where evidence of good faith efforts to secure alternatives indicates that, other than a class I substance, there are no suitable alternatives;

(v) Spinnerette lubricants/cleaning sprays used in the production of synthetic fibers, which contain class II substances for solvent purposes and/or contain class II substances for propellant purposes;

(vi) Document preservation sprays which contain HCFC-141b as a solvent, but which contain no other class II substance; and/or which contain HCFC-22 as a propellant, but which contain no other class II substance and which are used solely on thick books, books with coated, dense or paper and tightly bound documents;

(vii) Portable fire extinguishing equipment used for non-residential applications; and

(viii) Wasp and hornet sprays for use near high-tension power lines that contain a class II substance for solvent purposes only, but which contain no other class II substances.

(b) Any aerosol or pressurized dispenser cleaning fluid for electronic and photographic equipment which contains a class II substance, except for those sold or distributed to a commercial purchaser.

(c) Any plastic foam product which contains, or is manufactured with, a class II substance,

(1) Including but not limited to household, industrial, automotive and pesticide uses,

(2) Except—

(i) Any foam insulation product, as defined in §82.62(h); and

[https://ecfr.io/Title-40/pt40.21.82#se40.21.82\\_14](https://ecfr.io/Title-40/pt40.21.82#se40.21.82_14)

Extracted by GlobalMSDS Ltd

12 March 2019

(ii) Integral skin foam utilized to provide for motor vehicle safety in accordance with Federal Motor Vehicle Safety Standards until January 1, 1996, after which date such products are identified as nonessential and may only be sold or distributed or offered for sale or distribution in interstate commerce in accordance with §82.65(d).

[58 FR 69675, Dec. 30, 1993, as amended at 61 FR 64427, Dec. 4, 1996]