

**The Fluorinated Greenhouse Gases Regulations 2009
(Report by the Head of Environmental & Community Health Services)**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform members about the introduction of the above regulations which are designed to prevent climate change through the reduction of emissions of fluorinated greenhouse gases (F Gases). The report also seeks delegated authority to appoint officers to enforce the provisions of the regulations on behalf of the Council.
- 1.2 These Regulations revoke and remake with amendments the Fluorinated Greenhouse Gases Regulations 2008. They give effect to Regulation (EC) No 842/2006 and various Commission Regulations relating to certain fluorinated greenhouse gases. They are made by the Secretary of State under powers conferred by section 2 (2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

2. Supporting/Background Information

- 2.1 F gases include 3 families of fluorinated chemicals that have very high global warming potential. These chemicals have been used as a replacement for Ozone depleting substances such as chlorofluorocarbons (CFCs) which are gradually being phased out under the provisions of the Montreal Protocol.
- 2.2 F gases are man-made gases that are used in a number of different sectors. The most common F gases in use now are Hydrofluorocarbons (HFCs) which are used in refrigeration equipment, air-conditioning equipment and heat pumps. They are also used in aerosols, insulating foam, solvents and fire protection.
- 2.3 Other F gases are perfluorocarbons (PFCs), which are used in semiconductor manufacture and a few other specialised applications, and sulphur hexafluoride (SF₆), which has been used in diverse applications such as high voltage switch gear and as cover-gas in magnesium casting operations.
- 2.4 Although F gases do not damage the ozone layer like the CFCs they are gradually replacing, they themselves are powerful greenhouse gases, are generally long-lived and are included in the basket of gases listed under the Kyoto Protocol.
- 2.5 The regulations came into force on 9 March 2009 and prescribe requirements for companies and qualifications for personnel working in the industry sectors covered by the regulations.

- 2.6 The main changes in the new regulations are to extend the range of bodies responsible for enforcing the regulations to include local authorities for the first time. The regulations are enforced by the Environment Agency or **local authorities** in premises where we have existing enforcement responsibilities.
- 2.7 Provision is made for the appointment of “authorised persons” for the purpose of enforcing the regulations.
- 2.8 The F gas regulations concentrate on the containment of F gases during the “end use phase” of product lifecycle, notably stationary refrigeration, air conditioning and heat pump equipment and in fire protection systems. The first obligation is to use all technically feasible measures that do not involve disproportionate cost to catch all F gases from plant especially that containing more than 3Kg of F gas.
- 2.9 Containment obligations are set out in table 1 below:

Table 1

Obligation for stationary Refrigeration, Air Conditioning & Fire Protection Applications	Applicability For Systems Using F Gases
Take steps to prevent F gas leakage & repair detected leakage as soon as possible.	All stationary systems
Regularly check for leakage	Stationary systems 3 kg and above or, for stationary hermetically sealed systems, 6 kg and above
Repair any leaks found and recheck for leaks within 1 month	Stationary systems 3 kg and above or, for stationary hermetically sealed systems, 6 kg and above
Keep certain records about refrigeration plant that uses F gases	Stationary systems 3 kg
Fit automatic leak detection system	Stationary systems 300 kg and above

- 2.10 The recovery of F gases during servicing of all equipment or at the end of the product lifecycle is required and recovered F gases must be sent for recycling, reclamation or controlled destruction. This requirement extends to mobile equipment unless it is serving military operations. However, the caveat “to the extent that it is technically feasible and does not entail disproportionate cost” is applied.
- 2.11 The regulations contain training and certification requirements for companies carrying out these activities and their employees.
- 2.12 F gas use is banned from a range of activities and product types and certain reporting requirements are introduced for manufacturers, importers and exporters of F gases. Labelling requirements are introduced for equipment containing F gases.

3. Implications

- 3.1 There is no additional funding attached to the regulations and no staffing implications. The duties will be absorbed by existing staff.
- 3.2 Local authorities will regulate premises that we already have cause to visit under other legislation where F gases are in use, mainly in large scale refrigeration plant and air conditioning systems.
- 3.3 Defra have arranged access to an online training resource for local authority enforcement officers.
- 3.4 In addition to powers of entry, appointed officers will have a range of additional powers including power to request information or records, to make examination or investigation as necessary, to direct that relevant premises be left undisturbed for the purpose of further examination, to take photographs and to make measurements, to take samples, to cause any article or substance to be dismantled or tested if it appears that it could cause pollution to the environment or harm to human health, to detain relevant articles for examination.
- 3.5 Where contraventions occur, the authorised officer can serve enforcement or prohibition notices and there are provisions for appeal against these notices. The regulations contain provision for fixed penalties in certain circumstances and criminal proceedings can be taken in the Magistrates' Court.

4. CONCLUSION

- 4.1 These new duties are statutory requirements and are consistent with the Council's vision statement on climate change.

5. RECOMMENDATIONS

It is recommended that members:

- a. Note the content of this report and the new duties established under the Fluorinated Greenhouse Gases Regulations 2009.
- b. Authorise the Director of Environmental & Community Services to appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009.
- c. Authorise the Head of Environmental & Community Health Services to initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009 with the prior agreement of the Chairman of the Licensing & Protection Panel.

BACKGROUND INFORMATION

Fluorinated Greenhouse Gases Regulations 2009

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