

Questions and Answers about 1 January 2015 for refrigerant suppliers

Question	What have Participating Suppliers agreed to do?
Answer	At a recent meeting in Auckland, it was agreed by participating refrigerant suppliers to voluntarily enter into a scheme to supply refrigerants only to those customers who can present proof at the time of purchase that they either hold a Refrigerant License, or an Approved Handler or Filler Certificate.
Question	What happens on 1 January 2015?
Answer	From 1 January 2015 customers wanting to purchase refrigerants from Participating Suppliers must provide proof that they hold either a Refrigerant License, or an Approved Handler or Filler Certificate.
Question	Why is there a delay implementing the scheme?
Answer	Participating Suppliers agreed that a phase-in period was required to allow customers to become familiar with the new purchase requirement.
Question	Has the 1 January implementation date been well publicised?
Answer	<p>Yes it has. Information has been distributed widely in the HVAC & R industry as well as to other media outlets. As a result there has been an unprecedented increase in enrolments on RLNZ Approved Filler courses.</p> <p>As of 1 January 2015 more than 2,500 people will have their EPA Approved Filler Certificate.</p>
Question	Has there been a change of law?
Answer	<p><u>No there has not been a law change.</u> Instead, Participating Suppliers have voluntarily agreed to supply refrigerants only to those customers who can present proof that they hold the required certification to work with refrigerants. In effect requiring customers to show that they are complying with the current law.</p> <p>The requirement for people working with refrigerants to be certified through having an Approved Filler Certificate is not a new requirement (see Part 8 of the Hazardous Substances (Compressed Gases) Regulations 2004).</p> <p>This also affects anyone transferring compressed gas into a pressure vessel.</p>

Question	Is restricting the sale of refrigerants a breach of the Commerce Act?
Answer	<p>No. On 25 November 2011, following an application by Refrigerant License NZ (RLNZ), the New Zealand Commerce Commission approved the voluntary scheme on the basis it will result, or will likely result, in such a benefit to the public that it should be permitted.</p> <p>The Commerce Commission noted that the arrangement would “<i>lead to net benefits in the form of increased compliance with safety regulations and a reduction in the release of potentially hazardous substances into the atmosphere</i>” (Determination 735).</p>
Question	Why have Participating Suppliers entered into this scheme?
Answer	To help ensure safe practice in refrigerant use.
Question	Why should refrigerant suppliers make sure their customers are aware of the EPA Approved Filler and Handler requirements?
Answer	<p>As a responsible refrigerant supplier you want to make sure your customers are fully aware of all the regulations which impact on their safe use of refrigerants.</p> <p>The regulations are:</p> <ol style="list-style-type: none"> 1. The Hazardous Substance and New Organisms (HSNO) Act 1996 setting out controls on how substances are transported, stored, packaged and disposed of. (http://www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html) 2. The Ozone Layer Protection Act 1996 setting out requirements around controlled substances. (http://www.legislation.govt.nz/act/public/1996/0040/latest/DLM391469.html) 3. The Climate Change Response Act 2002 introducing an offence to release synthetic greenhouse gases into the atmosphere. (http://www.legislation.govt.nz/act/public/2002/0040/latest/DLM158584.html) 4. The Compressed Gas Regulations 2004 setting out compliance requirements relevant to compressed gases. (http://www.legislation.govt.nz/regulation/public/2004/0043/latest/DLM244063.html) <p>Specifically, the Compressed Gas Regulations 2014 stipulate that anyone transferring compressed refrigerant gas to a pressure vessel must have a current EPA Approved Filler Certificate.</p>
Question	Do people working on motor vehicle air conditioning systems need a filler certificate?
Answer	Yes. We have had confirmation from Worksafe that this also applies to people using automobile air conditioning recovery and recharge systems, even though some risks might be eliminated. There are other safety issues around using these systems that people need to be aware of (such as the possible risks of recycling counterfeit gases).

Question	How do I record my refrigerant sales are compliant?
Answer	<p>People who have completed an Approved Filler Course will have a numbered EPA approved certificate or a license with a certificate number on it. If they have done a course with RLNZ they will have a Refrigerant License, which can be easily checked at this link: http://www.rlnz.org.nz/certificate/</p> <p>If they have done a course with another provider you will have to contact the provider concerned to confirm the license.</p>
Question	What happens if my customer rings up and orders by phone rather than picking the refrigerant up?
Answer	Just make sure you have the license number of your customer (or their employees) on your customer record. You do not have to keep checking once you have established to your satisfaction they have done the training. Keep the Certificate numbers in your customer records.
Question	Will I be audited by the Government?
Answer	No. Participating Suppliers are voluntarily supporting this scheme. However, keeping an accurate record of who you have sold refrigerant to is a way of proving that you showed "due diligence" when you sold the refrigerant by ensuring customers have an Approved Filler Certificate and know how to handle refrigerant safely.
Question	Can I accept an overseas Filler Certificate?
Answer	No. Overseas Filler Certificates are not valid in New Zealand because much of the content of the local training is directly linked to New Zealand regulations.
Question	Can I accept either an EPA Certificate or the RLNZ License?
	Yes. Either is valid evidence of a person completing an Approved Filler Course.
Question	Are there plans for a licensing system like Australia's Arctick scheme or the UK F gas regulations?
Answer	CCCA, IRHACE and RLNZ are currently exploring the possibility of a licensing scheme similar to these with several government departments. There will be more information circulating about this shortly, and customers should contact the IRHACE office to have their say.
Question	Does the customer's Approved Filler Certificate or RLNZ License have to be one for refrigerants?
Answer	Yes. EPA Certificates state the type and class of compressed gas that the Certificate has been issued for. As the whole purpose of restricting sales is to ensure customers are handling refrigerant safely, it makes sense to ensure their certificate is for the relevant class of gases.

Question	I am not sure if my customer is presenting a genuine certificate?
Answer	If you have any concerns about the authenticity or currency of a certificate, please contact RLNZ and we will investigate for you.
Question	How long do the EPA Approved Filler Certificates last for?
Answer	5 years from date of issue.
Question	Is an Approved Handler Certificate valid for sale?
Answer	Only if it is for classes of gas that include refrigerants. However you should always encourage customers actually transferring gas into pressurised vessels to have a Filler Certificate.
Question	What happens if I find out the Certificate holder has moved to another company?
Answer	The EPA Approved Filler certificate belongs to the individual, not the company. The company will need to make sure its replacement employees qualify with an Approved Filler certificate.
Question	What data should I collect?
Answer	You should record either the license number or the certificate number. Both are valid evidence of someone having completed the training.
Question	What gas traffic needs to be on the certificate to satisfy the strategy?
Answer	The certificate or license should include the following minimum gas classifications: Refrigerants of Class 2.1.1A and B.
Question	What if someone comes in to collect gas on behalf of someone else?
Answer	This may not be an unusual occurrence. Our advice is to ensure you keep customer records that include the license details of any employees who are likely to be using the refrigerant. You need to satisfy yourself that the users of the gas will be Certified.
Question	Does the bar code work on the RLNZ License?
Answer	Yes it does. It gives you the License number.

Please contact Matt Allfree or Angela Knott on 09 273 0044 or manager@rlnz.org.nz if you have any questions not covered.

Refrigerant License New Zealand is a not for profit charitable trust set up by the HVAC and R industry to promote safe use of refrigerants.