

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 781

Short Title: Reduce CFC Emissions.

(Public)

Sponsors: Senators Cooper; and Daniel.

Referred to: Environment and Natural Resources.

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE EMISSIONS OF OZONE-DEPLETING
3 CHLOROFLUOROCARBONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 21B of Chapter 173 of the General Statutes is amended by
6 designating G.S. 143-215.105 through G.S. 143-215.114C as Part 1 to be entitled Air
7 Quality Program.

8 Sec. 2. Article 21B of Chapter 143 of the General Statutes is amended by
9 adding a new Part to read:

10 **“PART 2. CHLOROFLUOROCARBONS EMISSIONS CONTROL.**

11 **”§ 143-215.114G. Findings; purpose.**

12 (a) The General Assembly finds that:

13 (1) Chlorofluorocarbons (CFC's) are destroying stratospheric ozone,
14 potentially contributing to global climate change and other
15 atmospheric modifications;

16 (2) Stratospheric ozone depletion causes an increased intensity of solar
17 ultraviolet radiation which could seriously threaten the existence of
18 many terrestrial and aquatic organisms, as well as damage the human
19 immune system and cause an increase in skin cancers;

20 (3) Restrictions on the production and use of CFC's are essential to
21 safeguarding the earth's ozone layer and protecting human health and
22 the environment, as is the development of new products and
23 technologies to replace ozone-depleting substances; and

- 1 (4) This State is committed to conserve the ozone layer of the upper
2 atmosphere by instituting legislative measures which help restrict the
3 use of such substances within its boundaries.

4 The purpose of this Part is to provide for the reduction of the use of CFC's in order
5 to protect the earth's ozone layer.

6 **"§ 143-215.114H. Definitions.**

7 As used in this Part:

- 8 (1) 'Approved refrigerant recycling equipment' means equipment that is
9 certified by an independent standards testing organization, approved
10 by the Secretary, as meeting the organization's standards applicable to
11 equipment for the extraction and reclamation of refrigerant from air
12 conditioners;
13 (2) 'Business establishment' means an individual, partnership, corporation,
14 or other entity that provides services relating to motor vehicle air
15 conditioners, air conditioners for buildings, or refrigeration equipment;
16 (3) 'Motor vehicle air conditioner' means any mechanical vapor
17 compression equipment used to cool any compartment of a motor
18 vehicle;
19 (4) 'Properly using approved refrigerant recycling equipment' means using
20 such equipment in conformity with the standards set by an independent
21 standards testing organization that has been approved by the Secretary,
22 establishing the recommended service procedure for containment of
23 refrigerant;
24 (5) 'Properly trained and certified' means trained and certified in the
25 proper use of approved refrigerant recycling equipment under a
26 certification program by an independent standards testing organization
27 that has been approved by the Administrator;
28 (6) 'Refrigeration equipment' means mechanical vapor compression
29 refrigeration equipment except for a motor vehicle air conditioner.

30 **"§ 143-215.114I. Servicing motor vehicle air conditioners; certification.**

- 31 (1) After January 1, 1992, no business establishment shall perform motor
32 vehicle repair that releases or may release CFC's from a motor vehicle
33 air conditioner, or shall install or service a motor vehicle air
34 conditioner that employs CFC's unless the personnel authorized by it
35 to perform such activities have been properly trained and certified and
36 use approved refrigerant recycling equipment.
37 (2) After January 1, 1992, each business establishment that performs
38 service on motor vehicle air conditioners that employ CFC's shall
39 certify to the Secretary that it has acquired and is properly using
40 approved refrigerant recycling equipment in any service on a motor
41 vehicle air conditioner involving refrigerant for such air conditioner
42 and that it and any other person authorized by it to perform such
43 service is properly trained and certified.

- 1 (3) Each certification shall contain the name and address of the business
2 establishment and the serial number of each unit of approved recycling
3 equipment acquired by the establishment and shall be signed by the
4 owner or other responsible corporate officer.

5 **"§ 143-215.114J. Servicing refrigeration equipment; certification.**

- 6 (1) After July 1, 1992, no business establishment shall install or service
7 refrigeration equipment that contains CFC's unless its personnel
8 authorized by it to perform such activities have been properly trained
9 and certified and use approved refrigerant recycling equipment.

- 10 (2) Not later than the date two years after the enactment of this section,
11 each business establishment that installs or performs service on
12 refrigeration equipment shall certify to the Secretary that:

13 a. It has acquired and is properly using approved refrigerant
14 recycling equipment in any service on refrigeration equipment
15 that contains CFC's and that it and any other person authorized
16 by it to perform such service is properly trained and certified;
17 and

18 b. The business establishment does not use CFC's to clean the
19 exterior surfaces of refrigeration equipment.

- 20 (3) Each certification shall contain the name and address of the business
21 establishment and the serial number of each unit of approved recycling
22 equipment acquired by the establishment and shall be signed by the
23 owner or other responsible corporate officer.

24 **"§ 143-215.114K. Servicing air conditioners in buildings; certification.**

- 25 (1) After July 1, 1992, no business establishment shall perform repair on
26 air conditioners in a building when such repair releases or may release
27 CFC's from an air conditioner, or shall install or service an air
28 conditioner when such air conditioner employs CFC's unless the
29 personnel authorized by it to perform such activities have been
30 properly trained and certified and use approved refrigerant recycling
31 equipment.

- 32 (2) After July 1, 1992, each business establishment that performs service
33 on air conditioners that employ CFC's shall certify to the Secretary that
34 it has acquired and is properly using approved refrigerant recycling
35 equipment in any service on an air conditioner involving refrigerant
36 for such air conditioner and that it and any other person authorized by
37 it to perform such service is properly trained and certified.

- 38 (3) Each certification shall contain the name and address of the business
39 establishment and the serial number of each unit of approved recycling
40 equipment acquired by the establishment and shall be signed by the
41 owner or other responsible corporate officer.

42 **"§ 143-215.114L. Other prohibited acts regarding CFC's.**

- 43 (a) Refrigerant that contains CFC's shall not be sold in this State in any
44 pressurized container weighing less than 15 pounds.

1 **(b)** After January 1, 1992, no person shall sell in this State CFC-propelled plastic
2 party streamers and noise horns, CFC-containing cleaning fluids for electronic and
3 photographic equipment, or any other consumer products which are capable of releasing
4 CFC's into the atmosphere when, as determined by the Secretary, these products are
5 nonessential.

6 **(c)** After January 1, 1992, no person shall engage in any activity which results in
7 the person knowingly releasing CFC's into the air.

8 **"§ 143-215.114M. Duties of State agencies.**

9 **(a)** The Department shall survey products that employ or are manufactured with
10 CFC's. The Department shall report to the General Assembly no later than January 1,
11 1993, such report to include the results of its survey and the Department's
12 recommendations as to which products to ban the sale or manufacture of due to the
13 product's nonessential use or potential to deplete ozone.

14 **(b)** After January 1, 1991, the Department of Administration and the Department
15 of Transportation, shall not perform motor vehicle repairs on State-owned motor
16 vehicles when such repair releases or may release CFC's from a motor vehicle air
17 conditioner, and shall not install or service a motor vehicle air conditioner in a State-
18 owned motor vehicle when such air conditioner employs CFC's unless the personnel
19 authorized by it to perform such activities have been properly trained and certified and
20 use approved refrigerant recycling equipment.

21 **(c)** The Department of Administration and the Department of Transportation
22 shall phase out the purchase of products that contain CFC's or that are manufactured
23 with CFC's.

24 **(d)** The Department of Administration shall not install or service an air
25 conditioner in a State building when such air conditioner employs CFC's unless the
26 personnel authorized by it to perform such activities have been properly trained and
27 certified and use approved refrigerant recycling equipment.

28 **(e)** The Department of Community Colleges shall establish courses to properly
29 train and certify persons to repair and install motor vehicle air conditioners,
30 refrigerators, and air conditioners for buildings that employ CFC's and to properly use
31 approved refrigerant recycling equipment.

32 **"§ 143-215.114N. Penalties.**

33 **(a)** A person who violates this Part shall be punished by a civil penalty of not
34 more than one thousand dollars (\$1,000) per day of violation.

35 **(b)** A person who knowingly and willfully violates this act shall be guilty of a
36 misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000) per
37 day of violation."

38 Sec. 3. This act is effective upon ratification.