

Regulations and other acts

Gouvernement du Québec

O.C. 1091-2004, 23 November 2004

Environment Quality Act
(R.S.Q., c. Q-2)

Halocarbons

Regulation respecting halocarbons

WHEREAS, under paragraphs *a* to *e*, *i*, *j* and *l* of section 31, paragraphs 3 and 4 of section 53.28, subparagraphs 1 to 3 and subparagraph *c* of subparagraph 6 of the first paragraph of section 53.30, subparagraphs 2, 3 and 14 to 19 of the first paragraph and the second paragraph of section 70.19, sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation was published in the *Gazette officielle du Québec* of 18 September 2002 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments considering the comments received following publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment:

THAT the Regulation respecting halocarbons, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting halocarbons

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *a* to *e*, *i*, *j* and *l*, s. 53.28, pars. 3 and 4, s. 53.30, 1st par., subpars. 1 to 3 and 6, subpar. *c*, s. 70.19, 1st par., subpars. 2, 3 and 14 to 19 and 2nd par., ss. 109.1 and 124.1)

CHAPTER I GENERAL

DIVISION I SCOPE, PURPOSE AND INTERPRETATION

1. The provisions of this Regulation apply to any halocarbon, whether existing alone or in a mixture, and to its isomers.

The provisions of this Regulation do not apply to halocarbons used to spray a medication within the meaning of paragraph *h* of section 1 of the Pharmacy Act (R.S.Q., c. P-10) or a drug for which an identification number has been assigned under the Food and Drugs Act (R.S.C. 1985, c. F-27).

They also do not apply to halocarbons, other than CFCs, used to spray substances other than those referred to in the second paragraph or to methyl bromide (CH₃Br) when it is not used or intended to be used as a refrigerant.

Only the provisions of sections 6 to 9, the first and second paragraphs of section 10, sections 14, 15, 57 and 58 and the provisions of Chapters III and IV apply to halocarbons that are used, have been used or are intended to be used for the operation of a household refrigeration or air conditioning unit.

The provisions of this Regulation apply in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

2. The purpose of this Regulation is to ensure the protection of the stratospheric ozone layer against depletion caused by emissions into the atmosphere of halocarbons used in particular in refrigeration or air conditioning systems. Its purpose is also to minimize the increase in the greenhouse effect linked to emissions of certain halocarbon replacements that is one of the sources of man-induced climate change.

To that end, this Regulation prohibits the emission into the atmosphere of halocarbons, governs their use and provides for the progressive prohibition of certain halocarbons. It prescribes standards respecting the containers used to confine those substances and their recovery. It also prescribes environmental qualification requirements to apply to those in the labour force using those substances.

3. In this Regulation,

“CFC” means a fully halogenated halocarbon each molecule of which contains one, two or three carbon atoms and at least one atom of chlorine and one atom of fluorine (also referred to as “chlorofluorocarbon”); (*CFC*)

“halocarbon” means a chemical compound that may contain up to three carbon atoms or, in the case of a PFC, more than three carbon atoms, the structure of which may include hydrogen, fluorine, chlorine, bromine or iodine, that is stable enough to reach the stratosphere and that may react with stratospheric ozone or be the source of climate change; it includes the substances set out in Schedule I, whether existing alone or in a mixture, and includes isomers of any such substance; (*halocarbure*)

“halon” means a fully halogenated halocarbon each molecule of which contains one, two or three carbon atoms and at least one atom of bromine and one atom of fluorine (also referred to as “bromofluorocarbon”); (*halon*)

“HCFC” means a halocarbon each molecule of which contains one, two or three carbon atoms and at least one atom of hydrogen, one atom of chlorine and one atom of fluorine (also referred to as “hydrochlorofluorocarbon”); (*HCFC*)

“HFC” means a halocarbon each molecule of which contains only carbon, hydrogen and fluorine atoms (also referred to as “hydrofluorocarbon”); (*HFC*)

“PFC” means a fully fluorinated halocarbon each molecule of which contains only carbon and fluorine atoms (also referred to as “perfluorocarbon”); (*PFC*)

“power rating” means the total power rating of all the motors connected to the compressors in the same cooling system of a refrigeration or air conditioning unit, calculated from the power of each motor as specified by its manufacturer and expressed in or converted into kilowatts. (*puissance nominale*)

A freezing unit is considered to be a refrigeration unit.

A heat pump or a dehumidifier is considered to be an air conditioning unit.

A refrigeration or air conditioning unit includes refrigeration or air conditioning systems or facilities and, depending on the context, the pipes, tubes, hoses, valves or other components necessary for its operation.

A fire extinguishing system is considered to be a fire extinguisher and includes, depending on the context, the cylinders, pipes, tubes, hoses, valves or other components necessary for its operation.

For the purposes of the third paragraph of section 9, sulfur hexafluoride (SF₆) is considered to be a halocarbon.

4. Every halocarbon referred to in this Regulation is considered to be a hazardous material within the meaning of paragraph 21 of section 1 of the Environment Quality Act (R.S.Q., c. Q-2).

The provisions of the Regulation respecting hazardous materials and amending various regulatory provisions made by Order in Council 1310-97 dated 8 October 1997 are applicable to such a halocarbon only to the extent provided for in section 7.1 of that Regulation.

In addition, sections 70.6 to 70.18 of the Environment Quality Act do not apply to a halocarbon referred to in this Regulation.

DIVISION II GENERAL STANDARDS RELATING TO THE SOURCES OF HALOCARBON EMISSIONS

5. No person may directly or indirectly emit a halocarbon or cause or allow a halocarbon to be emitted into the atmosphere.

The emission of a halocarbon inside an immovable that is not equipped with a system preventing, in a durable manner, the migration of that substance outside the immovable is considered to be an emission into the atmosphere.

The prohibition in the first paragraph does not apply to emissions inherent in the operation of an air extraction system of a refrigeration or air conditioning unit complying with the standard in section 27 or to emissions inherent in a process in the manufacturing of plastic foam or plastic foam products referred to in Division VI of Chapter II.

The prohibition does not apply to emissions inherent in a magnesium production process or to emissions inherent in the use of a solvent. It also does not apply to the use of a fire extinguisher to prevent, extinguish or control a fire that has not been purposely lit for vocational training or demonstration purposes.

6. No person may manufacture, sell or distribute a pressurized container of a capacity of 10 kilograms or less or an aerosol if it contains a CFC.

7. No person may sell or distribute a halocarbon having a boiling point equal to or less than 20 °C at an absolute pressure of 101.325 kilopascals (kPa) that is not confined within a refillable pressurized container.

8. No person may fill or refill with a halocarbon a container that is defective or whose useful life has ended.

Subject to section 12, the same prohibition applies to the filling or refilling of any refrigeration or air conditioning unit intended to operate, in whole or in part, with a halocarbon and to the charging or recharging of any fire extinguisher intended to operate with a halocarbon.

9. A person who fills or refills a container or a refrigeration or air conditioning unit with a halocarbon or charges or recharges a fire extinguisher is required, subject to section 12, to first leak test the equipment.

In addition, where the refilling or recharging is done with a halocarbon other than the original halocarbon, the person is required to see that a label indicating the type of halocarbon used for the operation is affixed to the container or the unit.

No person may use sulfur hexafluoride (SF₆) to conduct the leak test referred to in the first paragraph.

10. A person who services, repairs, converts or dismantles components of a refrigeration or air conditioning unit or fire extinguisher that contain halocarbons must first recover the halocarbons into a container designed for that purpose using the appropriate equipment.

The same requirement applies where the person repairs or dismantles a pressurized halocarbon container.

In addition, in the case of a refrigeration or air conditioning unit having a power rating equal to or greater than four kilowatts or a unit other than a household unit, the halocarbons must be recovered using the appropriate equipment meeting or exceeding the American Air Conditioning and Refrigeration Institute Standard ARI-740 (1998): Standard for Refrigerant Recovery/Recycling Equipment.

The disconnecting of a fire extinguisher cylinder where the operation is performed without causing a halocarbon leak is excluded from the application of the first paragraph.

11. The owner of a unit or extinguisher referred to in the second paragraph of section 8, other than a refrigeration or air conditioning unit having a power rating of less than 22 kilowatts, on which a halocarbon leak is detected must immediately

(1) stop the operation of the unit or extinguisher or, where the unit or extinguisher consists of several parts that can be isolated from one another, isolate the part of the unit where the leak has been detected; and

(2) in the case of a liquid halocarbon, recover the halocarbon that has leaked and remove any material contaminated by the halocarbon that is not cleaned or treated on the premises.

The owner must also, within 48 hours of becoming aware of the defect, have the halocarbon in the unit or in the part of the unit that was isolated recovered.

In addition, a gaseous halocarbon must be recovered using the appropriate equipment meeting or exceeding ARI Standard 740 referred to in the third paragraph of section 10.

12. If it is necessary to continue operating the defective unit to prevent an immediate danger to human life or health, the requirements of subparagraph 1 of the first paragraph of section 11 do not apply as long as the danger persists up to a maximum of 14 days for a unit located in the administrative regions of Gaspésie-Îles-de-la-Madeleine, Abitibi-Témiscamingue, Côte-Nord and Nord-du-Québec or 7 days for a unit located in any other administrative region. On the expiry of that period, the owner of the unit must immediately have the halocarbon contained in the unit or in the part of the unit that was isolated recovered.

It is the responsibility of the owner of the unit in such a case to immediately file a report with the Minister of the Environment containing the following information:

(1) the owner's name and address;

(2) the address where the unit is located;

(3) for each type of halocarbon contained in the unit, the quantity recovered, the quantity released in kilograms and, if the halocarbon is released as a gas, an estimate of the quantity released; and

(4) the circumstances that warranted not immediately stopping the operation of the unit.

For the purposes of this section, “administrative region” means a region established pursuant to Order in Council 2000-87 dated 22 December 1987 respecting the revision of the boundaries of the administrative regions of Québec, as it reads at the time it applies.

13. A person who accidentally releases a halocarbon into the atmosphere must notify the Minister

(1) immediately, if the halocarbon released is in the liquid state and the quantity released exceeds 25 kilograms; or

(2) within 24 hours of becoming aware of the release, if the halocarbon released is in the gaseous state and the quantity released exceeds or may be estimated at more than 25 kilograms, or within 24 hours of the refilling or recharging of the unit if the quantity could not reasonably be estimated at the time of the release.

In addition, where the quantity of released halocarbon exceeds 50 kilograms, a report specifying the cause of the release and, where applicable, a brief description of the modifications or corrections made to the system or unit must be filed with the Minister within 30 days of completion of the work.

14. Every person or municipality that, in connection with a residual materials collection service, picks up a refrigeration or air conditioning unit must, before disposing of the unit for elimination, recover or have the halocarbon contained in the cooling system of the unit recovered using the appropriate equipment and have it confined within a container designed for that purpose.

The person or municipality is also required to see that each unit so emptied bears a label stating that the unit does not contain halocarbons.

15. Every person who operates a refrigeration or air conditioning unit recovery enterprise for the purpose of the dismantling or sale of scrapped units or parts from units to be dismantled, destroyed or sold for parts only must, using the appropriate equipment and before dismantling components containing halocarbons or disposing of them for destruction, recover the halocarbons into a container designed for that purpose.

The person is also required to see that each unit or part so emptied bears a label stating that the unit or part does not contain halocarbons.

In addition, in the case of a unit having a power rating equal to or greater than four kilowatts or a unit other than a household unit, the halocarbons must be recovered using the appropriate equipment meeting or exceeding ARI Standard 740 referred to in the third paragraph of section 10.

16. A person who employs a person who carries out work referred to in any of sections 10, 14, 15, 31, 32 and 36 must make available to that person the recovery or recycling equipment prescribed by the applicable provision.

CHAPTER II SPECIAL STANDARDS FOR CERTAIN SOURCES OF EMISSION

DIVISION I DEFINITIONS

17. In this Chapter,

“chiller” means a refrigeration or air conditioning unit that uses the refrigerant characteristics of a halocarbon to lower the temperature of a secondary cooling liquid circulating in the pipes; (*refroidisseur*)

“tool vehicle” means a tool vehicle within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2); (*véhicule-outil*)

“transport refrigeration unit” means a refrigeration unit installed or designed to be installed on a commercial vehicle within the meaning of section 4 of the Highway Safety Code or on a trailer or semi-trailer and used to control the temperature of spaces reserved exclusively for goods. (*appareil de réfrigération de transport*)

DIVISION II CERTAIN REFRIGERATION OR AIR CONDITIONING UNITS

18. This Division applies to units of any of the following classes:

(1) transport refrigeration units;

(2) refrigeration or air conditioning units having a power rating of less than four kilowatts used for commercial, industrial or institutional purposes, except refrigerated vending machines;

(3) refrigeration or air conditioning units having a power rating equal to or greater than four kilowatts and less than 22 kilowatts used for commercial, industrial or institutional purposes;

(4) refrigeration or air conditioning units having a power rating equal to or greater than 22 kilowatts; and

(5) refrigerated vending machines.

Chiller type refrigeration or air conditioning units referred to in Division III are excluded from the application of this Division.

19. No person may manufacture, sell, distribute or install a refrigeration or air conditioning unit designed to operate with a CFC, except if the unit is converted to enable it to operate with a halocarbon other than a CFC or a substance other than a halocarbon.

20. No person may refill a refrigeration or air conditioning unit with a CFC as of the following dates and according to the class of unit:

(1) as of 23 March 2005, for a unit in the class referred to in subparagraph 1 of the first paragraph of section 18;

(2) as of 23 December 2004, for a unit in the class referred to in subparagraph 2 or 5 of the first paragraph of section 18;

(3) as of 1 January 2005, for a unit in the class referred to in subparagraph 3 of the first paragraph of section 18; and

(4) as of 1 January 2006, for a unit in the class referred to in subparagraph 4 of the first paragraph of section 18.

No person may repair, transform or modify a unit designed to operate with a CFC, except to enable it to operate with a halocarbon other than a CFC or a substance other than a halocarbon, as of the dates set out in the first paragraph.

21. As of 1 January 2020, no person may manufacture, sell, distribute or install a refrigeration or air conditioning unit designed to operate with an HCFC.

22. The owner of a refrigeration or air conditioning unit referred to in subparagraph 4 of the first paragraph of section 18 must ensure that all components containing halocarbons or designed to contain halocarbons are leak tested once a year.

DIVISION III **CHILLER TYPE REFRIGERATION OR AIR** **CONDITIONING UNITS**

23. No person may manufacture, sell, distribute or install a chiller designed to operate with a CFC.

As of 1 January 2020, no person may manufacture, sell, distribute or install a chiller designed to operate with an HCFC.

The prohibition does not apply to a chiller converted to operate with a halocarbon other than a CFC or with a substance other than a halocarbon or, as of 1 January 2020, with a halocarbon other than an HCFC or with a substance other than a halocarbon.

24. Until 1 January 2015, the prohibition in section 23 with respect to the use of a chiller operating with a CFC does not apply to a unit that was installed before 23 December 2004.

Subject to section 25, no person may refill such a chiller with a CFC as of the earliest of

(1) the date of the first overhaul of the unit as recommended by its manufacturer, after 1 January 2005;

(2) the date of the first overhaul of the unit, after 1 January 2005;

(3) the date of the first repair of the unit that requires the dismantling or replacement of a major component containing halocarbons, after 1 January 2005; and

(4) 1 January 2015.

For the purposes of this section, “overhaul” means the reconditioning of a unit which is a process entailing the dismantling, inspecting, repairing, replacing, reassembling, adjusting and testing of the main internal components that contain halocarbons or come into contact with those substances and the purpose of which is to ensure that the unit complies with the technical specifications of the manufacturer.

25. Despite the second paragraph of section 24, the temporary refilling of a chiller with a CFC is permitted after 1 January 2005 for a maximum non-renewable period of 12 months provided the owner of the unit immediately files a report with the Minister containing the following information:

(1) the date of refilling;

(2) the type of CFC used and the quantity in kilograms;

(3) the address where the refilled unit or equipment is located and its serial number; and

(4) the name of the person who carried out the refilling and the name and address of the person's employer.

26. No person may operate a chiller refilled with a CFC pursuant to section 25 as of the date occurring one year after the date of refilling or, in the case of multiple refillings, as of the date of the first refilling.

27. No person may install or permit the installation on a chiller of an air extraction system that releases into the atmosphere more than 0.1 kilogram of halocarbons per kilogram of expelled air.

As of 23 December 2005, no person may operate an air extraction system whose releases exceed the limit in the first paragraph or permit the operation of such a system.

28. The owner of a chiller must ensure that all its components that contain or are designed to contain halocarbons are leak tested once a year.

DIVISION IV AIR CONDITIONING UNITS IN CERTAIN VEHICLES

29. This Division applies to any air conditioning unit in a motor vehicle, tool vehicle or farm machinery, except a transport refrigeration unit.

30. No person may manufacture, sell or distribute an air conditioning unit operating with a CFC and designed to equip a motor vehicle, tool vehicle or farm machinery, or install the unit in such a vehicle or refill the unit with a CFC.

No person may repair, transform or modify such a unit, except to enable it to operate with a halocarbon, other than a CFC, or a substance other than a halocarbon.

The prohibition in the first paragraph does not apply to a unit that equips a vehicle registered outside Québec.

31. A person who services, repairs, modifies, converts or dismantles components containing a halocarbon on an air conditioning unit referred to in this Division must recover the halocarbon using the appropriate equipment. In addition, CFC-12 or HFC-134a must be recovered using equipment meeting or exceeding the standard specified below with respect to each type of halocarbon:

(1) for the recovery of CFC-12: American Society of Automotive Engineers Standard SAE J2209 (February 1999): Refrigerant Recovery Equipment for Mobile Automotive Air-Conditioning Systems;

(2) for the recovery of CFC-12, where the equipment simultaneously recycles the halocarbon: American Society of Automotive Engineers Standard SAE J1990 (February 1999): Recovery and Recycle Equipment for Mobile Automotive Air-Conditioning Systems; or

(3) for the recovery of HFC-134a, where the equipment simultaneously recycles the halocarbon: American Society of Automotive Engineers Standard SAE J2210 (February 1999): Recovery/Recycling Equipment for Mobile Air-Conditioning Systems.

The nature of the halocarbon present in the unit must first be identified using a device designed for that purpose.

32. A person who operates an enterprise that dismantles or sells scrapped motor vehicles, tool vehicles or farm machinery, automobile hulks or parts from dismantled vehicles or vehicles intended to be dismantled, destroyed or sold for parts only must, before an air conditioning unit equipping such a vehicle or components of such a unit containing halocarbons are dismantled or disposed of to be destroyed, recover the halocarbons contained in the unit or components using the appropriate equipment meeting or exceeding SAE Standard J2209, SAE Standard J1990 or SAE Standard J2210 referred to in section 31 according to the type of halocarbon and operation.

The person is also required to see that each such unit or part so emptied bears a label stating that the unit or part does not contain halocarbons.

DIVISION V FIRE EXTINGUISHERS

33. No person may manufacture, sell, distribute or install a fire extinguisher operating with halon.

A person or municipality that has a right to use, keep or own an airplane, ship, helicopter, military vehicle or property that is recognized or classified as cultural property under the Cultural Property Act (R.S.Q., c. B-4) or that is an immovable referred to in the National Museums Act (R.S.Q., c. M-44) or in the Museums Act (S.C. 1990, c. 3) is excluded from the application of the first paragraph with respect to the sale, distribution or installation of a portable fire extinguisher manufactured before 23 December 2004.

34. As of 23 December 2004, no person may charge or recharge a portable fire extinguisher with halon.

Subject to section 35, no person may recharge a fire extinguisher with halon other than a portable fire extinguisher, as of the following dates and according to the class of fire extinguishers:

(1) as of 1 January 2006, for fire extinguishers having a total charge of halon equal to or less than 60 kilograms;

(2) as of 1 January 2008, for fire extinguishers having a total charge of halon greater than 60 kilograms and less than 275 kilograms; or

(3) as of 1 January 2010, for fire extinguishers having a total charge of halon equal to or greater than 275 kilograms.

The charging or recharging of a fire extinguisher for a person or municipality having a right to use, keep or own property referred to in the second paragraph of section 33 is excluded from the application of the first and second paragraphs.

The third paragraph ceases to have effect on 1 January 2010.

35. Despite the second paragraph of section 34, the temporary recharging of a fire extinguisher with halon other than a portable extinguisher is permitted for a maximum non-renewable period of 12 months provided the owner of the unit immediately files a report with the Minister containing the following information:

(1) the date of recharging;

(2) the type of halon used and the quantity in kilograms;

(3) the address where the recharged unit is located; and

(4) the name of the person who carried out the recharging and the name and address of the person's employer.

36. A person who services, repairs, modifies, converts or dismantles fire extinguishers or components containing halon must recover the halon using the appropriate equipment meeting or exceeding the standards in ULC/ORD-C1058.5-1993 Halon Recovery and Reconditioning Equipment.

The disconnecting of a fire extinguisher cylinder where the operation is performed without causing a halocarbon leak is excluded from the application of this section.

37. The person responsible for dismantling or conversion work on a fire extinguisher to enable the fire extinguisher to operate with a substance other than halon must file a report containing the following information with the Minister not later than 31 March of each year on the form provided by the Minister:

(1) the name and address of the contractor;

(2) the name and address of the owner of the fire extinguisher and the address where the work was carried out;

(3) the type and quantity of halon recovered;

(4) if the substance used as a replacement for halon is a halocarbon, the type of halocarbon and the quantity in kilograms;

(5) the serial number indicated on the nameplate affixed to the fire extinguisher cylinder;

(6) the date of completion of the work; and

(7) the name and address of the enterprise to which the recovered halon was sent.

DIVISION VI PLASTIC FOAMS AND PLASTIC FOAM PRODUCTS

38. In this Division, "plastic foam" means a plastic or other polymer product whose weight per unit of volume is reduced by the formation, during manufacturing, of gaseous cells by means of a halocarbon acting as a blowing agent.

39. No person may manufacture, sell or distribute plastic foam or a product containing plastic foam if the foam contains a CFC or requires a CFC for its manufacturing.

As of 1 January 2015, the prohibition in the first paragraph also applies to any plastic foam or product containing plastic foam if the foam contains an HCFC or requires an HCFC for its manufacturing.

As of 1 January 2010, no person may manufacture, sell or distribute plastic foam or a product containing plastic foam that contains, or requires for its manufacturing, HCFC-141b, HCFC-142b or HCFC-22.

DIVISION VII STERILIZATION

40. No person may use a gas containing a CFC or an HCFC for sterilization purposes.

DIVISION VIII SOLVENTS

41. No person may use a solvent that contains a CFC or a product that contains such a solvent, or use a solvent that contains HCFC-141b or a product that contains such a solvent for commercial cleaning purposes or industrial degreasing of metal parts, circuit boards or other electronic components.

No person may, as of 23 December 2004, use a solvent that contains an HCFC or a product that contains such a solvent. The prohibition applies to the use of HCFC-225 only as of 1 January 2010.

The first and second paragraphs do not apply to the use of a solvent

- (1) where it is used in a laboratory as a reagent;
- (2) where it is used for chemical compound synthesis;
or
- (3) where it is used in a manufacturing process at the end of which the CFC or HCFC is chemically transformed into another substance.

42. No person may use carbon tetrachloride or methyl chloroform or a product that contains either of those substances.

The first paragraph does not apply to the use of such a substance

- (1) where it is used in a laboratory as a reagent;
- (2) where it is used for chemical compound synthesis;
or
- (3) where it is used in a manufacturing process at the end of which it is chemically transformed into another substance.

CHAPTER III ENVIRONMENTAL QUALIFICATION OF THE LABOUR FORCE

43. Only persons having the qualifications required under section 44 or 45 may install, service, repair, modify, dismantle or recondition a refrigeration unit, an air conditioning unit or fire extinguishing equipment designed or converted to operate with a halocarbon.

Similarly, only persons having the qualifications required under section 44 or 45 may purchase or otherwise obtain halocarbons for the commissioning or servicing of a unit or equipment referred to in the first paragraph.

The first paragraph does not apply to work carried out by a trainee or a student under the immediate supervision of a person having the qualifications required under section 44 or 45 or to the dismantling of a unit or equipment or any of its components that does not contain halocarbons and that is not directly linked to another component or another unit or equipment that contains halocarbons.

The second paragraph does not apply to a person or enterprise employing a person having the qualifications required under section 44 or 45 for whom the halocarbon is intended.

44. The following persons have the qualifications required to carry out the work referred to in section 43 :

(1) with respect to refrigeration or air conditioning units other than household units, refrigerated vending machines or air conditioning units in motor vehicles, tool vehicles or farm machinery, persons who

(a) have taken and successfully completed, after 1 January 1995, the courses in a program of studies established and certified by the Minister of Education that contain with respect to that class of units all the mandatory educational objectives referred to in the second paragraph and who hold an apprentice competency certificate or a journeyman competency certificate issued by the Commission de la construction du Québec for the trade of refrigeration specialist or a certificate of qualification, an apprenticeship card or an apprenticeship booklet issued by the Minister of Employment, Social Solidarity and Family Welfare for the trade of pipe fitter, refrigeration specialty;

(b) will have taken and successfully completed, as of 1 September 2006, the courses in a program of studies established and certified by the Minister of Education that contain with respect to that class of units all the mandatory educational objectives referred to in the second paragraph and who hold a certificate of qualification, an apprenticeship card or an apprenticeship booklet issued by the Minister of Employment, Social Solidarity and Family Welfare for the trade of stationary engineman for the "refrigerating apparatus" category;

(c) have taken and successfully completed, after 1 January 1994, an awareness training course on the environmental impact of the installation, servicing, repair, modification or dismantling of refrigeration or air conditioning units in that class, given by the Heating, Refrigeration and Air Conditioning Institute of Canada or by the Refrigeration Service Engineers Society and who hold a certificate, an apprenticeship card or an apprenticeship booklet referred to in subparagraph *a* or *b* ; or

(d) will have taken and successfully completed, as of 1 September 2005, an awareness training course on the environmental impact of the installation, servicing, repair, modification or dismantling of refrigeration or air conditioning units in that class, given under the authority of the Minister of Employment, Social Solidarity and Family Welfare or the Commission de la construction du Québec and who hold a certificate, an apprenticeship card or an apprenticeship booklet referred to in subparagraph *a* or *b*;

(2) with respect to household refrigeration and air conditioning units or refrigerated vending machines, persons who

(a) will have taken and successfully completed, as of 1 September 2006, the courses in a program of studies established and certified by the Minister of Education that contain with respect to that class of units all the mandatory educational objectives referred to in the second paragraph; or

(b) have taken and successfully completed, after 1 January 1994, an awareness training course on the environmental impact of the installation, servicing, repair, modification or dismantling of refrigeration or air conditioning units in that class, given by the Heating, Refrigeration and Air Conditioning Institute of Canada or by the Refrigeration Service Engineers Society, or will have taken and successfully completed, as of 1 September 2005, such an awareness training course given under the authority of the Minister of Employment, Social Solidarity and Family Welfare;

(3) with respect to air conditioning units in motor vehicles, tool vehicles or farm machinery or transport refrigeration units, persons who

(a) will have taken and successfully completed, as of 1 September 2006, the courses in a program of studies established and certified by the Minister of Education that contain with respect to that class of units all the mandatory educational objectives referred to in the second paragraph; or

(b) have taken and successfully completed, after 1 January 1994, an awareness training course on the environmental impact of the installation, servicing, repair, modification or dismantling of air conditioning units in that class, given by the Heating, Refrigeration and Air Conditioning Institute of Canada or by the Refrigeration Service Engineers Society, or will have taken and successfully completed, as of 1 September 2005, such an awareness training course given under the authority of the Minister of Employment, Social Solidarity and Family Welfare; and

(4) with respect to fire extinguishers, persons who

(a) will have taken and successfully completed, as of 1 September 2006, the courses in a program of studies established and certified by the Minister of Education that contain with respect to that class of units all the mandatory educational objectives referred to in the second paragraph and who hold an apprentice competency certificate or a journeyman competency certificate issued by the Commission de la construction du Québec for the trade of fire-fighting mechanic or a certificate of qualification, an apprenticeship card or an apprenticeship booklet issued by the Minister of Employment, Social Solidarity and Family Welfare for the trade of pipe fitter, specialty of sprinkler installer; or

(b) will have taken and successfully completed, as of 1 September 2005, an awareness training course on the environmental impact of the installation, servicing, repair, modification or dismantling of fire extinguishers given under the authority of the Minister of Employment, Social Solidarity and Family Welfare or the Commission de la construction du Québec and who hold a certificate, an apprenticeship card or an apprenticeship booklet referred to in subparagraph *a*.

Any training provided pursuant to this section must allow the persons who receive it to

(1) have an understanding of Québec and Canadian laws and regulations respecting halocarbons;

(2) be aware of the environmental problems associated with emissions of halocarbons into the atmosphere; and

(3) learn the appropriate practices to apply to prevent halocarbon emissions, including the use of the appropriate halocarbon recovery and reclamation equipment.

In the case of training provided pursuant to subparagraph *c* or *d* of subparagraph 1 of the first paragraph or subparagraph *b* of subparagraphs 2, 3 and 4 of the first paragraph, the training must be of a duration of at least seven hours.

45. Persons who obtained a diploma, certificate or other attestation establishing their environmental qualifications, applicable to a class of units referred to in section 44, issued outside Québec and recognized by the competent authorities of another province or territory of Canada also have the environmental qualifications required to carry out the work referred to in section 43 with respect to that class of units.

46. The persons referred to in section 44 who carry out the work referred to in section 43 must carry on their person a duly signed labour force environmental qualification attestation stating that the person has the required environmental qualifications, and produce it upon request.

In the cases referred to in subparagraph *a* or *c* of subparagraph 1 or subparagraph *a* or *b* of subparagraph 4 of the first paragraph of section 44, the environmental qualification attestation referred to in the first paragraph consists of the apprentice competency certificate or the journeyman competency certificate issued by the Commission de la construction du Québec for the trades of refrigeration specialist or fire-fighting mechanic under the Regulation respecting the vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993 and the Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987.

In the cases referred to in any of subparagraphs *a* to *d* of subparagraph 1 or subparagraph *a* or *b* of subparagraph 4 of the first paragraph of section 44, the attestation consists of the certificate of qualification, the apprenticeship card or the apprenticeship booklet issued by the Minister of Employment, Social Solidarity and Family Welfare, for the trade of pipe fitter, refrigeration specialty, for the trade of stationary engineman of the “refrigerating apparatus” category or for the trade of pipe fitter, specialty of sprinkler installer, under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4) and the Regulation respecting stationary enginemen (R.R.Q., 1981, c. M-6, r.1).

In the cases referred to in subparagraph *a* or *b* of subparagraphs 2 and 3 of the first paragraph of section 44, the attestation consists of the certificate of qualification issued by the Minister of Employment, Social Solidarity and Family Welfare under a vocational training and qualification program established pursuant to section 29.1 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5).

47. The persons referred to in section 45 who carry out the work referred to in section 43 must carry on their person a labour force environmental qualification attestation, issued outside Québec and recognized by the competent authorities of another province or territory of Canada, stating that the person has the required environmental qualifications, and produce it upon request.

48. Every attestation referred to in section 46 must bear the following information to be valid for the purposes of this Regulation:

- (1) the name of the holder;
- (2) the date of issue;
- (3) the attestation number;
- (4) the class of units concerned or, where applicable, the trade of the holder;
- (5) the name of the authority that issued the attestation;
- (6) the holder’s signature; and
- (7) the following indication or an equivalent indication:

“The holder of this attestation has the labour force environmental qualification required under the Regulation respecting halocarbons made by Order in Council 1091-2004 dated 23 November 2004.”

49. Every authority that issues labour force environmental qualification attestations referred to in section 46 must maintain a register in which the authority enters, with respect to each attestation, the following information:

- (1) the name and address of the holder;
- (2) the attestation number;
- (3) the date of issue; and
- (4) the class of units concerned or the trade of the holder.

The authority must retain the register for at least three years from the date of the last entry.

In addition, the authority must report every month to the Minister on the number of attestations it issued for each trade or class of unit.

50. A person who employs a person who carries out the work referred to in section 43 must ensure that the person holds a labour force environmental qualification attestation issued or recognized in accordance with this Chapter.

51. A person who sells or supplies halocarbons must ensure that the person or enterprise wishing to purchase or otherwise obtain halocarbons holds a labour force environmental qualification attestation issued or recognized in accordance with this Chapter or employs a person who is the holder of such an attestation.

The first paragraph does not apply to the sale of halocarbons between halocarbon manufacturers or distributors and retailers.

CHAPTER IV TAKE-BACK AND RECLAMATION OF HALOCARBONS AND THEIR CONTAINERS

DIVISION I RETURN OF RECOVERED HALOCARBONS AND THEIR CONTAINERS

52. This Division applies to halocarbons that are used, have been used or are intended to be used for the operation of a refrigeration or air conditioning unit or fire extinguishing equipment, and to their containers.

53. A person who has in his or her possession a container that has been used to market a halocarbon other than methyl bromide must return it, after use, to the supplier or to any other halocarbon wholesaler that sells or distributes halocarbons of the same type.

The supplier or wholesaler is required to take the container back.

However, where the returned container still contains halocarbons, the supplier or wholesaler is required to take it back only if a label has been affixed to the container identifying the type of halocarbon.

Where a container does not comply with the provisions of this section, it is the responsibility of the holder of the container or the supplier or wholesaler who has taken the container back to deliver or have the container delivered to another enterprise or body able to reclaim or eliminate it.

54. A person who recovers from a unit a halocarbon that the person is unable to reclaim or eliminate must take the halocarbon or have it taken to the supplier or any other halocarbon wholesaler not later than the forty-fifth day following the date on which the container used for the recovery of the halocarbon is filled to its maximum capacity.

The supplier or wholesaler is required to take the returned halocarbons back if they are of the same type as the halocarbons the supplier or wholesaler sells or distributes or sold or distributed before 23 December 2004, so long as

(1) the halocarbons are confined within an appropriate recovery container;

(2) a label is affixed to the container identifying the type of halocarbon it contains; and

(3) the container holds no more than one type of halocarbon and no substance other than halocarbons, except water or oil from normal use or other residues produced by normal halocarbon degradation.

The supplier or wholesaler is also required to give every person or municipality that returns a halocarbon a receipt indicating the name of the supplier or wholesaler, duly dated and signed, specifying the name of the person or municipality that returned the halocarbon and, in the case of a natural person, the name of the enterprise for which the person works and the type and estimated quantity of halocarbon returned.

In addition, the supplier or wholesaler must adequately store the returned halocarbons until the supplier or wholesaler is able to

(1) reclaim or eliminate them;

(2) deliver them to an enterprise or body able to reclaim or eliminate them; or

(3) deliver them to another supplier higher up in the chain of distribution of halocarbons, subject to the second paragraph.

55. Where the recovered halocarbon does not comply with the requirements of the second paragraph of section 54, it is the responsibility of the person who recovered the halocarbon or the supplier or wholesaler who took it back to deliver or have the halocarbon delivered to another enterprise or body able to reclaim or eliminate it.

The person who recovered the halocarbon is exempt from the requirements of the first paragraph and the first paragraph of section 54 if the owner of the unit from which the halocarbon was recovered retains ownership of the halocarbon.

The owner of the unit in such a case must comply with the requirements of those provisions. The person who recovered the halocarbon is required to inform the owner of the unit of the requirements to be met by giving the owner a copy of the provisions of this Division. In addition, the person must enter the name and address of the owner who keeps the recovered halocarbon in the log provided for in section 59.

DIVISION II
RECLAMATION OF HALOCARBONS AND
RECOVERED CONTAINERS AND ELIMINATION
OF CFCs AND HALONS

56. The supplier who is the highest in the chain of distribution of halocarbons is required to reclaim or eliminate all returned halocarbons or have them reclaimed or eliminated within 12 months following their receipt.

The same requirement applies to the supplier with respect to recovered non-refillable pressurized containers marketed before 23 January 2005.

CHAPTER V
REPORTS AND LOG

DIVISION I
SALES OR DISTRIBUTION REPORTS

57. A person who sells or distributes for wholesale purposes a halocarbon under a trademark of which the person is the owner or exclusive agent, or of which the person is the original supplier in Québec must, not later than 31 March of each year, file with the Minister a sales or distribution report for the preceding calendar year on the form provided by the Minister.

The report must contain

- (1) the person's name and address;
- (2) for each type of CFC, HFC, HCFC, halon and PFC,
 - (a) the name of each supplier and the quantity of halocarbons bought or received during the year from each supplier; and
 - (b) the name and address of each client and the quantity of halocarbons sold or distributed during the year to each client; and
- (3) the date of the report, an attestation stating that the information in the report is accurate and the signature of the person carrying on the activity or, in the case of a legal person or partnership, of a person authorized by a resolution or by-law of the board of directors or the partners.

58. Where the person or enterprise referred to in the first paragraph of section 57 has no domicile, head office or establishment in Québec, the requirement to report to the Minister under that section becomes the responsibility of the original supplier of the halocarbons in Québec, whether that supplier is the importer or not.

DIVISION II
REPAIR, SERVICE AND DISMANTLING LOG

59. A person who performs work referred to in section 9, 10, 31, 32 or 36, or work referred to in section 15 with respect to units other than household units, must maintain a log in which the following information is entered:

- (1) the date and nature of the work performed;
- (2) the address where the unit or equipment on which the work was performed is located and its serial number or, for a vehicle, its registration number;
- (3) the type of halocarbon added or recovered and the quantity in kilograms;
- (4) the results of the leak tests conducted, if any;
- (5) the name of the person who performed the work and the name and address of the person's employer; and
- (6) the name and address of the owners referred to in the second and third paragraphs of section 55, where applicable.

In addition, where work is performed on a chiller, the person is required to give the owner of the unit a copy of the information entered pursuant to the first paragraph.

60. A person who maintains a log pursuant to section 59 must retain the log for at least three years after the date of the last entry.

The owner of the unit is also required to retain the copy of the information given to the owner pursuant to the second paragraph of section 59 for at least three years after the date of the work.

DIVISION III
REPORT ON THE TAKE-BACK AND
RECLAMATION OF HALOCARBONS AND
THEIR CONTAINERS

61. Not later than 31 March of each year, a supplier subject to the take-back requirement in the second paragraph of sections 53 and 54 must file with the Minister a report stating, for the preceding calendar year with respect to each type of halocarbon and container the supplier sells or distributes, the number of containers and the quantity in kilograms of halocarbons taken back and, for CFCs or halons, the quantity taken back and eliminated. For each type of halocarbon or container, the supplier must also specify the name of the enterprise or body to which the halocarbons were delivered to be reclaimed or eliminated, stating the quantity for each enterprise or body.

The report must contain the elements provided for in subparagraph 3 of the second paragraph of section 57.

CHAPTER VI PENAL

62. Every offence against the provisions of section 5, 8 or 11 renders the offender liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$25,000; or

(2) in the case of a legal person, to a fine of \$25,000 to \$500,000.

63. Every offence against any of the provisions of the first paragraph of section 13 or sections 53 to 56 renders the offender liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$25,000; or

(2) in the case of a legal person, to a fine of \$5,000 to \$250,000.

64. Every offence against any of the provisions of sections 6, 7, 9, 10, the first paragraph of section 14, the first or third paragraph of section 15, sections 16, 19 to 28, 30, 31, the first paragraph of section 32, sections 33 to 36, sections 39 to 43 or section 50 renders the offender liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$12,500; or

(2) in the case of a legal person, to a fine of \$5,000 to \$25,000.

65. Every person who operates a unit in violation of the first paragraph of section 12 or sells or supplies a halocarbon in violation of the first paragraph of section 51 is liable to the penalties provided for in section 64.

66. Every person who omits to maintain a register or log or to send a report referred to in the second paragraph of section 12, the second paragraph of section 13, sections 37, 49, 57 to 61, or enters in those documents false or inaccurate information or omits to enter the prescribed data or to give the copies prescribed under those sections is liable to the penalties provided for in section 64.

67. Every person who commits an offence against any of the provisions of the second paragraph of section 14, the second paragraph of section 15 or the second paragraph of section 32 is liable,

(1) in the case of a natural person, to a fine of \$1,000 to \$10,000; or

(2) in the case of a legal person, to a fine of \$2,000 to \$20,000.

68. In the case of a second or subsequent offence, the fines in sections 62 to 67 are doubled.

CHAPTER VII MISCELLANEOUS AND FINAL

69. Section 4 of the Regulation respecting hazardous materials and amending various regulatory provisions¹ is amended by replacing the part preceding paragraph 1 by the following:

“4. In addition to a halocarbon that is considered to be a hazardous material under section 4 of the Regulation respecting halocarbons made by Order in Council 1091-2004 dated 23 November 2004, the following are classed as hazardous materials:”.

70. The following is inserted after section 7 of that Regulation:

“7.1. Only the following provisions apply to the halocarbons referred to below:

(1) section 9, with respect to all halocarbons referred to in the Regulation respecting halocarbons; and

(2) sections 11 and 12, with respect to carbon tetrachloride or methyl chloroform and with respect to HCFCs having a boiling point greater than 20 °C at an absolute pressure of 101.325 kilopascals (kPa).”.

71. Section 9 of that Regulation is amended by adding the following paragraph at the end:

¹ The Regulation respecting hazardous materials and amending various regulatory provisions, made by Order in Council 1310-97 dated 8 October 1997 (1997, *G.O.* 2, 5199), was last amended by the regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090).

“Subject to the provisions of section 13 of the Regulation respecting halocarbons, the requirements of subparagraphs 2 and 3 of the first paragraph do not apply in the case of the release of a gaseous halocarbon.”.

72. Section 1 of the Regulation respecting the application of the Environment Quality Act² is amended by replacing paragraph 5 by the following:

“(5) work to recover and reclaim a halocarbon referred to in the Regulation respecting halocarbons made by Order in Council 1091-2004 dated 23 November 2004 from a fire extinguisher or a fire extinguishing system or a refrigeration or air conditioning unit.”.

73. This Regulation replaces the Regulation respecting ozone-depleting substances, made by Order in Council 812-93 dated 9 June 1993.

74. This Regulation comes into force on 23 December 2004, except

(1) section 7 and the second paragraph of section 60, which come into force on 23 January 2005;

(2) the third paragraph of section 10 and the provisions of Chapter IV, which come into force on 1 October 2005; and

(3) the provisions of Chapter III, which come into force on 1 June 2007.

SCHEDULE I

(s. 2)

LIST OF HALOCARBONS

Part A – Certain ozone-depleting halocarbons

CLASS I – CHLOROFLUOROCARBONS (CFCs)

TYPE

CFC-11	trichlorofluoromethane
CFC-12	dichlorodifluoromethane
CFC-113	1,1,2-trichlorotrifluoroethane
CFC-114	1,2-dichlorotetrafluoroethane
CFC-115	chloropentafluoroethane
CFC-500	dichlorodifluoromethane 73.8% + ethylidene fluoride 26.2%
CFC-502	chlorodifluoromethane 48.8% + chloropentafluoroethane 51.2%
CFC-503	trifluoromethane 40.1% + chlorotrifluoromethane 59.9%
CFC-211	fluoroheptachloropropane
CFC-212	difluorohexachloropropane
CFC-213	trifluoropentachloropropane
CFC-214	tetrafluorotetrachloropropane
CFC-215	pentafluorotrichloropropane
CFC-216	hexafluorodichloropropane
CFC-217	heptafluorochloropropane

CLASS II – BROMOFLUOROCARBONS (HALONS)

TYPE

HALON 1011	bromochloromethane
HALON 1202	difluorodibromomethane
HALON 1211	bromochlorodifluoromethane
HALON 1301	bromotrifluoromethane
HALON 2402	1,2-dibromotetrafluoroethane

CLASS III – BROMOCARBONS

TYPE

1-bromopropane also known as n-propyl bromide
Methyl bromide

² The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the regulation made by Order in Council 333-2003 dated 5 March 2003 (2003, *G.O.* 2, 1273). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

CLASS IV – CHLOROCARBONS

TYPE

Methyl chloroform also known as trichloroethane (1,1,1-trichloroethane)
Carbon tetrachloride also known as tetrachloromethane

CLASS V – HYDROCHLOROFLUOROCARBONS (HCFCs)

TYPE

HCFC-21	dichlorofluoromethane
HCFC-22	chlorodifluoromethane
HCFC-31	chlorofluoromethane
HCFC-121	tetrachlorofluoroethane
HCFC-122	trichlorodifluoroethane
HCFC-123	dichlorotrifluoroethane
HCFC-124	chlorotetrafluoroethane
HCFC-131	trichlorofluoroethane
HCFC-132	dichlorodifluoroethane
HCFC-133	chlorotrifluoroethane
HCFC-141b	1,1-dichloro-1-fluoroethane
HCFC-142b	1-chloro-1,1-difluoroethane
HCFC-151	chlorofluoroethane
HCFC-221	hexachlorofluoropropane
HCFC-222	pentachlorodifluoropropane
HCFC-223	tetrachlorotrifluoropropane
HCFC-224	trichlorotetrafluoropropane
HCFC-225	dichloropentafluoropropane
HCFC-226	chlorohexafluoropropane
HCFC-231	pentachlorofluoropropane
HCFC-232	tetrachlorodifluoropropane
HCFC-233	trichlorotrifluoropropane
HCFC-234	dichlorotetrafluoropropane
HCFC-235	chloropentafluoropropane
HCFC-241	tetrachlorofluoropropane
HCFC-242	trichlorodifluoropropane
HCFC-243	dichlorotrifluoropropane
HCFC-244	chlorotetrafluoropropane
HCFC-251	trichlorofluoropropane
HCFC-252	dichlorodifluoropropane
HCFC-253	chlorotrifluoropropane
HCFC-261	dichlorofluoropropane
HCFC-262	chlorodifluoropropane
HCFC-271	chlorofluoropropane

Part B – Certain halocarbon alternatives

CLASS I – HYDROFLUOROCARBONS (HFCs)

TYPE

HFC-23	trifluoromethane
HFC-32	difluoromethane
HFC-125	pentafluoroethane
HFC-134a	tetrafluoroethane
HFC-143	trifluoroethane
HFC-152	difluoroethane
HFC-161	monofluoroethane
HFC-281	fluoropropane
HFC-272	difluoropropane
HFC-263	trifluoropropane
HFC-254	tetrafluoropropane
HFC-245	pentafluoropropane
HFC-236	hexafluoropropane
HFC-227	heptafluoropropane
HFC-218	octafluoropropane

CLASS II – PERFLUOROCARBONS (PFCs)

TYPE

FC-14	tetrafluoromethane
FC-116	hexafluoroethane
FC-218	octafluoropropane
FC-3-1-10	decafluorobutane
FC-4-1-12	dodecafluoropentane
FC-5-1-14	tetradecafluorohexane

6598

Gouvernement du Québec

O.C. 1096-2004, 23 November 2004

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

**Commission de la construction du Québec
— Levy**

Levy Regulation of the Commission de la construction du Québec

WHEREAS under paragraph *c* of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may, by way of a regulation approved by the