

1990 BILL 261

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 261

AN ACT TO PHASE OUT THE USE
OF CHLOROFLUOROCARBONS

MR. MITCHELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 261
Mr. Mitchell

BILL 261

1990

AN ACT TO PHASE OUT THE USE OF CHLOROFLUOROCARBONS

(Assented to , 1990)

Preamble

WHEREAS THE destruction of the ozone layer of the earth's atmosphere is caused in part by the action of ultra-violet rays on certain synthetic chemicals known as chlorofluorocarbons and halons;

AND WHEREAS the depletion of the ozone layer will allow excess ultra-violet rays to reach the earth's surface, which may cause serious irreparable damage to all living tissues;

AND WHEREAS such chemicals are found in various manufactured products, material and equipment including such items as certain refrigerators, air-conditioning and cooling systems, rigid foam insulation, certain flexible foam materials, cleaning solutions and packaging for food and other matter;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1(1) In this Act,

(a) "Chlorofluorocarbons" or "CFCs" means one or more of the following substances:

Trichlorofluoromethane (CC13F)	known as	CFC 11
Dichlorodifluoromethane (CC12F2)	known as	CFC 12
Trichlorotrifluoroethane (C2C13F3)	known as	CFC 113
Dichlorotetrafluoroethane (C2F4C12)	known as	CFC 114
Chloropentafluoroethane (C2F5C1)	known as	CFC 115

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(b) "dispose" means to dispose for the purpose of garbage, refuse or for destruction, and not for re-use;

(c) "halons" means one or more of the following substances:

difluorobromochloromethane (CF₂BrC1) known as halon 1211
trifluorobromomethane (CF₃Br) known as halon 1301
tetrafluorodibromoethane (C₂F₄Br₂) known as halon 2402

(d) "Minister" means the Minister of the Environment;

(e) "sell" means to offer for sale, expose for sale, have in possession for sale and distribution, whether or not the sale or distribution is made for consideration.

Manufacture
limited

2(1) No person shall manufacture any product or equipment which contains and emits or could emit chlorofluorocarbons or halons or both into the atmosphere, unless

(a) there is, at the time of manufacture, no alternative to the use of the chlorofluorocarbons or halons, and there exists in connection with such manufacture, a properly operating recovery system for the chlorofluorocarbons or halons; and

(b) an audit for chlorofluorocarbons and halons has been conducted in accordance with section 11.

(2) No person shall sell CFCs in containers to replace CFCs lost from motor vehicle air conditioners.

(3) No person shall manufacture products or equipment containing chlorofluorocarbons or halons that can be drained or recovered from the product or equipment unless the product or equipment is equipped or designed so as to permit the proper installation or use for its intended propose without leakage of the chlorofluorocarbons or halons.

Recycling

3(1) The Minister shall establish a system to collect and recycle CFCs and investigate the technology for destroying CFCs.

(2) Every municipality shall establish a system to collect CFCs and those municipalities that have no system for recycling CFCs shall forward the CFCs collected to the centres for recycling or destruction established by the Minister.

4 Every person who disposes of any product or equipment that contains chlorofluorocarbons or halons in a form which can be drained or recovered from the product or equipment shall only dispose of such product or equipment

(a) by delivering such product or equipment to a recovery site established for the purpose by the Minister;

(b) by delivering such items for municipal garbage disposal in accordance with the garbage disposal systems established by that municipality;

(c) by ensuring that prior to disposal, the chlorofluorocarbons and halons contained therein are drained and recovered from the product or equipment and thereafter transported intact to a recovery site established or authorized by the Minister.

Waste 5 Notwithstanding section 4, no person shall dispose or permit the disposal of any vehicular air conditioning unit, refrigerator, freezer or air conditioning unit containing chlorofluorocarbons unless the chlorofluorocarbons are removed prior to such disposal.

Servicing 6 No person shall service or repair or permit the servicing or repair of any air conditioner, air conditioning equipment or system including any vehicular air conditioning system, chiller, refrigerator, freezer, refrigerating or cooling equipment or system, unless such person ensures that any coolant containing chlorofluorocarbons is not vented to the atmosphere during the servicing or repair process.

Foam 7(1) No person shall sell or install any rigid foam material for building insulation that contains chlorofluorocarbons or with respect to which chlorofluorocarbons are used as a blowing agent during the manufacturing process.

(2) No person shall manufacture plastic foam using CFCs.

Aerosols 8 No person shall manufacture or sell any aerosol container that uses chlorofluorocarbons as a propellant, except aerosol containers of products used for medical purposes.

Fire extinguishers 9(1) No person shall test or service any fire extinguisher or fire extinguisher system if such test or servicing causes or could cause the release of halons into the atmosphere.

Solvents (2) No person shall manufacture, sell or distribute CFCs as a solvent or a constituent of a solvent.

Food packaging 10 No person shall manufacture, distribute or sell any plastic foam material or any other product or material containing chlorofluorocarbons or for which chlorofluorocarbons have been used as a blowing agent during the manufacturing process, for the purpose of packaging, wrapping or containing edible or non-edible products.

Vehicles **11(1)** From January 1, 1994 no person shall sell any new motor vehicle that contains any CFCs.

Refrigerators etc. **(2)** From January 1, 1998 no person shall manufacture, use or sell any refrigerator, air conditioner or air cooler that contains CFCs.

Offences, penalties **12** Any person who fails or neglects to perform any duty imposed by this Act or who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$2000.

13 Every employer whose business activity includes the handling and use of chlorofluorocarbons or halons in furtherance of the business activity, shall

(1) within three months after the commencement of this section, register a notice with the Minister of Occupational Health and Safety identifying the quantity, types and use of chlorofluorocarbons and halons in the business activity;

(2) within one year after the commencement of this section, conduct and submit to the Minister of Occupational Health and Safety an audit that sets out a material balance of the chlorofluorocarbons and halons used in the business activity, and identifies the methods used for recovery and reclamation of the chlorofluorocarbons and halons; and

(3) if such business activity is commenced after the one-year period referred to in subsection (2), register the notice required by subsection (1) and submit the audit required by subsection (2) to the Minister of Occupational Health and Safety at the time of commencing operation of the business activity.

14(1) *Section 9(1) comes into force three months after the day this Act receives Royal Assent.*

(2) *Sections 2, 3, 7, 8 and 10 come into force 12 months after the day this Act receives Royal Assent; and*

(3) *Sections 4, 5, 6 and 9(2) come into force 18 months after the day this Act receives Royal Assent.*