

CHAPTER 342C
OZONE LAYER PROTECTION

Section

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Note

Prior history. L 1989, c 77, §3.
L 2014, c 218, §8 purports to amend this chapter.

Cross References

Environmental courts, jurisdiction over proceedings arising under this chapter, see §604A-2.

" **§342C-1 Definitions.** As used in this chapter, unless the context otherwise requires:

"Chlorofluorocarbon" or "CFC" means any member of the family of substances containing carbon, fluorine, and chlorine, including, without limitation, those compounds known as CFC-11, CFC-12, CFC-13, CFC-14, CFC-113, CFC-114, CFC-115, CFC-116, CFC-500, CFC-502, and CFC-503, and any combination or mixture containing any of these chlorofluorocarbon compounds.

"Department" means the department of health.

"Director" means the director of health.

"Halon" means any fully halogenated carbon compound containing bromine, chlorine, or fluorine, including, without limitation, those compounds known as Halon-1301, Halon-1211, and Halon-2402.

"Mobile air conditioner" means an air conditioner designed for installation in a motor vehicle.

"Ozone-depleting compound" means any chlorofluorocarbon or halon, including those compounds known as methyl chloroform and carbon tetrachloride, or any other compound designated by the United States Environmental Protection Agency as being an ozone-depleting compound pursuant to Title 40, Part 82, Code of Federal Regulations, or any other compound designated by the department as being an ozone-depleting compound.

"Person" includes any individual, firm, association, partnership, or corporation, whether domestic or foreign, whether acting as a principal, agent, employee, or otherwise, and includes any governmental entity or charitable organization.

"Portable" means capable of being carried in hand by one individual. [L 1990, c 316, pt of §2; am L 1992, c 264, §2]

" **§342C-2 Prohibited acts.** (a) Effective January 1, 1991, no person in this State shall sell or offer for sale any CFC refrigerant suitable for use in air conditioners or mobile air conditioners in containers that are smaller than fifteen pounds net.

(b) No person in this State shall wilfully cause or allow CFCs to be released into the air from any source or process

regulated by this chapter, other than through common use of a product, or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules.

(c) Effective July 1, 1993, no person in this State shall:

- (1) Purchase, distribute, manufacture, import, sell, or offer for sale, any portable fire extinguisher that contains a halon or other ozone-depleting compound; or
- (2) Repair, service, or perform maintenance on any portable fire extinguishing system or unit without using a reclamation system to recapture, recycle, or properly dispose of unspent halons or other ozone-depleting compounds.

Exempted from this prohibition is the sale of portable halon fire extinguishers for use in aircraft, which may be sold to purchasing agents of airline companies, or to private individuals upon presentation of a pilots license. [L 1990, c 316, pt of §2; am L 1992, c 264, §3]

" **[§342C-3] Refrigerators and freezers.** Nothing in this chapter shall apply to refrigerators or freezers. [L 1990, c 316, pt of §2]

" **[§342C-4] Rules.** The department shall adopt rules necessary for the purposes of this chapter. [L 1990, c 316, pt of §2]

" **§342C-5 Penalties.** (a) Any person who violates the provisions of this chapter pertaining to ozone layer protection or any rule adopted by the department pursuant to this chapter shall be fined not more than \$1,000 for each separate offense.

(b) Each unit of CFC refrigerant sold or offered for sale, and each wilful release of CFCs into the air, shall constitute a separate offense.

(c) Each portable fire extinguisher, containing a halon or other ozone-depleting compound, that is purchased, distributed, manufactured, imported, sold, or offered for sale, shall constitute a separate offense.

(d) Each portable fire extinguishing system or unit that is repaired, serviced, or upon which maintenance is performed, without using a reclamation system to recapture, recycle, or properly dispose of unspent halons or other ozone-depleting compounds, shall constitute a separate offense.

(e) Any action taken to impose or collect the penalty provided for in this section shall be considered a civil action. [L 1990, c 316, pt of §2; am L 1992, c 264, §4]