

Automotive Refrigerants in Small Containers: Retailer Requirements for 2019- What you need to know!

REMINDER: The deadline for the annual reporting for manufacturers, distributors, and retailers is *March 1, 2019* for calendar year 2018.

CAWA members who sell automotive refrigerant in small containers must comply with California Air Resources Board regulatory requirements. This member alert provides important information for retailers for collecting deposit, returning used cans to manufacturers and returning unclaimed deposits for the 2019 year.

Under CARB Regulations retailers must:

- Collect a \$10 deposit at the time of product sale to the consumer.
- Return deposits when containers are brought back within 90 days of purchase, with a sales receipt and undamaged (after 90 days retailers may refund a deposit at their discretion).
- Store returned containers in a manner compatible for transport to recycling facilities.
- Transfer unclaimed consumer deposits that were collected in the previous calendar year by April 1st, 2019 to the Car Care Council via wire transfer. (For more info contact Chris Obiamiwe, Chris.obiamiwe@autocare.org).

Deposits paid to the distributor or manufacturer as part of the wholesale cost must be returned when used canisters are returned. Manufacturers must coordinate with and assist retailers in transporting used containers to recycling facilities.

- If deposits returned to consumers exceed amount of deposits collected by retailer for calendar year, retailer may defer sending unreturned deposits until next reporting period.
- New labeling requirements became effective on January 1, 2018. All containers on shelves that were produced prior to this date but are not compliant with the new labeling requirements can continue to be sold after that date.

In addition, retailers must:

- Distribute the manufacturers' educational brochures to consumers.
- Display an 8 1/2" X 11" manufacturer-supplied placard next to the automotive-refrigerant products.

Finally, upon the request of the California Air Resources Board (ARB), retailers **must report annual sales and returned-container data by March 1** of the following year. Retail reports now must include amounts of deposits collected that are not returned or refunded to consumer and that are transferred to manufacturers. Retailers are required to retain records for not less than 5 years.

Report forms are available from the regulation's website at: www.arb.ca.gov/cc/hfc-mac/hfcldiy/hfcldiy.htm.

Retailers must maintain records of invoices of the product bought and sold for a minimum of five years. California retailers must only sell small-container automotive-refrigerant products certified by the ARB. The certified products are listed in the executive orders posted on the regulation's website.

When does the regulation take effect? The original regulation which took effect January 1, 2010, mandated that only small-container refrigerant products certified by the ARB may be sold in California. The new regulation with the retailer requirements went into effect on April 13, 2017. Anyone selling small cans of R-134a for automotive air conditioner replenishing must now meet all retailer requirements specified above.

What are the consequences of not complying? Penalties may be assessed for any violation of this regulation pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense. Additionally, any violation of this sub article may be enjoined pursuant to Health and Safety Code section 41513.

For more information: This regulation, fact sheets, executive orders for the certified products, and report forms are available at: www.arb.ca.gov/cc/hfc-mac/hfcldiy/hfcldiy.htm. For any further information, contact Van Tsan at Van.Tsan@arb.ca.gov or (916) 327-8543. For urgent matters, please contact

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