

What to expect from an EPA inspection – A guide for contractors



This short guide provides a brief summary of what to expect if your business/premises is selected for an inspection by the Environmental Protection Agency (EPA) under the Ozone Depleting Substances (ODS) and Fluorinated Greenhouse Gas (F-Gas) Regulations.

What are the EPA inspecting?

- F-gases and ODS gases are widely used in equipment and systems which are common in most premises/businesses. These include refrigeration, air conditioning equipment, fire suppression systems and refrigerated trucks & trailers.
- The aim of the inspection is to determine whether your company is compliant with the laws controlling the management of F-gases and ODS gases in these applications. These laws¹ come from Europe and control the gases because they have a negative effect on the environment if they are emitted. These European laws apply directly in Ireland and the EPA is responsible for enforcing them, under specific Irish law. The laws place restrictions, controls and obligations on contractors involved in the installation, servicing and maintenance of ODS/F-Gas systems.

Why are the EPA carrying out the Inspection?

- The EPA is responsible for enforcing the laws controlling these gases. One of the enforcement powers designated to the EPA under the Irish Legislation is the power to inspect any company involved in handling ODS-F-gases. These inspections can be carried out without prior notice under EPA's powers. However, in many cases, inspections will be pre-notified by the EPA.
- The EPA also has the power to take prosecutions where it sees fit.

Why is my business/premises being inspected?

Your business/premises may be selected for one or more of the following reasons:

1. Your business/premises is likely to be involved in the installation, servicing, maintenance and decommissioning of ODS/F-Gas systems (e.g. refrigeration systems, chillers, air conditioning systems, fire suppression systems).
2. Previous correspondence between the EPA and you indicates that your business/premises is involved in the installation, servicing, maintenance and decommissioning of ODS/F-Gas systems;
3. Your business/premises was previously inspected and non-compliances were not corrected;
4. A complaint has been received about potential non-compliance at your business/premises;
5. Your business/premises has been randomly selected.

What happens during an inspection?

The scope of the inspections at contractor premises will typically include the following regulatory/compliance issues though any aspect related to compliance can be reviewed during the inspection:

- Examination of the refrigerant gas types, and their sources, in use by the contractor;
- Examination of documentation to show that your company and technicians have the appropriate certification;
- Examination of practices relating to waste refrigerant gases and related documentation, including Prior Annual Notification to the EPA, TFS records where applicable; and,
- Discussion on compliance and awareness issues in the sectors in which your clients operate.

An inspection typically consists of four parts: an opening meeting; a site tour; documentation review; and, a closing meeting. Each of these is described in a little more detail below.

1. Opening meeting: This part of the inspection will take up to 30 minutes. The EPA will ask general questions regarding business operations which will help determine which parts of the Regulations apply to the business/premises being inspected. Examples of questions which may be asked include:
 - Company details;
 - Do you undertake installation, servicing, maintenance and decommissioning of ODS/F-Gas systems?
 - How many service technicians (i.e. technicians who undertake installation, servicing, maintenance and decommissioning of ODS/F-Gas systems) are employed by your business and are they qualified to the appropriate standard?
 - Are F-gases and/or ODS gases stored at your business premises?
 - Do you remove and dispose of waste gas from any of your client sites?
 - Is your company certified with F-gas Registration Ltd or another certification body?

¹ Regulation (EU) No. 514/2014 on fluorinated greenhouse gases (the F-Gas Regulations) and Regulation (EC) No 1005/2009 on substances that deplete the ozone layer (the ODS Regulation).

2. **Documentation review:** The EPA will inspect documentation relating to the activities carried out by the contractor. Documentation or copies of the same may be removed. The purpose of the documentation review will be, for example, to:
 - Verify that the contractor is maintaining the records that are legally required to be held; and,
 - Verify that the contractor is compliant with company and personnel certification requirements.The types of documentation which the EPA may inspect typically include:
 - Records relating to company certification and personnel qualifications;
 - Procedures for leaking checking;
 - Records relating to movement and disposal of any waste gases on your clients behalf; records obtained from the authorised reclamation facility or disposal facility should be maintained. [Notes: Waste gases cannot be stored at your business premises unless specifically authorised to do so (by the EPA or local authority). Your business is only allowed to transport waste gases to an authorised facility if you have submitted a Prior Annual Notification, specifying the authorised facility to which you will bring the waste gases]; and,
 - Label templates and maintenance logbooks. [Notes: Operators (i.e. your clients) are legally obliged to maintain documentation which demonstrates compliance with the F-Gas/ODS Regulations and many contractors will facilitate this for their clients. In most situations the operator will assume that the documentation supplied to them by their contractor is in compliance with the regulations. As best practice, your business should ensure that any records provided to operators for work undertaken by your business on the operators behalf (i.e. leak checking, servicing of equipment, leak repairs, etc.) contain all the information which is required to be maintained by the operator under the Regulations.]
3. **Site tour:** Following the opening meeting, the EPA will carry out a tour of the site, for the purpose of typically:
 - Verifying that waste F-gases and/or ODS gases are not being stored at your business premises;
 - Verifying that your business premises is not stockpiling recovered ODS gas (e.g. R22) for use in the servicing and maintenance of ODS gas systems;
 - Observing on-site practices with regard to storage of cylinders of F-gas and/or ODS gas;
 - Verifying that no virgin ODS gas is being stored or used by your business in the servicing and maintenance of ODS gas systems; and,
 - Leak checking equipment.
4. **Closing Meeting:** During the closing meeting, the EPA will briefly outline the findings of the inspection to the contractor. Where non-compliances are found, or there are outstanding issues which can not be confirmed during the site inspection, these will be outlined to the contractor. An inspection report will be issued after the inspection, setting out the corrective actions that must be taken, with a deadline set for response to the EPA.

Who will undertake the inspection?

An authorised officer from the EPA and/or a contractor appointed by the EPA will conduct the inspection.

What should I do to prepare for the inspection?

In preparation for an inspection, where it has been pre-notified, you should:

- Have an appropriate person available to deal with the EPA;
- Gather together relevant records to demonstrate compliance with the requirements; and,
- Provide a suitable location for the opening/closing meetings and the review of documents.

The EPA carries out unannounced inspections from time to time. Therefore, all contractors should ensure that the required records are maintained and that any staff member can make them available to the EPA in the event of an unannounced inspection.

How long does an inspection take?

This will vary depending on the type and size of the business/premises being inspected but would typically be between 1.5 and 2.5 hours.

Further Information:

Further information and extensive guidance notes are available on the EPA website at www.ozone.ie and www.fgases.ie.

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