



# Victoria Government Gazette

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**SPECIAL**

## **Environment Protection Act 1970**

### **INDUSTRIAL WASTE MANAGEMENT POLICY (PROTECTION OF THE OZONE LAYER)**

The Governor in Council, under sections 16(1A) and 16(2) of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following industrial waste management policy (Protection of the Ozone Layer) to be observed throughout Victoria.

The depletion of stratospheric ozone poses a serious threat to human health and the environment by increased exposure to ultra-violet (UV) radiation. The recovery of the ozone layer is threatened by ozone-depleting substances which continue to be released into the atmosphere through human activity. Therefore protection of the ozone layer remains a high priority of the international community and of all Australian Governments. Victoria has been a leader in helping Australia to meet its international obligations under the **1985 Vienna Convention for the Protection of the Ozone Layer** and the **1987 Montreal Protocol on Substances that Deplete the Ozone Layer** and continues to play its part under national programs and a complementary national legislative framework for ozone protection.

This policy seeks to reflect international and industry developments in ozone layer protection over the past decade and refine Victoria's comprehensive statutory framework. This will ensure that Victoria builds upon its substantial success to date in ozone layer protection and is well placed to continue being a leader in helping Australia meet its international commitments.

#### **1. Title**

This order may be cited as the industrial waste management policy (Protection of the Ozone Layer) and is referred to below as the policy.

#### **2. Commencement**

- (1) This policy, except for Parts 3, 4, 5, 6 and 7 of Schedule A, will come into operation upon publication in the Government Gazette.
- (2) Parts 3, 4, 5, 6 and 7 of Schedule A come into operation three months after the date of commencement of this policy.

#### **3. Revocation of industrial waste management policy (Control of Ozone-depleting Substances)**

The industrial waste management policy (Control of Ozone-depleting Substances) as published in the Government Gazette dated 29 November 1990 as amended by Order in Council published in the Government Gazette dated 16 November 2000 is revoked.

#### **4. Contents of Policy**

This policy is divided into parts as follows –

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**5. Application of Policy**

This policy applies throughout the State of Victoria.

**6. Circumstances in which policy may be revoked or varied**

The Authority may recommend to the Governor in Council that this policy be revoked or varied where, in the opinion of the Authority, the objectives and intent of this policy can be otherwise met through Commonwealth law intended to control the consumption and emissions of ozone-depleting substances.

**7. Obligation to comply with industrial waste management policies**

Any person who contravenes any rules or requirements specified in this industrial waste management policy is guilty of an indictable offence under the **Environment Protection Act 1970**.

**8. Definitions**

In this policy, unless the contrary intention appears –

“Authority” means the Environment Protection Authority constituted under the Act.

“decommissioning” means the process of retiring of equipment from service, prior to it being rendered inoperable or used for some other purpose;

“halon” means a bromofluorocarbon or bromochlorofluorocarbon substance prescribed as an ozone depleting substance, whether existing alone or as a mixture;

“halon portable fire extinguisher” means a portable fire extinguisher containing halon;

“halon fire suppression system” means a fire extinguishing system consisting of a supply of halon arranged to discharge into an enclosure(s);

“handles” includes, but is not limited to, having contact with, manufacturing, storing, using, recovering, reusing, recycling, reclaiming, processing, destroying and disposal;

“Montreal Protocol” means the **1987 Montreal Protocol on Substances that deplete the Ozone Layer** as amended from time to time;

“ozone-depleting substance” means an ozone-depleting substance for the purposes of the Act and includes a substance listed in Schedule A whether alone or as a mixture;

“reclamation” means the re-processing and upgrading of a recovered ozone-depleting substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to new product specification;

“reuse” means use of an ozone-depleting substance following its recovery from any product or equipment without prior treatment or reprocessing;

“recycling” means use of an ozone-depleting substance following any form of prior treatment or reprocessing;

“supplier” means any wholesaler, distributor or reclaimer of ozone-depleting substances;

“the Act” means the **Environment Protection Act 1970**.

**PART I – POLICY FRAMEWORK****9. Objectives**

The objectives of this policy are –

- (a) to protect human health and the environment from risks posed by the depletion of the stratospheric ozone layer resulting from human activities;
- (b) to promote the recovery of the stratospheric ozone layer; and
- (c) to enable Victoria to play its part in meeting Australia's obligations under the Montreal Protocol.

**10. Principles**

This Policy applies the following principles which reflect community expectations for environmental protection and quality. These principles must be used to guide decisions related to managing ozone-depleting substances.

**(1) Principle of integration of economic, social and environmental considerations**

- (a) Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment.

- (b) This requires the effective integration of economic, social and environmental considerations in decision making processes with the need to improve community well-being and the benefit of future generations.
  - (c) The measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
- (2) *The precautionary principle*
- (a) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
  - (b) Decision making should be guided by –
    - (i) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
    - (ii) an assessment of the risk-weighted consequences of various options.
- (3) *Principle of intergenerational equity:*
- The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (4) *Principle of conservation of biological diversity and ecological integrity:*
- The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.
- (5) *Principle of improved valuation, pricing and incentive mechanisms:*
- (a) Environmental factors should be included in the valuation of assets and services.
  - (b) Persons who generate pollution and waste should bear the cost of containment, avoidance and abatement.
  - (c) Users of goods and services should pay prices based on the full life cycle costs of providing the goods and services, including costs relating to the use of natural resources and the ultimate disposal of wastes.
  - (d) Established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.
- (6) *Principle of shared responsibility:*
- (a) Protection of the environment is a responsibility shared by all levels of Government and industry, business, communities and the people of Victoria.
  - (b) Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life while progressively reducing ecological degradation and resource intensity throughout the full life cycle of the goods and services to a level consistent with the sustainability of biodiversity and ecological systems.
- (7) *Principle of product stewardship:*
- Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.
- (8) *Principle of wastes hierarchy:*
- Wastes should be managed in accordance with the following order of preference –
- (a) avoidance;
  - (b) re-use;

- (c) re-cycling;
- (d) recovery of energy;
- (e) treatment;
- (f) containment;
- (g) disposal.

(9) *Principle of integrated environmental management:*

If approaches to managing environmental impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.

(10) *Principle of enforcement*

Enforcement of environmental requirements should be undertaken for the purpose of –

- (a) better protecting the environment and its economic and social uses;
- (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements;
- (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.

(11) *Principle of accountability*

- (a) The aspirations of the people of Victoria for environmental quality should drive environmental improvement.
- (b) Members of the public should therefore be given –
  - (i) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues;
  - (ii) opportunities to participate in policy and program development.

**11. Policy intent**

- (1) Human health and the environment will be protected from increased exposure to UV radiation through placing a high priority on protecting the ozone layer from further depletion and assisting its recovery.
- (2) The statutory framework will enable Victoria to assist Australia meet its international obligations and support the national legislative framework for ozone protection.
- (3) The development of product and equipment design to avoid consumption and emissions of ozone-depleting substances will be encouraged.
- (4) The development and use of environmentally sound alternatives to the use of ozone-depleting substances will be promoted and, where necessary, the supply of products or equipment using ozone-depleting substances prohibited or limited.
- (5) The wastes hierarchy and eco-efficient practices will be applied to the activities that generate ozone-depleting substances, emissions are to be avoided or minimised during the product or equipment's lifecycle and ozone-depleting substances will be destroyed where they cannot be recycled or reused.
- (6) The implementation of cleaner production policies and practices throughout Victoria will be supported and waste minimisation and the efficient use of resources encouraged.
- (7) Implementation of the policy will occur through integrated and coordinated actions by Government and industry, reflecting the responsibility they share with the broader community for protecting the ozone layer.

**PART II – ATTAINMENT MEASURES****OVERVIEW****12. Strategic approach**

Strategic measures will be adopted by the Authority in order to inform, motivate, enable and require decision makers to phase out the use of ozone-depleting substances and improve their management, including –

- (a) developing partnerships including with industry, community, research agencies, educational institutions and other Government agencies to inform and develop a capacity for change;
- (b) seeking to use consumer preference and behaviour to influence the adoption of alternative substances, products and equipment and improved management practices of providers of products and services;
- (c) maximising awareness of and encouraging people to respond to economic drivers relating to the use, management and replacement of ozone-depleting substances; and
- (d) encouraging transparency and accountability through monitoring and public reporting of consumption, reuse and recycling trends;

**13. Implementation**

- (1) To assist in implementing the policy, the Authority may employ a range of tools including –
  - (a) bans on the supply, acquisition and use of ozone-depleting substances or equipment or products that use or contain these substances;
  - (b) use of statutory tools;
  - (c) the provision of information;
  - (d) incentives for change;
  - (e) economic measures;
  - (f) monitoring, auditing and annual reporting;
  - (g) enforcement measures.
- (2) The Authority, in determining the practicability of the management of ozone-depleting substances in order to avoid or minimise their emission to the atmosphere will have regard to factors including environmental, health, safety, technical, logistical and financial considerations relating to these substances and alternatives to these substances.

**OBLIGATION TO ADOPT ALTERNATIVES AND MINIMISE EMISSIONS****14. Obligation to adopt alternatives and minimise emissions of ozone-depleting substances**

Any person who handles an ozone-depleting substance or equipment or products that use an ozone-depleting substance must, so as to achieve the best environmental outcome –

- (a) replace the ozone-depleting substance with an alternative substance or technology, where practicable; and
- (b) where there are no practicable alternatives, avoid or minimise emissions of the ozone depleting substance to the atmosphere.

**15. Recovery of ozone-depleting substances**

- (1) Any person who uses any ozone-depleting substance for or in relation to any activity listed in Schedule B must, as a means of meeting obligations under sub-clause 14(b), recover the ozone-depleting substance and –
  - (a) reuse, recycle or destroy the substance; or
  - (b) return it to the supplier for reuse, recycling, reclamation, storage or destruction.

- (2) Sub-clause (1) does not apply where –
  - (a) the person satisfies the Authority that it is not practicable to recover the ozone-depleting substance; or
  - (b) on two occasions over a period of not less than 21 days the Authority by notice published in a newspaper circulated generally throughout Victoria has stated that it is satisfied that it is not practicable to recover the ozone-depleting substance in the situation or situations described in the notice.

## **REGISTRATION AND ACCREDITATION**

### **16. Ozone Layer Protection Boards**

- (1) The Authority may establish Ozone Layer Protection Boards to –
  - (a) ensure that applicants have the skills, expertise and equipment to avoid or minimise emissions of ozone-depleting substances by implementing the registration and accreditation requirements under this policy; and
  - (b) provide assistance to the Authority upon its request regarding any other matter under this policy including –
    - (i) identifying alternatives to ozone-depleting substances;
    - (ii) developing environment improvement plans under this policy; and
    - (iii) monitoring consumption trends for ozone-depleting substances.
- (2) Ozone Layer Protection Boards will –
  - (a) consist of members approved by the Authority who –
    - (i) will be broadly representative of interested stakeholders; and
    - (ii) have skills, or knowledge that will assist the Board to carry out its functions.
  - (b) exercise their functions in accordance with terms of reference approved by the Authority which may include –
    - (i) roles and responsibilities;
    - (ii) record keeping and reporting;
    - (iii) application of Board funds; and
    - (iv) any other matter that the Authority considers appropriate.

### **17. Registration and accreditation**

- (1) Any –
  - (a) supplier of any ozone-depleting substance; or
  - (b) person who purchases any ozone-depleting substance for or in relation to any activity listed in Schedule C;must, subject to clause 19, be registered by an Ozone Layer Protection Board.
- (2) Any person who uses any ozone-depleting substance for or in relation to any activity listed in Schedule C must, subject to clause 19, be accredited by an Ozone Layer Protection Board.

### **18. Granting of registration or accreditation**

- (1) Within 60 days of receiving an application for registration or accreditation, an Ozone Layer Protection Board must –
  - (a) refuse to grant registration or accreditation; or
  - (b) grant registration or accreditation subject to such conditions, if any, the Board considers appropriate.

- (2) When considering an application for registration or accreditation, an Ozone Layer Protection Board must have regard to –
  - (a) the policy intent and principles;
  - (b) practicable alternatives to ozone-depleting substances and equipment or products that use ozone-depleting substances; and
  - (c) whether the person is a fit and proper person to hold such a grant so as to achieve the best practicable environmental outcome.
- (3) In granting registration or accreditation the Ozone Layer Protection Board must be satisfied that the applicant –
  - (a) has an adequate appreciation of –
    - (i) the role of ozone-depleting substances in depleting stratospheric ozone; and
    - (ii) the consequences of the depletion of stratospheric ozone;
  - (b) has a proven ability to take effective measures to minimise emissions of any ozone depleting substances including an understanding of any relevant Codes of Practice specified under clause 21; and
  - (c) has access to equipment to minimise the emissions of any ozone-depleting substance.
- (4) The Ozone Layer Protection Board must notify the applicant in writing of its decision under sub-clause (1) within 7 days after the decision is made.

**19. The Authority may grant registration or accreditation**

- (1) A person may apply to the Authority for a grant of registration or accreditation if –
  - (a) there is no appropriate Ozone Layer Protection Board; or
  - (b) registration or accreditation has been refused by an Ozone Layer Protection Board.
- (2) Upon receiving an application for registration or accreditation the Authority may, within 60 days of receiving the application –
  - (a) refuse to grant registration or accreditation; or
  - (b) grant registration or accreditation subject to such conditions, if any, as the Authority considers appropriate.
- (3) In considering an application for a grant of registration or accreditation, the Authority will take into account the matters under sub-clauses 18(2) and (3).
- (4) The Authority must notify the applicant in writing of its decision under sub-clause (2) within 7 days after the decision was made.

**20. Rescinding grant of registration or accreditation**

- (1) The Authority may rescind any grant of registration or accreditation, if –
  - (a) it is of the opinion that a grant of registration or accreditation by a Board under clause 18 is not appropriate;
  - (b) any information supplied by the applicant was false or misleading;
  - (c) any condition of the grant of registration or accreditation has been contravened;
  - (d) where a person has an environment improvement plan approved under this policy, any condition of the plan has been contravened; or
  - (e) the person is not a fit and proper person to hold such a grant.
- (2) If the Authority rescinds a grant of registration or accreditation, it must notify the applicant of its decision and the reasons for its decision within 7 days of making the decision to rescind.



**21. Codes of Practice**

Any person that designs, manufactures, installs, operates, services, maintains, commissions or decommissions any equipment that uses any ozone-depleting substance must comply with the whole or any relevant part of codes of practice, standards or guidelines specified by the Authority.

**OBLIGATIONS OF SUPPLIERS AND PURCHASERS****22. Obligation to check registration and accreditation**

- (1) Suppliers of ozone-depleting substances to a person for or in relation to any activity listed in Schedule C, must not supply ozone-depleting substances to the person except where the person is registered under this policy.
- (2) Purchasers of ozone-depleting substances registered under this policy must not supply ozone-depleting substances to a person for or in relation to any activity listed in Schedule C, except where the person is accredited under this policy.

**23. Suppliers to record and report consumption data**

- (1) A supplier of any ozone-depleting substance –
  - (a) must maintain, for a period of two years, a record of –
    - (i) the name and address of the purchaser;
    - (ii) the name of the ozone-depleting substance supplied;
    - (iii) where possible, the end use category;
    - (iv) the quantity of the ozone-depleting substance supplied; and
    - (v) quantities of ozone-depleting substances returned for reuse, recycling, reclamation, storage or destruction under sub-clause (1)(b).
  - (b) must accept, wherever practicable, all recovered ozone-depleting substances returned for reuse, recycling, reclamation, storage or destruction;
- (2) A wholesaler or distributor must return the recovered ozone-depleting substances returned to them to a supplier for reclamation, recycling, destruction or storage wherever practicable.
- (3) Written records of aggregate information must be supplied to an appropriate Ozone Layer Protection Board, or the Authority where there is no appropriate Board, each year ending 30 June and at any time upon request by the Board or the Authority.
- (4) The end use categories for the purposes of sub-clause (1)(a)(iii) are –
  - (a) foam production
  - (b) solvents use
  - (c) dry cleaning
  - (d) aerosols
  - (e) vehicle air conditioning
  - (f) commercial/ industrial air conditioning and refrigeration
  - (g) domestic refrigeration
  - (h) domestic air conditioning
  - (i) portable fire extinguishers
  - (j) fire suppression systems
  - (k) fumigation
  - (l) miscellaneous (if none of the above, specify the application or activity)
- (5) Where the information to be supplied for the purposes of sub-clause (3) has been supplied under any other statutory requirement, a copy of that information may be provided to the appropriate Ozone Layer Protection Board or the Authority, as the case requires, in satisfaction of sub-clause (3).

**ENVIRONMENT IMPROVEMENT PLANS****24. Environment improvement plan**

- (1) Any
  - (a) person who; or
  - (b) association or body representing an industry which;  
uses any ozone-depleting substance or any product or equipment that uses an ozone-depleting substance may submit an environment improvement plan to the Authority for approval under this policy.
- (2) The Authority may require any –
  - (a) person who; or
  - (b) association or body representing an industry which;  
uses any ozone-depleting substance or any product or equipment that uses an ozone-depleting substance to prepare an environment improvement plan within 6 months for approval by the Authority.
- (3) Upon receiving an environment improvement plan under sub-clause (1) or (2) the Authority may approve, subject to such conditions as the Authority considers appropriate, the environment improvement plan if it is satisfied that the plan makes provision for –
  - (a) the handling of ozone-depleting substances or products or equipment that uses ozone depleting substances;
  - (b) the replacement of ozone-depleting substances with alternative substances, or products or equipment that uses ozone-depleting substances through product or equipment design, in a manner which achieves the best environmental outcome; and
  - (c) any other matter considered appropriate.
- (4) The Authority may rescind its approval of an environment improvement plan if it is satisfied that any condition of the environment improvement plan has been contravened.
- (5) If the Authority rescinds its approval of an environment improvement plan it must notify the applicant of its decision and the reasons for its decision within 7 days of making the decision to rescind.

**25. Management of ozone-depleting substances to be in accordance with environment improvement plan**

Any person who is a signatory to an approved environment improvement plan must not handle any ozone-depleting substance, or use any product or equipment that uses an ozone-depleting substance, other than in accordance with the approved environment improvement plan.

**LABELLING AND HANDLING****26. Labelling of refrigeration and air conditioning equipment for sale**

Any person who manufactures, distributes or sells any refrigeration or air conditioning equipment that uses an ozone-depleting substance in its operation must ensure that the equipment is clearly labelled in such a manner that the –

- (a) ozone-depleting substance can be identified at all times; and
- (b) labelling will endure for the likely service life of the equipment.

**27. Labelling of refrigeration and air conditioning equipment during servicing**

Any person who services any refrigeration or air conditioning equipment by charging it with an ozone-depleting substance, or by replacing its existing ozone-depleting substance with some other refrigerant, must ensure that the equipment is clearly labelled in such a manner that

records the following information –

- (a) the name and address of the person carrying out the service;
- (b) the date of the service; and
- (c) the type of refrigerant used in the service.

**28. Labelling and handling of vessels containing ozone-depleting substances**

- (1) Any person who manufactures, distributes, sells or handles any vessel containing an ozone-depleting substance must ensure that the vessel is clearly labelled with the name of the ozone-depleting substance and any other substance contained in that vessel.
- (2) A person must not fill or partially fill any vessel containing an ozone-depleting substance with any substance other than the ozone-depleting substance identified on the vessel unless the person ensures that the vessel is clearly labelled with the contents of the vessel.
- (3) Transferral of ozone-depleting substances between vessels must be achieved with no or minimal emission of ozone-depleting substances to the atmosphere.

**HALON FIRE PROTECTION EQUIPMENT**

**29. Obligations relating to halon fire protection equipment**

- (1) A person must not install, use or operate halon fire protection equipment unless –
  - (a) the Authority is satisfied that the use of the halon fire protection equipment complies with the essential use criteria specified in Schedule D; or
  - (b) on two occasions over a period of not less than 21 days the Authority by notice published in a newspaper circulated generally throughout Victoria states that it is satisfied the use of the halon fire protection equipment in the situation or situations described in the notice complies with essential use criteria specified in Schedule D.
- (2) Any person who owns or controls halon fire protection equipment which, in the opinion of the Authority, does not comply with the essential use criteria specified in Schedule D must ensure that it is decommissioned and the halons returned to a supplier for storage, reuse, recycling or destruction.
- (3) The Authority may consult any person or bodies that the Authority considers capable of assisting the Authority in relation to determining whether it is satisfied that the use of halon fire protection equipment complies with the essential use criteria specified in Schedule D under sub-clause (1).
- (4) To reduce the emissions of halons from fire protection equipment –
  - (a) discharge testing of portable halon fire extinguishers and the use of a portable halon fire extinguisher for training purposes is banned; and
  - (b) a person must not –
    - (i) test a halon fire suppression system if such testing will result in a release of halon to the atmosphere;
    - (ii) use halons for testing halon fire suppression systems except in accordance with an approved environment improvement plan.

**30. Savings for existing boards, registrations and accreditations**

Despite the revocation of the industrial waste management policy (Control of Ozone-depleting Substances) –

- (a) an Industry Board approved before the date of revocation will continue to remain in force for a period of three months from the date of commencement of this policy; and
- (b) a person who, immediately before the date of revocation held a registration or accreditation continues, subject to this policy, to be registered or accredited for a period of twelve months from the date of commencement of this policy.

**SCHEDULE A: OZONE-DEPLETING SUBSTANCES****PART 1: CHLOROFLUOROCARBONS**

Chemical Formula	Common Name
$\text{CFCl}_3$	CFC-11
$\text{CF}_2\text{Cl}_2$	CFC-12
$\text{C}_2\text{F}_3\text{Cl}_3$	CFC-113
$\text{C}_2\text{F}_4\text{Cl}_2$	CFC-114
$\text{C}_2\text{F}_5\text{Cl}$	CFC-115
$\text{CF}_3\text{Cl}$	CFC-13
$\text{C}_2\text{FCl}_5$	CFC-111
$\text{C}_2\text{F}_2\text{Cl}_4$	CFC-112
$\text{C}_3\text{FCl}_7$	CFC-211
$\text{C}_3\text{F}_2\text{Cl}_6$	CFC-212
$\text{C}_3\text{F}_3\text{Cl}_5$	CFC-213
$\text{C}_3\text{F}_4\text{Cl}_4$	CFC-214
$\text{C}_3\text{F}_5\text{Cl}_3$	CFC-215
$\text{C}_3\text{F}_6\text{Cl}_2$	CFC-216
$\text{C}_3\text{F}_7\text{Cl}$	CFC-217

**PART 2: HALONS**

Chemical Formula	Common Name
$\text{CF}_2\text{BrCl}$	Halon-1211
$\text{CF}_3\text{Br}$	Halon-1301
$\text{C}_2\text{F}_4\text{Br}_2$	Halon-2402

**PART 3: HYDROCHLOROFLUOROCARBONS**

Chemical Formula	Common Name
$\text{CHFCl}_2$	HCFC-21
$\text{CHF}_2\text{Cl}$	HCFC-22
$\text{CH}_2\text{FCl}$	HCFC-31
$\text{C}_2\text{HFCl}_4$	HCFC-121
$\text{C}_2\text{HF}_2\text{Cl}_3$	HCFC-122
$\text{C}_2\text{HF}_3\text{Cl}_2$	HCFC-123
$\text{CHCl}_2\text{CF}_3$	HCFC-123
$\text{C}_2\text{HF}_4\text{Cl}$	HCFC-124
$\text{CHFClCF}_3$	HCFC-124
$\text{C}_2\text{H}_2\text{FCl}_3$	HCFC-131
$\text{C}_2\text{H}_2\text{F}_2\text{Cl}_2$	HCFC-132

$C_2H_2F_3Cl$	HCFC-133
$C_2H_3FCl_2$	HCFC-141
$CH_3CFCl_2$	HCFC-141b
$C_2H_3F_2Cl$	HCFC-142
$CH_3CF_2Cl$	HCFC-142b
$C_2H_4FCl$	HCFC-151
$C_3HFCl_6$	HCFC-221
$C_3HF_2Cl_5$	HCFC-222
$C_3HF_3Cl_4$	HCFC-223
$C_3HF_4Cl_3$	HCFC-224
$C_3HF_5Cl_2$	HCFC-225
$CF_3CF_2CHCl_2$	HCFC-225ca
$CF_2ClCF_2CHClF$	HCFC-225cb
$C_3HF_6Cl$	HCFC-226
$C_3H_2FCl_5$	HCFC-231
$C_3H_2F_2Cl_4$	HCFC-232
$C_3H_2F_3Cl_3$	HCFC-233
$C_3H_2F_4Cl_2$	HCFC-234
$C_3H_2F_5Cl$	HCFC-235
$C_3H_3FCl_4$	HCFC-241
$C_3H_3F_2Cl_3$	HCFC-242
$C_3H_3F_3Cl_2$	HCFC-243
$C_3H_3F_4Cl$	HCFC-244
$C_3H_4FCl_3$	HCFC-251
$C_3H_4F_2Cl_2$	HCFC-252
$C_3H_4F_3Cl$	HCFC-253
$C_3H_5FCl_2$	HCFC-261
$C_3H_5F_2Cl$	HCFC-262
$C_3H_6FCl$	HCFC-271

## PART 4: HYDROBROMOFLUOROCARBONS

Chemical Formula	Common Name
$CHBr_2$	
$CHF_2Br$	HBFC-22B1
$CH_2FBr$	
$C_2HFBr_4$	
$C_2HF_2Br_3$	
$C_2HF_3Br_2$	
$C_2HF_4Br$	
$C_2H_2FBr_3$	

$C_2H_2F_2Br_2$   
 $C_2H_2F_3Br$   
 $C_2H_3FBr_2$   
 $C_2H_3F_2Br$   
 $C_2H_4FBr$   
 $C_3HFBr_6$   
 $C_3HF_2Br_5$   
 $C_3HF_3Br_4$   
 $C_3HF_4Br_3$   
 $C_3HF_5Br_2$   
 $C_3HF_6Br$   
 $C_3H_2FBr_5$   
 $C_3H_2F_2Br_4$   
 $C_3H_2F_3Br_3$   
 $C_3H_2F_4Br_2$   
 $C_3H_2F_5Br$   
 $C_3H_3FBr_4$   
 $C_3H_3F_2Br_3$   
 $C_3H_3F_3Br_2$   
 $C_3H_3F_4Br$   
 $C_3H_4FBr_3$   
 $C_3H_4F_2Br_2$   
 $C_3H_4F_3Br$   
 $C_3H_5FBr_2$   
 $C_3H_5F_2Br$   
 $C_3H_6FBr$

## PART 5: CARBON TETRACHLORIDE

Chemical Formula	Common Name
$CCl_4$	Carbon tetrachloride

## PART 6: METHYL CHLOROFORM

Chemical Formula	Common Name
$C_2H_3Cl_3^*$	1,1,1-trichloroethane*

\*This formula does not refer to 1,1,2 - trichloroethane

## PART 7: METHYL BROMIDE

Chemical Formula	Common Name
$CH_3Br$	Methyl Bromide

**SCHEDULE B – ACTIVITIES UNDER CLAUSE 15: RECOVERY OF OZONE-DEPLETING SUBSTANCES**

1. Solvent cleaning.
2. Servicing, maintaining or decommissioning motor vehicle air conditioning units.
3. Commissioning, manufacturing, installing servicing, maintaining or decommissioning –
  - (a) industrial and commercial air conditioning and refrigeration units;
  - (b) domestic air conditioning and domestic refrigeration units.
4. Servicing, maintaining or decommissioning fire protection equipment .
5. Fumigation for pest and disease control.

**SCHEDULE C – ACTIVITIES UNDER CLAUSE 17: REGISTRATION AND ACCREDITATION**

1. Service, maintenance, decommissioning and installation of motor vehicle air conditioning equipment.
2. Commissioning, manufacture, service, maintenance, installation and decommissioning of-
  - (a) commercial and industrial refrigeration and air conditioning equipment.
  - (b) domestic refrigeration equipment or domestic air conditioning equipment.
3. Service, maintenance, design, installation, commissioning and decommissioning of fire suppression systems.
4. Service, maintenance and decommissioning of portable fire extinguishers.

**SCHEDULE D: ESSENTIAL USE CRITERIA FOR USE OF HALON PORTABLE FIRE EXTINGUISHERS AND HALON FIRE SUPPRESSION SYSTEMS**

An essential use is where –

- (1) there is a state of danger, imminent or otherwise, to human life, either
  - (a) in an installation where human occupancy is critical and evacuation is not possible; or
  - (b) where the continued operation of the installation is necessary to protect human life; and an acceptable alternative means of fire protection does not exist; or
- (2) in an installation critical to the community, a fire-caused loss of equipment or fire-caused loss of the operation of the equipment or to the services from the operation of the equipment,
  - (a) may have far reaching consequences; and
  - (b) an acceptable alternative means of fire protection does not exist.

Dated Tuesday 30 October 2001

Responsible Minister  
SHERRYL GARBUTT MP  
Minister for Environment  
and Conservation

HELEN DOYE  
Clerk of the Executive Council

**Industrial Waste Management Policy (Protection of the Ozone Layer)****EXPLANATORY NOTES**

Industrial waste management policies (IWMPs) are declared by the Governor in Council under section 16(1A) of the **Environment Protection Act 1970**. IWMPs specify requirements to be observed in managing industrial waste.

**BACKGROUND TO THE POLICY**

This policy updates and refines Victoria's established framework for ozone layer protection to enable Victoria to continue to play its part in helping Australia to meet its international obligations under the **1985 Vienna Convention for the Protection of the Ozone Layer** and the **1987 Montreal Protocol on Substances that Deplete the Ozone Layer**. This policy provides an improved framework and tools to minimise the serious threats posed to human health and the environment from ultraviolet radiation through ozone-depletion through reduced consumption and emissions of ozone-depleting substances.

**Title**

Clause 1 states that the policy title is industrial waste management policy (Protection of the Ozone Layer).

**Commencement**

Clause 2 states when the respective parts of the policy comes into effect.

**Revocation of industrial waste management policy (Control of Ozone-depleting Substances)**

Clause 3 revokes industrial waste management policy (Control of Ozone-depleting Substances).

**Contents of Policy**

Clause 4 outlines the contents and structure of the policy.

**Application of Policy**

Clause 5 states that the Policy applies throughout the State of Victoria.

**Circumstances in which policy may be revoked or varied**

Clause 6 provides for the variation or revocation of the policy where the objectives and intent of the policy can be otherwise met through Commonwealth law.

**Obligation to comply with industrial waste management policies**

Clause 7 states that any person who contravenes any rules or requirements specified in the policy is guilty of an indictable offence under the **Environment Protection Act 1970**.

**Definitions**

Clause 8 provides specific definitions of various words and terms used throughout the policy.

**PART I – POLICY FRAMEWORK****Objectives**

Clause 9 sets out the objectives of the policy, which underlie the specific requirements of the policy.

**Principles**

Clause 10 indicates the environment protection principles applied by the policy, and are to be used to guide decisions about the management of ozone-depleting substances. To minimise any potential adverse environmental impacts associated with substitutes for ozone-depleting substances, such substitutes should also be managed in accordance with these principles and, where applicable, in accordance with any national, Commonwealth or State requirements relating to their use.

**Policy intent**

Clause 11 indicates what is to be achieved through the implementation of the policy.



## **PART II – ATTAINMENT MEASURES**

### **OVERVIEW**

Clause 12 sets out the strategic approach that EPA will adopt to achieve the policy objectives.

#### **Implementation**

Clause 13 sets out the various actions or measures that EPA can adopt to achieve the policy objectives.

### **OBLIGATION TO ADOPT ALTERNATIVES AND MINIMISE EMISSIONS**

#### **Obligation to adopt alternatives and minimise emissions of ozone-depleting substances**

Clause 14 provides an overarching obligation for the replacement of ozone-depleting substances where practicable and to avoid or minimise emissions of these substances to the atmosphere so as to achieve the best environmental outcome.

#### **Recovery of ozone-depleting substances**

Clause 15 provides for the recovery, reuse, recycling, and destruction of ozone-depleting substances as a means for meeting the obligations under clause 14 to avoid or minimise emissions.

### **REGISTRATION AND ACCREDITATION**

#### **Ozone Layer Protection Boards**

Clause 16 provides for the establishment of Ozone Layer Protection Boards to implement the registration and accreditation provisions of the policy to ensure that only those with the skills, expertise and equipment to avoid or minimise emissions of ozone-depleting substances can have access to, and use these substances.

#### **Registration and accreditation**

Clause 17 requires suppliers and purchasers of ozone-depleting substances to be registered under the policy and for users of these substances to be accredited.

#### **Granting of registration or accreditation**

Clause 18 sets out the criteria Ozone Layer Protection Boards are to apply when considering applications for grants of registration or accreditation and the grants process.

#### **The Authority may grant registration or accreditation**

Clause 19 provides that persons can apply to the Authority for a grant of registration or accreditation where there is no appropriate Ozone Layer Protection Board or where they have been refused such a grant by a Board.

#### **Rescinding grant of registration or accreditation**

Clause 20 empowers the Authority to rescind grants of registration or accreditation where criteria stated in the clause is met.

#### **Codes of Practice**

Clause 21 provides for the adoption under the policy of the whole or relevant parts of any existing codes of practice, standards or guidelines developed by industry, including those developed in cooperation with the Authority, relating to work practices aimed at minimising emissions of ozone-depleting substances.

### **OBLIGATIONS OF SUPPLIERS AND PURCHASERS**

#### **Obligation to check registration and accreditation**

Clause 22 obliges suppliers and purchasers to only supply ozone-depleting substances to registered or accredited persons where the registration/accreditation provisions of the policy apply.

#### **Suppliers to record and report consumption data**

Clause 23 obliges: suppliers of ozone-depleting substances to take back any ozone-depleting substances returned to them; wholesalers and distributors to return such substances to a supplier for reclamation, recycling, destruction or storage wherever practicable; and suppliers to record and report consumption data to an appropriate Board or the Authority.

**ENVIRONMENT IMPROVEMENT PLANS****Environment improvement plan**

Clause 24 provides for the development and content of environment improvement plans.

**Management of ozone-depleting substances to be in accordance with environment improvement plan**

Clause 25 provides that any person who is a signatory to an environment improvement plan must comply with the terms of the plan.

**LABELLING AND HANDLING****Labelling of refrigeration and air conditioning equipment for sale**

Clause 26 specifies the labelling obligations for manufacturers, distributors and sellers of refrigeration or air conditioning equipment that uses an ozone-depleting substance. This clause aims to reduce the risk of contamination of these substances which can prevent their recovery and reuse etc.

**Labelling of refrigeration and air conditioning equipment during servicing**

Clause 27 specifies the labelling obligations for persons who charge refrigeration or air conditioning equipment with an ozone-depleting substance or a replacement refrigerant to reduce the risk of contamination of these substances.

**Labelling and handling of vessels containing ozone-depleting substances**

Clause 28 provides for obligations relating to the labelling and handling of any vessel containing an ozone-depleting substance to: reduce the risk of contaminating these substances; allow for legitimate mixing with other substances and minimise emissions.

**HALON FIRE PROTECTION EQUIPMENT****Obligations relating to halon fire protection equipment**

Clause 29 provides for obligations in relation to halon fire protection equipment and for exemptions where the use of such equipment meets essential use criteria set out in Schedule D to the policy

**Savings for existing boards, registrations and accreditations**

Clause 30 sets out the transitional arrangements that apply to the policy.

**Schedule A – Ozone-depleting substances**

Schedule A lists the ozone-depleting substances which the policy applies to.

**Schedule B – Activities under Clause 15: Recovery of Ozone-depleting substances**

Schedule B lists the activities for the purposes of clause 15 of the policy.

**Schedule C – Activities under Clause 17: Registration and Accreditation**

Schedule C lists the activities for the purposes of clause 17 of the policy.

**Schedule D – Essential Use Criteria for Use of Halon Portable Fire Extinguishers and Halon Fire Suppression Systems**

Schedule D sets out the essential use criteria for use of halon fire protection equipment for the purposes of the policy.

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