

## REQUIREMENTS FOR THE SALE OF SMALL CANS OF R-134A IN THE STATE OF CALIFORNIA

### I. Retailer / Wholesaler Requirements

A. As of January 1, 2011, no person shall sell, supply, offer for sale or manufacture for sale in the State of California R-134a automotive refrigerant in a small container unless it has been certified for use and sale by CARB. NOTE: Automotive refrigerant in a Small Container means R-134a automotive refrigerant packaged in a container holding more than 2 ounces and less than 2 pounds of automotive refrigerant by weight.

B. No person shall dispose of or destroy any small container of R-134a automotive refrigerant subject to this regulation unless the disposal or destruction is performed in accordance with this regulation.

C. All used small containers of R-134a automotive refrigerant that contain any quantity of refrigerant must be returned to the retailer, wholesaler or the manufacturer (or the manufacturer's designated recovery facility).

### II. Retailer Only Requirements

A. A retailer must collect a \$10 deposit per can at the time of sale.

B. The deposit must be refunded when the consumer:

- a. Returns the used can where it was purchased within 90 days of purchase
- b. Submits proof of purchase
- c. Provided the can has not been breached ("Breached Container" means any small container that has been structurally compromised so that the container's contents have been released to the environment through an opening other than the self-sealing valve.

C. A retailer may return the deposit at their discretion if:

- a. It has been more than 90 days
- b. The consumer does not have their receipt
- c. The consumer returns the container to a location other than the place of purchase
- d. If the container has been breached

D. Unclaimed can deposits are to be used at the discretion of the retailer.

E. Accumulate and store any used small container of automotive refrigerant for transfer to the manufacturer (or it's designee). The retailer or manufacturer may provide collection bins, totes or boxes for the return of used product.

F. Any retailer who sells small containers of automotive refrigerant must display and make available the DIY educational brochures (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) to consumers.

G. On or after January 1, 2011, any retailer selling small containers of R-134a automotive refrigerant must display a placard (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) next to the display of small containers of automotive refrigerant. This placard must be at least 8 ½ inches by 11 inches and describe environmental hazards associated with release of HFC-134a, references for proper recharge techniques, and a description of the deposit and recycle program. The language must be in English and Spanish and must be approved by CARB.

### **III. Wholesale Distributor Only Requirements**

A. A wholesale distributor must collect a deposit per can at the time of sale. The amount of the deposit is to be determined by the wholesale distributor.

B. The deposit must be refunded when the wholesale distributor's customer:

- a. Returns the used can where it was purchased within 90 days of purchase
- b. Submits proof of purchase
- c. Provided the can has not been breached

C. A wholesale distributor may return the deposit at their discretion if:

- a. It has been more than 90 days
- b. The customer does not have their receipt
- c. The customer returns the container to a location other than the place of purchase
- d. If the container has been breached

D. Unclaimed can deposits are to be used at the discretion of the wholesale distributor.

E. Accumulate and store any used small container of automotive refrigerant for transfer to the manufacturer (or it's designee). The retailer or manufacturer may provide collection bins, totes or boxes for the return of used product.

F. Any wholesale distributor who sells small containers of automotive refrigerant must display and make available the DIY educational brochures (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) to customers.

G. On or after January 1, 2011, any wholesale distributor selling small containers of R-134a automotive refrigerant must display a placard (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) next to the display of small containers of automotive

refrigerant. This placard must be at least 8 ½ inches by 11 inches and describe environmental hazards associated with release of HFC-134a, references for proper recharge techniques, and a description of the deposit and recycle program. The language must be in English and Spanish and must be approved by CARB.

#### **IV. Reporting Requirements For Retailers**

A. Reports (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) to the Executive Officer are due March 1 every year starting March 1, 2011. Each annual report documents monthly data for small containers of automotive refrigerant sold and returned during the prior calendar year (Jan. 1- Dec 31). Reports must be submitted as follows:

a. Upon request from CARB, each retailer must report sales data of the number of small containers of automotive refrigerant sold and the number of used containers returned by consumers. The sales data and returned can data must be reported for each SKU, for each manufacturer, distributor, for each month and as totals for each reporting period. The data must be reported separately for the following categories : returned unused, returned for recycle and returned breached.

#### **V. Reporting Requirements For Wholesale Distributors**

A. Reports (available at [www.technicalchemical.com/techsupport.htm](http://www.technicalchemical.com/techsupport.htm)) to the Executive Officer are due March 1 every year starting March 1, 2011. Each annual report documents monthly data for small containers of automotive refrigerant sold and returned during the prior calendar year (Jan. 1- Dec 31). Reports must be submitted as follows:

a. Each wholesale distributor must report sales data of the number of small containers of automotive refrigerant sold and the number of used containers returned by customers. The sales data and returned can data must be reported for each SKU, for each manufacturer, distributor, for each month and as totals for each reporting period. The data must be reported separately for the following categories : returned unused, returned for recycle and returned breached.

#### **VI. Sell Through Period For Existing Products**

A. Small containers of R-134a automotive refrigerant packaged before December 31, 2009 (that do not meet the new small container requirements) may be sold in California until December 31, 2010. As of January 1, 2011, these products may not be sold in California.

#### **VII. Enforcement**

A. If any retailers or wholesale distributors are in violation of these regulations, CARB may prevent further sales or advertising of these products and may access a fine.

### **Retail Example of Can Deposit / Return**

- 1) TCC sells 1 pallet of #6344 Johnsen's R-134a 12 oz. cans to a California retailer (1260 cans).
- 2) TCC collects a can deposit from the retailer.
- 3) The retailer sells 3 cans of #6344 Johnsen's R-134a to a consumer and collects \$30 deposit (\$10 / can) over and above regular sales price of product.
- 4) Consumer returns used can(s) within 90 days, with their proof of purchase to the retailer and receives their \$10 / can refund of deposit.
- 5) The retailer collects used cans (in their own totes, bins or boxes or those supplied by TCC) and returns back to TCC for a refund of their deposit.

*NOTE: If the can is returned later than 90 days after date of purchase, or without proof of purchase or if the can is breached or if the can was a different brand than what was sold to them, the retailer is not required to refund the \$10 / can deposit. Refunds in these cases are at the discretion of the retailer.*

### **Wholesale Distributor Example of Can Deposit / Return**

- 1) TCC sells 1 pallet of #6344 Johnsen's R-134a 12 oz. cans to a California wholesale distributor (1260 cans).
- 2) TCC collects a can deposit from the wholesale distributor.
- 3) The wholesale distributor sells 1 pallet of cans to a customer and collects a deposit over and above regular sales price of product.
- 4) Customer returns used can(s) within 90 days, with their proof of purchase to the wholesale distributor and receives the refund of their deposit.
- 5) The wholesale distributor collects used cans (in their own totes, bins or boxes or those supplied by TCC) and returns back to TCC for a refund of their deposit.

*NOTE: If the can is returned later than 90 days after date of purchase, or without proof of purchase or if the can is breached or if the can was a different brand other than what was sold to them, the wholesale distributor is not required to refund the can deposit. Refunds in these cases are at the discretion of the wholesale distributor.*