

Int. No. 229

Introduced by Council Member Leffler; also Council Members Albanese, Berman, Castaneira Colon, De Marco, Fields, Greitzer, Harrison, Lisa, McCaffrey, Michels and O'Donovan-read and referred to the committee on Environmental Protection.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to regulating the use, sale and recycling of air conditioner refrigerant.

Be it enacted by the Council as follows:

Section one. **Declaration of legislative findings and intents.** The council finds that current methods of servicing automobile air conditioners result in substantial unnecessary emissions of chlorofluorocarbons (CFCs) into the atmosphere. The United States Environmental Protection Agency has found that "considerable scientific evidence [supports] the general concern that increased emission of CFCs...would lead to ozone depletion." 53 Fed. Reg. No. 156 at 30604 (August 12, 1988). Depletion of the earth's ozone layer threatens to increase incidence of skin cancer and cataracts, suppress human immune systems, damage crops and aquatic life and increase dangerous ground-level smog formation. The council therefore finds that the apparatus requirements and associated penalties contained in this local law

are necessary to prevent harm to humans and the ecosystem by ensuring that CFCs are safely and effectively recycled.

§2. Title twenty-four of the administrative code of the city of New York is amended by adding a new section 24-251.1 to follow section 24-151 to read as follows:

§24-151.1 **Air conditioner refrigerant use, sale and recycling.** a. Definitions. When used in this section:

1. **"CFC refrigerant"** means a chemical substance that contains CFCs, which is suitable for use as a cooling agent in mobile air conditioners.

2. **"Chlorofluorocarbons" or "CFCs"** mean the family of substances that contain carbon, fluorine and chlorine, and have no hydrogen atoms or double bonds, including but not limited to CFC-11, CFC-12, CFC-113, CFC-114, CFC-115 and CFC-502.

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

4. **"Motor vehicle"** means a vehicle that can travel on land which is propelled by means other than human or animal muscular power, except such vehicles that run only on tracks or rails.

5. **"Refrigerant recovery and recycling apparatus"** means a device that pumps out CFC refrigerant from a mobile air conditioner and purifies or stores the CFC refrigerant for recycling and reuse. Such device shall be Underwriters Laboratories design certified, or be approved by another testing laboratory approved by the department, to meet the standard established by the Society of Automotive Engineers.

b. No person shall release CFC refrigerant into the open air during the repair or servicing of a mobile air conditioner.

c. No person shall repair or service a mobile air conditioner without the use of refrigerant recovery and recycling apparatus.

d. No person shall sell or offer for sale CFC refrigerant in containers that are less than fifteen pounds net weight.

e. Notwithstanding any other provision of this code, violations of this section shall not be subject to the following provisions of this code:

(i) subparagraphs (ii), (iii), (iv) and (v) of paragraph five, paragraph six and paragraph eight of subdivision (b) of section 24-178;

(ii) subdivision (c) of section 24-178; and

(iii) section 24-190.

§3. The table of civil penalties following the introductory clause of subparagraph (i) of paragraph five of subdivision (b) of section 24-178 of such code is amended by adding a new line, to follow the line commencing with "24-151," to read as follows:

<u>Violations related to section, subdivision and paragraph</u>	<u>Civil Penalties</u>	
	<u>Maximum</u>	<u>Minimum</u>
<u>24-151.1 first violation</u>	<u>1,000.00</u>	<u>500.00</u>
<u>second violation</u>	<u>5,000.00</u>	<u>1,000.00</u>
<u>third and each subsequent violation</u>	<u>5,000.00</u>	<u>5,000.00</u>

§4. Subdivision (d) of section 24-152 of such code shall be amended to read as follows:

(d) This section shall not apply to refuse burning equipment, refuse compacting equipment and fuel burning equipment which primarily serve residents of a building or structure which is occupied in whole or in part as the residence of one or more persons, or which is occupied for transacting business, for rendering professional services, for rendering public or civic services, or for performing other commercial services that may incidentally involve the storage of limited quantities of stocks of goods for office use or purposes. In addition, subdivisions (a) and (b) of this section shall not apply to refrigerant recovery and recycling apparatus, as defined in section 24-151.1 of this subchapter.

§5. Subdivision (a) of section 24-121 of such code is hereby amended by adding thereto a new paragraph (19) to read as follows:

(19) Refrigerant recovery and recycling apparatus, as defined in section 24-151.1 of this chapter.

§6. This local law shall take effect on May 31, 1993. However, the commissioner may take all actions prior to such date that may be necessary to insure compliance with the terms of this local law including the promulgation of rules and regulations.