

***GUIDANCE DOCUMENT  
FOR THE  
STRATOSPHERIC OZONE PROTECTION PROGRAM  
AFTER JANUARY 1, 2005***

**Stratospheric Program Implementation Branch (6205J)  
Stratospheric Protection Division  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
Washington D.C. 20460**

**PART 1 – GENERAL INFORMATION: RECORDKEEPING AND REPORTING FOR CONTROLLED SUBSTANCES**

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Please note that this Guidance Document has been updated to reflect the new rule, “Process for Exempting Critical Uses From the Phaseout of Methyl Bromide,” published in the Federal Register in December 2004.

# **PART 1 – GENERAL INFORMATION: RECORDKEEPING AND REPORTING FOR CONTROLLED SUBSTANCES**

## **1.1. OVERVIEW OF THE EPA STRATOSPHERIC OZONE PROTECTION PROGRAM**

The U.S. Environmental Protection Agency's (EPA) Stratospheric Ozone Protection Program was originally developed in response to the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Protocol), an international agreement that requires signatory nations or "Parties" (listed in Appendix A) to reduce and eventually eliminate their production and consumption<sup>1</sup> of ozone-depleting substances (ODS). The Stratospheric Ozone Protection Program (the Program) is designed to ensure that the United States meets its obligations to phase-out and control these substances under the Protocol and the Clean Air Act.

### **1.1.1. Controlled Substances**

The Program defines two classes of ODS. These class I and class II substances, as well as their ozone depletion potentials (ODPs), are listed in Appendix B. These chemicals are considered to be controlled substances under the regulations, whether alone or in a mixture, if they are not in a manufactured product and are in bulk containers.<sup>2</sup>

All chemicals in class I, except Group VI (methyl bromide), were phased-out beginning January 1, 1996. Methyl bromide is scheduled for phaseout on January 1, 2005. In 2003, EPA added chlorobromomethane (CBM) to the list of controlled substances, creating a new Group (Group VIII) of class I substances. There were no interim phaseout levels for CBM; production and import became restricted on August 18, 2003.

Class II substances (hydrochlorofluorocarbons, or HCFCs) follow a different phaseout schedule, which began with the phaseout of HCFC-141b on January 1, 2003. (See Table 1 in Section 1.1.3 for the complete phaseout schedule for class II substances.)

Phaseout signifies a virtual elimination of production and importation of these chemicals in the United States. The detailed regulations governing the production, transfer, import, and export of controlled substances are contained in 40 CFR Part 82. The latest version of the regulation is available online at the Electronic Code of Federal Regulations at <http://ecfr.gpoaccess.gov/>, under Title 40 Part 82, "Protection of the Stratospheric Ozone."

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<sup>1</sup> "Consumption" is defined as "production plus import minus export," for the purposes of this guidance document, the CAA, and the Montreal Protocol.

<sup>2</sup> A bulk container is one that serves to transport the chemical and is not directly used in the application of the chemical or as part of a "use system." Iso-tanks used for transporting large volumes of chemicals are clearly bulk containers, as are 50-gallon drums and pressurized cylinders that serve only to transport the chemical. A refrigerator that has CFC-11 in its foam insulation and CFC-12 as its refrigerant is not a bulk container; rather, it is considered a product or a use system, since the refrigerator does not simply store these chemicals but uses them to refrigerate food.

### **1.1.2. The Phaseout Program for Class I Substances**

Since January 1, 1996, there has been no production or import of class I substances (other than methyl bromide), with only limited exceptions. EPA permits the use of these substances if produced or imported before January 1, 1996 (or prior to January 1, 1994 for halons).

Although the regulations phased-out the production and consumption of class I, Group II (halons) on January 1, 1994, and all other class I controlled substances (except methyl bromide) on January 1, 1996, a very limited number of exemptions exist, consistent with U.S. obligations under the Protocol. Additionally, as of August 18, 2003, there has been no production or import of CBM, the controlled substance added as Group VIII of class I substances in 2003. The regulations allow for the manufacture of phased-out class I controlled substances, provided the substances are either transformed or destroyed (§82.3 and §82.4(b)). They also allow limited manufacture if the substances are exported to countries listed under Article 5 of the Protocol (see Appendix C) or produced for essential or other exempted uses as authorized by the Protocol and the regulations.

To track and monitor these exceptions to the phaseout, the Program established the following types of allowances:

- (1) Article 5 allowances;
- (2) essential-use allowances; and
- (3) critical-use allowances.

The regulations allow import of phased-out class I controlled substances provided the sources are either transformed or destroyed. Limited exceptions to the ban on the import of phased-out class I controlled substances also exist if the substances are:

1. previously used;
2. imported for essential or other exempted uses as authorized by the Protocol and the regulations; or;
3. a transshipment or a heel (§82.4(d)).

Reporting and recordkeeping requirements also established by the Program are listed below. Part 2 and Part 3 of this guidance document cover the reporting and recordkeeping requirements for class I substances in more detail, but companies should refer to the actual regulation to ensure thorough compliance.

- Producers of Class I Substances - §82.13(f)(3)-(4)
- Importers of Class I Substances - §82.13(g)(4), §82.13(o-q)
- Essential Use Holders and Laboratory Suppliers - §82.13(s-x)
- Essential-use Exemption for Laboratory and Analytical Applications - §82.13(w)
- Notification of Article 5, Essential Use Allowance, or Methyl Bromide Transfers - §82.12(a)(1)
- Used Class I Substances – Petition to Import - §82.13(g)(2)-(3)
- Exporters of Class I Substances - §82.13(h), §82.13(f)(3)(vi)(ix)
- Second-Party Transformation and Second-Party Destruction - §82.13(k-m)
- Distributors of QPS Methyl Bromide - §82.13(y)(4)
- Certification of QPS Methyl Bromide Orders/Purchases - §82.13(y)(1)-(2), §82.13(z)(2)

- Distributors/ Third Party Applicators of Critical Use Methyl Bromide - §82.13(bb)(2) , §82.13(cc)(2)
- Certification of Critical Use Methyl Bromide Orders/Purchases - §82.13(bb)(1) , §82.13(cc)(1)

### 1.1.3. The Phaseout Program for Class II Substances

Under the Protocol, the United States is obligated to limit HCFC consumption to a specific level and to reduce it in a step-wise fashion. The Parties created a schedule with graduated reductions and the eventual phaseout of the consumption of HCFCs. The first phaseout milestone was in 1996, when HCFC consumption levels were capped using the formula of 3.1 percent (reduced to 2.8 percent at the seventh meeting of the Parties) of U.S. consumption in 1989, plus U.S. consumption of HCFCs in 1989, resulting in a cap of 15,240 ODP-weighted metric tons. The Protocol schedule calls for a 35-percent reduction of the cap in 2004, followed by a 65-percent reduction in 2010, a 90-percent reduction in 2015, a 99.5-percent reduction in 2020, and complete phaseout in 2030. The United States must comply with this phaseout schedule under the Protocol.

In order to meet the January 1, 2004 milestone, EPA phased out the HCFC with the highest ODP. HCFC-141b, with the highest ODP, was therefore scheduled for production and import bans beginning January 1, 2003. Table 1 presents the phaseout schedule for all class II substances.

**Table 1. U.S. Phaseout Schedule for Class II Substances**

Date	Affected Substances	Restriction
Jan 1, 2003	HCFC-141b	Ban on production and consumption, except for specified exemptions.
Jan 1, 2010	HCFC-142b, HCFC-22	Ban on production and consumption of virgin chemical unless used as feedstock or refrigerant in appliances manufactured prior to Jan 1, 2010.
Jan 1, 2015	All Other HCFCs	Ban on production and consumption of virgin chemical unless used as feedstock or refrigerant in appliances manufactured prior to Jan 1, 2020.
Jan 1, 2020	HCFC-142b, HCFC-22	Ban on remaining production and consumption, except for specified exemptions.
Jan 1, 2030	All Other HCFCs	Ban on remaining production and consumption, except for specified exemptions.

Similar to the allowance system for class I ODS, EPA included consumption and production allowances to limit the production and import of class II ODS.

In this allowance system, exemptions for the manufacture and import of HCFCs are permitted for:

- either transformation or destruction;
- exports to Article 5 countries; or
- production for export following their respective phaseout dates.

To track and monitor these exceptions to the phaseout, the Program established the following allowances:

- (1) production and consumption allowances;
- (2) Article 5 allowances; and
- (3) export production allowances.

Reporting and recordkeeping requirements also established by the Program are listed below. Part 4 of this guidance document covers the reporting and recordkeeping requirements for class II substances in more detail, but companies should refer to the actual regulation to ensure thorough compliance.

- Producers of Class II Substances - §82.24(b)(1)
- Importers of Class II Substances - §82.24(c)(1), §82.24(f)
- Exporters of Class II Substances - §82.24(d), §82.24(b)(1)(vi)
- Domestic Transfers of Allowances - §82.23
- Request for Additional Class II Consumption Allowances - §82.20(a)
- Used Class II Substances – Petition to Import - §82.24(c)(3)-(4)

## 1.2. GENERAL INSTRUCTIONS

This guidance document is designed to assist companies in complying with the reporting and recordkeeping requirements of the Stratospheric Ozone Protection Program. Forms and instructions for completing reports are provided for class I substances (including methyl bromide), and class II substances. The forms are *recommended formats* for submitting the required information to EPA. Companies may, however, provide the same information in another format, if desired.

This document is intended to serve only as guidance. It does not represent final Agency action, and cannot be relied upon to impose any obligation or create any enforceable rights on any party. This document in no way changes the requirements established under 40 CFR Part 82, Subpart A, and only supplements the explanations provided in the preambles to the rules. The most recent version of 40 CFR Part 82 is dated December 23, 2004. Additional guidance may be found in the following preambles to these rules:

- January 11, 2005 (70 FR 1972)
- June 17, 2004 (69 FR 34024)
- March 12, 2004 (69 FR 11946)
- January 28, 2004 (69 FR 4059)
- July 18, 2003 (68 FR 42884)
- January 21, 2003 (68 FR 2819)
- January 2, 2003 (68 FR 237)
- December 31, 2002 (67 FR 79861)
- December 27, 2002 (67 FR 79508)
- April 29, 2002 (67 FR 21129)
- February 11, 2002 (67 FR 6352)
- January 8, 2001 (66 FR 1462)
- November 28, 2000 (65 FR 70795)
- June 30, 2000 (65 FR 40524)
- October 5, 1998 (63 FR 53290)
- August 4, 1998 (63 FR 41625)
- May 10, 1995 (60 FR 24970)
- December 20, 1994 (59 FR 65478)

- December 30, 1993 (58 FR 69235)
- December 10, 1993 (58 FR 65018)
- July 30, 1992 (57 FR 33754)

The remainder of this guidance document is divided into three parts, each of which summarizes the provisions of the rule that pertain to the following controlled substances:

- Part 2 – Class I substances except methyl bromide;
- Part 3 – Methyl bromide; and
- Part 4 – Class II substances (HCFCs).

Within each part, recordkeeping and reporting requirements are discussed and instructions for completing the recommended reporting forms are provided.

### **1.2.1. Recordkeeping**

During inspections, records are used to verify quantities reported to EPA as produced, imported, exported, transformed or destroyed. Records and copies of reports must be kept by companies for three years.

### **1.2.2. Reporting<sup>3</sup>**

Quarterly and yearly reports should be sent by companies to EPA's Tracking System Program Manager, who, after an initial check, enters the data into the Tracking System, which tracks each company's expended and unexpended allowances. The Program Manager may resolve reporting discrepancies over the telephone before entering the report into the Tracking System. Once entered, a cover letter and balance statement for each company is printed and mailed by the Program Manager to acknowledge receipt of the quarterly and end-of-year reports. This statement is similar to the balance statement a person might receive from a bank. Companies should keep track of their own allowances and should check their records against balance statements they receive from EPA.

Quarterly reports for class II substances must be sent to EPA Headquarters and postmarked within 30 days after the end of the applicable reporting period. Quarterly reports for class I substances must be sent to EPA Headquarters postmarked within 45 days after the end of the applicable reporting period. The Program operates within a control period equal to one calendar year. Allowances are only usable during the specific control period (i.e., from January 1, 2004 to December 31, 2004). For further information on due dates for quarterly and yearly reports, please see Appendix D of this guidance document for a Control Period Calendar.

Companies can access hard copies of the forms by downloading the Adobe Acrobat (PDF) files off EPA's website at <http://www.epa.gov/ozone/record/index.html>. Companies also have the option of downloading Microsoft Word files off of this site and entering information into the forms electronically; however, once completed, these forms should be printed, signed, and submitted either by mail or fax. Companies without Internet access may obtain hard copies of the forms by contacting the Ozone Hotline at 1 (800)296-1996 or the Tracking System Program Manager at (202) 343-9192.

Reports can be submitted to EPA by hard copy or by fax, as described in more detail below:

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<sup>3</sup> Note, the forms that are provided on the website are *recommended formats* for submitting required information to EPA.

### ***Reporting by Hard Copy***

Hard copies can either be faxed or mailed to the EPA Tracking System Program Manager (see Section 1.5 for the mailing address).

### ***Reporting by Fax***

Companies may fax reports to the Tracking System Program Manager at (202) 343-2336. If the report is faxed, a hard copy should not be sent by mail. However, a company that faxes a report should follow up with a phone call to (202)-343-9192 to ensure that EPA received all the information.

### ***Reporting Electronically***

Currently, EPA is exploring the creation of a secure Web-based system for direct electronic reporting of data. EPA is assessing the feasibility and efficiency of creating such a system, and will work to bring it online as soon as possible. Please contact the Tracking System Manager with any questions.

## **1.3. CONFIDENTIALITY OF INFORMATION**

Information in reports submitted in compliance with the rule *may be claimed as confidential*. A company may assert a claim of confidentiality for any information it submits by clearly identifying the material as confidential. Such information will be treated in accordance with EPA's procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will only be disclosed by the means set forth in that subpart. If no claim of confidentiality accompanies a report when it is received by EPA, the report may be made available to the public by EPA without further notice to the company (40 CFR §2.203).

EPA utilizes the services of ICF Consulting to assist with the operation of the computer tracking system that stores the information submitted through the reports, and to provide technical assistance and support in evaluating the data. The contractor is the designated authorized representative of the Agency and is given information claimed to be confidential. As the authorized representative, the contractor is subject to the provisions of 42 U.S.C. §7414(c) concerning any information that is entitled to protection of trade secrets, as implemented by 40 CFR §2.301(h).

## **1.4. CONVERSION FACTORS – REPORTING IN KILOGRAMS**

All quantities should be reported in kilograms, rounded to the nearest whole kilogram. The generally accepted conversion factor between kilograms and pounds, for the purposes of this rule, are:

$$\text{kilograms} = \text{pounds} \times 0.4536$$

For example, if an invoice states that 10,000 pounds (lbs.) of a controlled substance were exported, the amount reported to EPA should be  $10,000 \times 0.4536$ , or 4,536 kilograms (kg).



## 1.5. CONTACTS

Information on Federal taxes for ozone-depleting chemicals and on products containing or manufactured with these chemicals can be obtained from the Internal Revenue Service (IRS) at (202) 622-3130.

The Stratospheric Ozone Protection Hotline can be contacted toll-free, at 1 (800) 296-1996, for documents and other materials relevant to the accelerated phaseout and other parts of the Title VI of the Clean Air Act. Questions regarding regulatory requirements of the phaseout and the Stratospheric Ozone Protection Program should be directed to this hotline.

The Stratospheric Ozone Protection Program is under the direction of the Stratospheric Program Implementation Branch (SPIB) in the Stratospheric Protection Division (SPD) of the Office of Air and Radiation (OAR). SPIB is responsible for U.S. compliance with the Montreal Protocol and for policy issues related to the implementation of Title VI of the Clean Air Act. The Branch maintains the tracking system; monitors trades; resolves policy issues; reviews quarterly reports; and coordinates compliance monitoring.

Readers are requested to bring errors in this document to the attention of the Tracking System Program Manager. Reporting forms and written communication should be directed to:

U.S. Postal Address:

Tracking System Program Manager  
Stratospheric Protection Division  
U.S. EPA (6205J)  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Express Mail Address:

Tracking System Program Manager  
Stratospheric Protection Division  
U.S. EPA (6205J)  
1310 L Street, NW  
Washington, D.C. 20005

Readers are requested to direct petitions to import used class I substances (including used methyl bromide) and used class II substances to the attention of the Refrigerant Recycling Program Manager at:

U.S. Postal Address:

Refrigerant Recycling Program Manager  
Stratospheric Protection Division  
U.S. EPA (6205J)  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Express Mail Address:

Refrigerant Recycling Program Manager  
Stratospheric Protection Division  
U.S. EPA (6205J)  
1310 L Street, NW  
Washington, D.C. 20005

Although the Stratospheric Ozone Protection Program is the primary point of contact, other offices at EPA that may be contacted include:

- Office of Enforcement and Compliance Assurance (OECA) - directs inspections and provides EPA Regional offices with guidelines on performing inspections of producers, importers, exporters, and transformers.

U.S. Postal Address:  
Compliance Assessment and Media Programs Division  
Office of Compliance  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460  
(202)-564-7047

- Office of Regulatory Enforcement (ORE) - directs and coordinates enforcement activities.

U.S. Postal Address:  
Air Enforcement Division  
Office of Regulatory Enforcement  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460  
(202)-564-2817

- EPA Regional Offices - perform on-site inspections of records kept by affected companies and provide guidance on compliance with regulatory requirements.

## **PART 2 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS I SUBSTANCES (EXCEPT METHYL BROMIDE)**

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## **PART 2 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS I SUBSTANCES (EXCEPT FOR METHYL BROMIDE)**

### **2.1 INTRODUCTION**

Part 2 of this Guidance Document outlines industry recordkeeping and reporting requirements for the Stratospheric Ozone Protection Program for class I substances except for methyl bromide (see “*Part 3 - Recordkeeping and Reporting for Methyl Bromide*”).

Producers, importers, essential use holders and laboratory suppliers, exporters, and Article 5 and essential use transferors that deal in ozone-depleting substances (ODS) are required to report periodically on a company-wide basis to EPA and to maintain records. Reports should be sent to the Administrator 45 days after the end of the applicable reporting period, unless otherwise specified. Records and copies of reports should be retained for three years. Quantities of class I substances should be reported in kilograms. Please refer to §82.12 and §82.13 of 40 CFR Part 82 for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed reporting forms are *recommended formats* for providing the required information to EPA. Companies may, however, provide the same information in another format if desired.

<u>Title</u>	<u>EPA Form Number</u>	<u>Number of Pages</u>	<u>CFR Number*</u>
<b><i>QUARTERLY REPORTS</i></b>			
Producer Quarterly Report	1432.22-P	3	82.13(f)(3)-(4)
Importer Quarterly Report	1432.22-I	4	82.13(g)(4), 82.13(o-q)
Essential Use Holder and Laboratory and Supplier Quarterly Report	1432.22-EU	5	82.13(s-x)
<b><i>MISCELLANEOUS REPORTS</i></b>			
Laboratory Certification Report	1432.22-L	2	82.13(w)
Notification of Article 5 or Essential-Use Allowance Transfers	1432.22-T	3	82.12(a)(1)
Petition to Import Used Substances	No form	--	82.13(g)(2)-(3)
<b><i>ANNUAL REPORTS</i></b>			
Exporter Annual Report	1432.22-E	3	82.13(h), 82.13(f)(3)(vi and ix)

Annual Report of Second-Party  
Transformation and Second-Party  
Destruction

Form 1432.22-SP

2

82.13(k-m)

*\* All citations are from the July 1, 2003 edition of 40 CFR 82.*

The remainder of Part 2 describes the recordkeeping and reporting requirements and provides instructions on how to complete each of the forms listed above.

## 2.2 PRODUCERS OF CLASS I SUBSTANCES

Producers of class I substances are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping, in most cases, may be done on a facility or plant basis. Section 82.13(f) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

Terms such as “production,” “destruction,” and “transform” are defined in the regulations (§82.3) and reproduced in Appendix E to this guidance document.

### 2.2.1 Recordkeeping Requirements

Section 82.13(f)(2) describes the recordkeeping requirements for producers in detail. These requirements are summarized below.

- Dated records of the quantity of class I substances produced at each facility;
- Dated records of the quantity of class I substances produced for use in processes resulting in their transformation or destruction, as well as those that are imported and sold for this use;
- Dated records of the quantity of class I substances produced for an essential use and quantity sold for use in an essential use process;
- Dated records of the quantity of class I substances produced with Article 5 allowances;
- Dated records of the quantity of class I substances used at each facility as feedstocks, destroyed in the manufacturing of any substance, and introduced into the production process of the same class I substance;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of class I substances;
- Dated records of the quantity of each chemical, other than class I substances, produced at each facility producing one or more class I substances;
- Dated records of the shipments of each class I substance produced at each plant;
- Copies of invoices or receipts documenting sales of class I substances resulting in their transformation or destruction;
- The quantity of class I substances, date received, and names and addresses of the source of used materials containing recycled or reclaimed class I substances at each plant;
- Records of the estimated quantity of any spill or release of class I substance that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation and Destruction verification (Internal Revenue Service Certificates in the case of Transformation) certifying the intent to transform or destroy the class I substance or sell the class I substance for transformation or destruction in cases when allowances were not expended;
- Written verifications that essential-use allowances were conveyed to the producer for production of specified quantities of a specific class I substances used only for the named essential use;
- Written certifications that quantities of class I substances were purchased by distributors of laboratory supplies or by laboratory customers to be used only for an essential use laboratory application; and
- Written verifications from a U.S. purchaser that class I substances were exported to an Article 5 country in cases when Article 5 allowances were expended during production.

## 2.2.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of producers (§82.13(f)(3)-(4)).

- *Production using Article 5 Allowances*  
Producers allocated baseline production allowances in §82.6 may produce up to the percent of their baseline allowances, as defined in §82.9, explicitly for export to Article 5 countries for their domestic use. Producers should report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in §82.13(f)(3)(ix), producers that produce class I substances using Article 5 allowances should provide a list of U.S. entities that purchased those class I substances and exported them to Article 5 countries. In addition, producers should maintain dated records of the quantity of class I substances produced with Article 5 allowances. Appendix C lists Article 5 countries.
- *Production for Global Laboratory Essential Use Exemption*  
Production for the global laboratory essential use exemption should meet the purity criteria specified in Appendix G to Subpart A of 40 CFR Part 82.

Quarterly reports of total quantities produced under the global laboratory essential use exemption should be accompanied by a list of the distributors of laboratory supplies; the laboratories' customers; and the quantity each customer requested during that quarter. In addition, the report should be accompanied by copies of the certifications from distributors of laboratory supplies and laboratories that ordered class I substances (except Group VI, methyl bromide). The certification should state that the class I substance is purchased solely for the laboratory applications and will not be resold or used in manufacturing as required in §82.13(f)(3)(xii).

- *Production Using Essential-Use Allowances Conferred*  
Holders of essential-use allowances may confer to a producer, in a letter, the right to produce a specific quantity of a specified class I substance. The letter should also certify that the class I substance is purchased solely for the specified essential use.

As explained in 82.13(f)(3)(x) through (xi), producers should report quarterly the quantity manufactured for (non-laboratory) essential uses and submit a list of essential use holders from whom orders were placed and the quantity of specific essential use substance requested and produced. In addition, the producer should submit a copy of the letter conferring the right to produce the material and certifying its purchase solely for the specified essential use.

- *Production for In-House or Second-Party Transformation*  
Producers should report quarterly the quantities of class I substances produced for in-house and second-party transformation.

Section 82.13(l) requires a person who purchases class I substances for second-party transformation to provide the producer with an IRS certification of intent to use the substance as a feedstock.

Copies of the IRS certificates of intent to use the class I substance as a feedstock should accompany the quarterly report, whether sold for second-party transformation in the U.S. or for second-party transformation overseas. For each purchaser, *only one copy* of the IRS certification

should be provided during each control period as long as subsequent quantities shipped to that company are listed in each quarterly report.

- *Production for In-House or Second-Party Destruction*

Producers should report quarterly the quantities of class I substances produced for in-house and second-party destruction.

Section 82.13(k) requires a person who purchases class I substances for second-party destruction to provide the producer from whom they purchased the material with verification that it will be used in a process resulting in its destruction.

Copies of destruction verifications for quantities sold for second-party destruction should accompany the Producer Quarterly Report.

- *Insignificant Quantities*

The decision of the Parties to the Montreal Protocol to exclude insignificant quantities under certain conditions is implemented by EPA under the definition of "controlled substance" in §82.3 of 40 CFR Part 82.

### **2.2.3 Form Instructions: Producer Quarterly Report (Form 1432.22-P)**

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 – Company Production Data (company-wide)
- Section 3 – Allowance Expenditure Data

#### ***Section 1 - Producing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.3 Company Contact Identification: Name, telephone number, and fax number of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter.
- 1.7 Signature of Reporting Company Representative: The company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company contact person identified in Section 1.3. The person signing the form should read the "certification" that the information on the form is accurate.



## **Section 2 - Company Production Data**

2.1 Company Name: Name as it appears in Section 1.2.

2.2 Company Production Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Essential Uses (Column B):*

*Global Laboratory Exemption (kg) (Column B<sup>1</sup>):*

The total quantity, in kilograms, of each class I substance produced *and shipped* under the global laboratory essential use exemption. (Submit certifications from distributors of laboratory supplies and individual laboratory customers for the quantity listed for each substance in Column B<sup>1</sup>.)

*Essential Use Exemption (Other than Global Laboratory) (kg) (Column B<sup>2</sup>):*

The total quantity, in kilograms, of each class I substance produced *and shipped* to a holder of essential-use allowances in the quarter. (Submit letter conferring rights to produce and certifying purchase for the essential use.)

*In-House Transformation (kg) (Column C):*

The total quantity, in kilograms, of each class I substance produced for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column D):*

The total quantity, in kilograms, of each class I substance produced for second-party transformation. (Submit the IRS certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column E):*

The total quantity, in kilograms, of each class I substance produced for in-house destruction.

*Second-Party Destruction (kg) (Column F):*

The total quantity, in kilograms, of each class I substance produced for second-party destruction. (A copy of the destruction verification from each company should accompany the report.)

*Article 5 Quarterly Production (kg) (Column G):*

The total quantity, in kilograms, of each class I substance produced explicitly for export to Article 5 countries during this quarter that will require expenditure of Article 5 allowances. Appendix C lists Article 5 countries.

*Total Production of Class I Substance (B+C+D+E+F=H) (kg) (Column H):*

The sum of the class I quantities produced, calculated by adding columns B, C, D, E, and F.

## **Section 3 - Allowance Expenditure Data**

3.1 Company Name: Name as it appears in Section 1.2.

- 3.2 Article 5 Yearly Balance Summary: Please supply this information for all substances for which the company holds Article 5 allowances.

*Chemical Name (Column A):*

The names of class I substances.

*Total Article 5 Allowances for Year to Date (as of end of quarter) (Column B):*

The quantity, in kilograms, of expended and unexpended Article 5 allowances.

## 2.3 IMPORTERS OF CLASS I SUBSTANCES

Importers of new class I substances are required to report to EPA. Section 82.13(g) and describes the regulatory requirements for recordkeeping and quarterly reporting of importation. They should also report blends and mixtures of class I substances. Terms such as "importer," "heel," "destruction," "transshipment," and "transform" are defined in the regulations (§82.3) and reproduced in Appendix E.

Importers of used class I substances need to petition EPA and the information required in the petition is described in §82.13(g)(2).

### 2.3.1 Recordkeeping Requirements

Section 82.13 (g)(1) describes in detail the recordkeeping requirements for importers of class I substances. These requirements are summarized below:

- The quantity of each class I substance imported, either alone or in mixtures, and the percentage of each mixture containing a class I substance;
- The quantity of each class I substance imported, either alone or in mixtures, that are used (including recycled or reclaimed);
- The quantity of class I substances excluding transshipments or used substances for use in processes resulting in their transformation or destruction;
- The date on which and the country from which the class I substances were imported;
- The port of entry of the class I substances;
- The commodity code for the class I substances shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the sale or transfer of class I substances for use in processes resulting in their transformation or destruction;
- Copies of IRS certifications confirming that the class I substances will be transformed or destruction verifications confirming its destruction;
- Dated records of the quantity of class I substances imported for an essential use; and
- Written certifications that the class I substances imported are for specific essential uses; are being purchased for essential laboratory and analytical applications; or are for the eventual sale to laboratories certifying that the class I substances are for essential use laboratory applications.

### 2.3.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§82.13(g)(4), §82.13(o-q)).

- *Import for the Global Laboratory Essential Use Exemption*  
Imports for the global laboratory essential use exemption should meet the stringent purity and packaging criteria described in Appendix G to Subpart A of 40 CFR Part 82.

Quarterly reports of total amounts imported under the global laboratory essential use exemption should be accompanied by a list of the distributors of laboratory supplies and the individual laboratories that purchased material and the amount requested by each during that quarter. In

addition, the report should be accompanied by copies of the certifications from distributors of laboratory supplies and laboratories that ordered the material. The certification should state that the class I substance was purchased solely for laboratory applications and will not be resold or used in manufacturing (§82.13(f)(3)(xii) and (xiii)).

- Imports for or by Holders of Essential-Use Allowances

Holders of essential-use allowances may import or confer to an importer, by letter, the right to import a specific quantity of a class I substance. The letter should also certify that the class I substance is imported solely for the specified essential use.

The person who imports should report quarterly the quantity of class I substances brought into the United States for (non-laboratory) essential uses. If imported for holders of essential-use allowances, the person should submit a list of essential use holders from whom orders were placed and the quantity of specific essential use substance requested and shipped. The importer should also submit a copy of the letter conferring the right to import the material and certifying its purchase solely for the specified essential use.

- Imports for In-House or Second-Party Transformation

Importers should report quarterly the quantities of class I substances imported for in-house and second-party transformation. Section 82.13(l) requires that a person who purchases class I substances for second-party transformation provide the importer with an IRS certification of intent to use the substance as a feedstock.

Copies of the IRS certificates of intent to use the class I substance as a feedstock should accompany the Importer Quarterly Report. For each purchaser, *only one copy* of the IRS certification need be provided as long as subsequent quantities shipped to that company are listed in each quarterly report.

- Imports for In-House or Second-Party Destruction

Importers should report quarterly the quantities of class I substances imported for in-house and second-party destruction. Section 82.13(k) requires the person who purchases class I substances for second-party destruction to provide the importer with verification that the class I substances will be used in processes that result in their destruction.

The importer quarterly report should be accompanied by copies of destruction verifications for quantities sold for second-party destruction.

- Imports of Used Class I Substances

Imports of used class I substances are reported separately in the Importer Quarterly Report.

- Imports of 'Heels'

A heel is any quantity of class I substance returning to the United States that is less than 10 percent of the volume of the container that was not unloaded or discharged from that container.

Imported heels are reported in each quarterly report. The importer should label their bill of lading or invoice indicating that the class I substance in the container is a heel. The importer of heels should submit certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed, or (4) be recovered for a non-emissive use. The importer should also report on the final disposition of each shipment.

### 2.3.3 Form Instructions: Importer Quarterly Report (Form 1432.22-I)

The Importer Quarterly Report has four sections:

- Section 1 – Importing Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Import Data (company-wide)
- Section 4 – Allowance Expenditure Data

#### ***Section 1 - Importing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Records***

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Source Country:*

The country that exported the class I substance to the United States.

*Port of Exit from Source Country:*

Port city from which the class I substance was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

*Quantity of Commodity Imported:*

The total quantity, in kilograms, of the commodity imported.

*Commodity Code of Shipment:*

The 10-digit code number in the Harmonized Tariff Schedule. The commodity codes for class I substances are designated by the U.S. Customs Service. The commodity codes for class I substances are listed below and in Appendix K to Subpart A of 40 CFR Part 82.

CFC-11 (trichlorofluoromethane).....	2903.41.0000	
CFC-12 (dichlorodifluoromethane).....	2903.42.0000	
CFC-113 (trichlorotrifluoroethane).....	2903.43.0000	
CFC-114 (dichlorotetrafluoroethane).....	2903.44.0010	
CFC-115 (chloropentafluoroethane).....	2903.44.0020	
Halons (1211, 1301 & 2402).....	2903.46.0000	
Mixtures with chlorofluorocarbons (CFCs) (such as R-500 and R-502).....		3824.71.0000
Mixtures, Other (one or more fully halogenated compounds, as defined in commodity codes listed above).....		3823.79.0000
Carbon Tetrachloride.....	2903.14.0000	
Methyl Chloroform (1,1,1- trichloroethane).....	2903.19.6010	
Organic Composite Solvents and Thinners (containing methyl chloroform or carbon tetrachloride).....		3814.00.5010

*Importer Number:*

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form 7501 as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

*Class I Substance Imported:*

The class I substance using its common name, such as CFC-11, CFC-12, CFC-113. If the class I substance imported is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (i.e., "R-500 containing CFC-12").

*Quantity of Class I Substance Imported:*

The total quantity, in kilograms, of the class I substance imported. For pure class I substances, this will equal the quantity of the commodity imported. For mixtures containing class I substances, multiply the percentage of class I substance in the mixture by the quantity of commodity imported.

*Port of Entry into the U.S.:*

The U.S. port where the shipment landed.

*Date of Import:*

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the truck or train enters the U.S.

*Customs Entry Summary Number:*

This number identifies the specific shipment (from block number 1 of U.S. Customs Form 7501). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

*Intended Use:*

Check the box describing the intended use (Essential use, Transformation or Destruction).

*Transaction Type:*

Check the box describing the transaction type (Used or Heels).

**Section 3 - Company Import Data**

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

3.2 Company Import Totals:

*Chemical Name (Column A):*

The common names of the class I substances.

*Essential Uses (Column B):*

*Global Laboratory Use Exemption (kg) (Column B<sup>1</sup>)\*:*

The total quantity, in kilograms, of each class I substance imported during the quarter that meets the purity standards for laboratory applications. If the substance imported was a component of a mixture (e.g., the refrigerants R-500 or R-502), report only the amount of the class I substance in the mixture. (Submit the certification from a distributor of laboratory supplies or a laboratory for the quantity listed for each substance in Column B<sup>1</sup>).

*Other Essential Use Exemption (kg) (Column B<sup>2</sup>)\*:*

The total quantity, in kilograms, of each class I substance imported and sold using essential-use allowances either held or conferred. (Submit letters conferring essential-use allowances and certifying purchase for the specific essential use.)

*In-House Transformation (kg) (Column C)\*:*

The total quantity, in kilograms, of each class I substance imported for in-house transformation purposes.

*Second-Party Transformation (kg) (Column D)\*:*

The total quantity, in kilograms, of each class I substance imported and sold for second-party transformation. (Submit the IRS certificate of intent to use the substance as a feedstock for the first sale to a company in a control period and only list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column E)\*:*

The total quantity, in kilograms, of each class I substance imported for in-house destruction.

*Second-Party Destruction (kg) (Column F):*

The total quantity, in kilograms, of each class I substance imported and sold for second-party destruction purposes. (Submit the destruction verification letters.)

*Total Imports of Class I Substance (B+C+D+E+F=G) (kg) (Column G):*

The sum of the quantities listed in Column B<sup>1</sup>, B<sup>2</sup>, C, D, E, and F for each class I substance in the quarter.

*Total Imports of "Used" Class I Substance (kg) (Column H):*

The total quantity, in kilograms, of each used class I substance imported.

*Total Amount of "Heels" of Class I Substance (kg) (Column J):*

The total quantity, in kilograms, of each class I substance brought into the U.S. as a heel that is less than 10 percent of the volume of each container. (Submit the certification that the heel will be treated as required in 82.13(r)).

\* NOTE: If the substance is a component of a mixture, report only the amount of the class I substance in the mixture.

#### ***Section 4 - Allowance Expenditure Data***

4.1 Company Name: Name of the company submitting the report, as in Section 1.5.

4.2 Yearly Balance Summary of Allowances: This information should be supplied for all substances for which the company holds consumption allowances.

*Chemical Name (Column A):*

The common names of class I substances.

*Total Consumption Allowances for Year to Date (as of end of quarter) that were (Column B):*

The total sum of expended and unexpended consumption allowances by chemical for the control period to date.



## 2.4 ESSENTIAL USE HOLDERS AND LABORATORY SUPPLIERS

A final rule published December 31, 2002 (67 FR 79861) updated the reporting requirements for holders of essential-use allowances, as previously established in July 1, 2002 revision of 40 CFR 82. The term “essential-use allowances” is defined in the regulations (§82.3) and reproduced in Appendix E.

### 2.4.1 Recordkeeping Requirements

There are no recordkeeping requirements for companies with allocated essential-use allowances. Likewise, there are no recordkeeping requirements for distributors of laboratory supplies. However, EPA recommends that companies placing orders for ozone-depleting substances with producers or importers for essential uses or for distribution to laboratories maintain copies of their certification letters, the original order/invoice, and other documents verifying shipment and receipt of the material.

### 2.4.2 Reporting Requirements

Companies allocated essential-use allowances and distributors of laboratory supplies should report to EPA. Section 82.13(s-x) describes the regulatory requirements for quarterly reporting for companies allocated essential-use allowances.

The following list summarizes specific reporting requirements for holders of essential-use allowances and laboratory supply distributors, respectively.

- Companies allocated Essential-Use Allowances  
Essential-use allowance holders should report quarterly on the quantity of each class I substance received from each producer or importer during the quarter as well as the country from which the class I substance was imported.

Holders of essential-use allowances should also report annually, submitting to the Administrator a report within *30 days* of the end of the control period, and, if possible, within 20 days of the end of the control period. The Distributor Annual Report is attached as Section 5 to the Essential Use Holder and Laboratory Supplier Report. Holders of essential-use allowances should report annually on the quantities, in kilograms, of each class I substance used for the essential uses, contained in exported products, and destroyed or recycled. Essential-use allowance holders should also submit the quantities of each class I substance, in kilograms, on hand at the end of the year that were acquired with essential-use allowances in all control periods, and stockpiled quantities produced or imported through the use of production and consumption allowances prior to the phaseout. The quantities in a stockpile are either owned by a company or are being held on behalf of a company under contract.

Additionally, holders of essential-use allowances for metered-dose inhalers should report the total number of marketable units of each specified metered-dose inhaler product manufactured during the year.

- *Distributors of Laboratory Supplies*

A distributor that purchased laboratory supplies under the global laboratory essential use exemption should submit the quantity supplied to each lab during the quarter. The *Laboratory Certification Report* should also be submitted if it is the first order placed by that lab for each specific class I substance under the global laboratory essential use exemption (see Section 2.5).

The distributor should submit annually the quantity of each class I substance purchased by each laboratory customer whose certification was previously provided to the distributor. The Distributor Annual Report is attached as Section 5 to the Essential Use Holder and Laboratory Supplier Report.

### **2.4.3 Form Instructions: Essential Use Holder and Laboratory Supplier Quarterly Report (Form 1432.22-EU)**

The Essential Use Holder and Laboratory Supplier Report has five sections. The first four sections comprise the Quarterly Report, while the fifth section comprises the Annual Report.

Section 1 – Company Identification

Section 2 – Amounts Received from Producers/Importers

Section 3 – Amounts Supplied to Labs

Section 4 – Distributor Totals

Section 5 – Distributor Annual Report

#### ***Section 1 - Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in all parts of the report.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year. If the fourth quarter is selected, Section 5 of the reporting form should also be completed and submitted.
- 1.5 Company Information: Name of the reporting company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Amounts Received from Producers / Importers***

- 2.1 **Company Name:** Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 **Transaction Summaries:** Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. This form may be reproduced as needed to obtain sufficient blank copies.

***Source Company:***

The company name from whom the material was received.

***Street Address:***

The business address of the company from whom the material was received.

***City:***

The city of the source company.

***State (U.S.) or Country:***

The state of the source company if the material was produced in the United States or the country of the source company if the material was imported.

***Zip Code (U.S.):***

The postal code of the source company if the material was produced in the United States.

***Chemical Name of Class I Substance Received:***

The common name of the substance received such as CFC-11 or CFC-12. If the substance is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (e.g., "R-500 containing CFC-12").

***Quantity of Class I Substance Received (kg):***

The total quantity, in kilograms, of the class I substance received.

## ***Section 3 - Amounts Supplied to Labs***

- 3.1 **Company Name:** Company submitting the Importer Quarterly Report, as in Section 1.5.
- 3.2 **Transaction Summaries:** Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. This form may be reproduced as needed to obtain sufficient blank copies. *If it is the first order placed by a lab for a specific chemical, the report should be accompanied by the "Laboratory Certification Report."*

***Lab Company:***

The lab name and address to whom the material was supplied.

***Street Address:***

The business address of the company to whom the material was supplied.

***City:***

The city of the lab company.

*State:*

The state of the lab company.

*Zip Code:*

The postal code of the lab company.

*Chemical Name of Class I Substance Supplied to Lab:*

The common name of substance supplied to lab such as CFC-11 or CFC-12. If substance is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (e.g., "R-500 containing CFC-12").

*Quantity of Class I Substance Supplied to Lab (kg):*

The total quantity, in kilograms, of the class I substance supplied to the lab.

**Section 4 - Distributor Totals**

4.1 Company Name: The distributing company submitting the Essential Use Holder and Laboratory Supplier Report, as in Section 1.5.

4.2 Company Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Total Quantity of Class I Substance Received (kg) (Column B):*

The total quantity, in kilograms, of each class I substance that the submitting company received in the quarter, either from a producer or importer.

*Total Quantity of Class I Substance Supplied to Labs (kg) (Column C):*

The total quantity, in kilograms, of each class I substance supplied to labs in the quarter.

**Section 5 - Distributor Annual Report**

5.1 Distributor Name: The distributing company submitting the Essential Use Holder and Laboratory Supplier Report, as in Section 1.5.

5.2 Company Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Purchased by Laboratory Customers (kg) (Column B):*

The total quantity, in kilograms, of each class I substance that the distributing company sold to laboratory customers during the year.

*Essential Uses (kg) (Column C):*

The total quantity, in kilograms, of each class I substance that was used for the essential use during the year.

*In Exported Products (kg) (Column D):*

The total quantity, in kilograms, of each class I substance that was contained in exported products during the year.

*Destroyed or Recycled (kg) (Column E):*

The total quantity, in kilograms, of each class I substance that was destroyed or recycled during the year.

*In Inventory (kg) (Column F):*

The total quantity, in kilograms, of each class I substance, acquired with essential-use allowances in all years, that was held in inventory as of the last day of the control period.

*Stockpiled (kg) (Column G):*

The total quantity, in kilograms, of each class I substance, produced or imported with production and consumption allowances prior to the phaseout, in a stockpile owned by the company or on behalf of the company under contract.

*Marketable Units (MDIs Only) (kg) (Column H):*

The total number marketable units of each specific metered-dose inhaler product manufactured during the year. Only holders of essential-use allowances for metered-dose inhalers are required to complete this column.

## **2.5 ESSENTIAL USE EXEMPTION FOR LABORATORY AND ANALYTICAL APPLICATIONS**

### **2.5.1 Recordkeeping Requirements**

There are no recordkeeping requirements for labs that purchase class I substances. However, EPA recommends that each lab maintain order forms, invoices, certifications and receipts for each shipment of class I substances received each year.

### **2.5.2 Reporting Requirements**

Labs purchasing class I substances should certify to the company from whom they are purchasing the material, one-time-per-year for each substance, that the material will be used solely for laboratory applications and not be resold or used in manufacturing. Specific reporting requirements, listed in the 40 CFR Part 82 under §82.13(w), are reproduced in *Form 1432.22-L* for the convenience of reporting companies.

The certification report should include the name of the laboratory customer and address, and a contact name and phone number for the customer. The certification from the lab should also identify the percent of the total quantity ordered that will be used for each type of laboratory application (e.g., reaction solvent, diluent for drug purity testing, reference chemical). Included in this form are categories of laboratory applications.

EPA is required to collect the lab certification information to meet United States reporting obligations under the international agreement of the Montreal Protocol. The reports will provide an estimate of the total quantity of class I substances used in various laboratory applications.

### **2.5.3 Form Instructions – Laboratory Certification Report (Form 1432.22-L)**

The Laboratory Certification Report has three sections:

- Section 1 – Laboratory Identification
- Section 2 – Substance Identification and Use
- Section 3 – Supplier Identification

#### ***Section 1 - Laboratory Identification***

- 1.1 Date of Submission: Date the report is submitted to the supplier of the class I substances.
- 1.2 Number of Class I Substances Reported: The number of individual class I substances reported to the supplier.
- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Laboratory Information: Name of the company and the business address of the contact person for the report.
- 1.5 Laboratory Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by the supplier to answer questions concerning the report.

- 1.6 Signature of Reporting Laboratory Representative: Company official who is certifying that the material is being purchased solely for laboratory applications and will not be resold or used for manufacturing, and attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

### ***Section 2 - Substance Identification and Use***

- 2.1 Lab Name: Name of the lab submitting the report, as in Section 1.4.
- 2.2 Class I Substance: Check one box to certify the specific laboratory applications for a class I substance purchased. Separate copies of Section 2 may be submitted for each class I substances purchased. Reproduce the blank form as needed.
- 2.3 Amount of Class I Substance (kg): The total quantity of the class I substance, in kilograms, specified in Section 2.2 that was purchased for the first time in a control period.
- 2.4 Laboratory Applications: Check the boxes corresponding to the applications for which the specified class I substance will be used, and indicate the percent used for each application.

EXAMPLE: A lab purchases 100 kilograms of CFC-113 from a distributor of laboratory supplies. The lab estimates that 80 kilograms will be used as a "diluent," 10 kilograms as a "separation media," and 10 kilograms as "chemical reference."

### ***Section 3 - Supplier Identification***

- 3.1 Supplier Name: Name of the distributor of the class I substance (the name of the supplying company from whom the material specified in Section 2.2 is being purchased).

## 2.6 NOTIFICATION OF ARTICLE 5 OR ESSENTIAL-USE ALLOWANCE TRANSFERS

Holders of Article 5 allowances may transfer allowances for a specific control period through transfers with another Party to the Protocol. Essential-use allowance holders may increase or decrease their essential-use allowances for CFCs with a metered dose inhaler company solely for the manufacture of essential metered dose inhalers (MDIs). Section 82.12 describes the regulatory requirements for quarterly reporting for companies increasing or decreasing allowances for a specific control period through transfers with another Party to the Protocol.

Terms such as “Article 5 allowances” and “essential-use allowances” are defined in the regulations (§82.3) and reproduced in Appendix E.

A producer may increase or decrease its Article 5 allowances or essential-use allowances for the manufacture of MDIs for a specific control period through transfers with another producer. The following list summarizes information on various types of transfers.

- Article 5 Allowances  
Under the rule, a company that intends to transfer Article 5 allowances to another company or to another chemical should submit a transfer claim to EPA before the transfer takes place. A company can increase its Article 5 allowances by receiving a transfer from another Party to the Protocol; a company may also decrease its balance of unexpended Article 5 allowances by transferring them to a Party to the Protocol.
- Essential-Use Allowances for the Manufacture of Essential MDIs  
Similarly, a company that intends to transfer essential-use allowances for the manufacture of essential MDIs to another company should submit a transfer claim to EPA before the transfer takes place. A company can increase its essential-use allowances for the manufacture of essential MDIs by receiving a transfer from another Party to the Protocol; a company may also decrease its balance of unexpended essential-use allowances for the manufacture of essential MDIs by transferring them to another Party to the Protocol.

*Form 1432.22-T* is designed to facilitate Agency review of a transfer request. Section 82.12(a)(i) of the rule presents the reporting requirements applicable to the transfer claim. A company should complete a transaction summary for each transfer involving a different chemical or a different transferee. EPA will review the transfer claim within three working days of receiving it and respond with either (1) a "no objection" notice, if according to EPA's records, the transferring company has sufficient allowances to cover the trade, or (2) a "disallowance" notice, if the transferring company does not have sufficient allowances. If EPA does not act upon the transfer within the three-day review period, the transferring companies may proceed with the transaction. In cases where the Agency issues a notice of no objection or fails to respond expeditiously, if EPA later determines that insufficient allowances existed to cover the transfer, the companies may face enforcement actions.

The Agency assesses an offset of one percent of the total amount transferred and subtracts the offset from the balance of the company trading away the allowances. This offset applies only to inter-company and inter-pollutant trades (but not both if done in the same transaction). The offset does not apply to transfers of allowances to or from companies in countries that are Parties to the Montreal Protocol.



## 2.6.1 Recordkeeping Requirements

There are no recordkeeping requirements for companies notifying the Agency of an Article 5 transfer or a transfer of essential-use allowances for the manufacture of MDIs.

## 2.6.2 Form Instructions: Notification of Article 5 or Essential-Use Allowance Transfers (Form 1432.22-T)

The form for Notification of Article 5 or Essential-Use Allowance Transfers has three sections:

- Section 1 – Transferor Identification
- Section 2 – Transaction Record
- Section 3 – Unexpended Balance Summary

### *Section 1 - Transferor Identification*

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

### *Section 2 - Transaction Record*

Companies notifying EPA of trades in Article 5 and/or Essential-Use Allowance transfers should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for additional transactions.

For each transaction, complete the form as follows:

#### 2.1 Transferee Identification:

*Transferee Company Name:*

Name and address of the transferee company (the company receiving allowances as a result of the trade).

*Transferee Contact Person:*

Identify a contact person and provide an address and telephone and fax numbers. If the company is conducting an inter-pollutant transfer (i.e., trading allowances internally between two class I substances), the transferee company will be the same company identified in Section 1.5.

*Are Article 5 or essential-use allowances being Transferred?*

Check the appropriate box.

- 2.2 Type of Allowances Transferred: Check only one box to identify the type of allowances being transferred. A transfer of current year allowances is only for the current control period. A transfer of baseline allowances *permanently* reduces the number of Article 5 allowances that the transferor will receive in future allocations.
- 2.3 Chemical Transferring From: The common name of the class I substance that is having its allowances reduced as a result of the transfer (e.g., CFC-11).
- 2.4 Ozone Depletion Potential (ODP): The ozone depletion potential of the chemical listed in Section 2.3. ODPs of the class I substances are listed in Appendix B.
- 2.5 Amount of Allowances of Chemical in Section 2.3 Being Transferred (kg): The total quantity, in kilograms, of allowances of the chemical listed in Section 2.3 that are being transferred.
- 2.6 Calculated Level of Chemical in Section 2.3 Being Transferred: Transfers of substances are made on the basis of calculated level. The calculated level of a quantity of class I substance is equal to its mass in kilograms multiplied by its ozone depletion potential (ODP), a measure of the substance's ability to destroy stratospheric ozone. Calculate the calculated level of the chemical being transferred by multiplying the ODP listed in Section 2.4 by the quantity transferred listed in Section 2.5; report the result in Section 2.6.
- 2.7 Chemical Transferring To: The common name of the class I substance which will have its balance of allowances increased as a result of the trade (e.g., CFC-11).
- 2.8 Ozone Depletion Potential (ODP): The ODP of the chemical listed in Section 2.7. ODPs of the class I substances are listed in Appendix B.
- 2.9 Amount of Allowances of Chemical in Section 2.7 Being Received (kg): The total quantity, in kilograms, of allowances received is equal to the calculated level of allowances being transferred divided by the ODP of the chemical that is having its allowances increased as a result of the trade. Calculate the number of allowances being received by dividing the calculated level reported in Section 2.6 by the ODP listed in Section 2.8.
- 2.10 Amount of Offset (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.5 by 0.01.
- 2.11 Amount of Allowances Subtracted from Transferor's Balance of Chemical Being Transferred (kg): Calculate the amount of allowances that are to be subtracted from the transferor's balance of the chemical listed in Section 2.3 by adding together Sections 2.5 and 2.10.

### ***Section 3 - Unexpended Balance Summary***

- 3.1 Balance of Unexpended Allowances Prior to Transfers Reported: For each chemical involved in the transfer, report the company's balance of unexpended allowances before the transfer.

*Chemical Name (Column A):*

The common names of class I substances.

*Balance of Unexpended Article 5 Allowances (Column B):*

The unexpended Article 5 allowances held by the transferor within the production limit of that class I substance.

*Balance of Unexpended Essential-Use Allowances for CFC use in Essential MDIs (Column C):*

The unexpended production allowances held by the transferor within the production limit of that class I substance.

## 2.7 USED CLASS I SUBSTANCES - PETITION TO IMPORT

A final rule published December 31, 2002 (67 FR 79861), clarified and updated the petition process for imports of *used* class I substances as previously established in 40 CFR 82. The term “used controlled substances” is defined in the regulations (§82.3) and reproduced in Appendix E.

An importer needs to petition EPA to import each individual shipment over 5 pounds of used class I substances, at least 40 working-days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of this Guidance Document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition should accompany the shipment through U.S. Customs. The approved used class I substances should be imported within the same control period as the date stamped on the non-objection notice.

### 2.7.1 Petition Information Requirements

Section 82.13(g)(2)-(3), updated in the December 31, 2002 rule, describes the information requirements for petitioners in detail. There is no recommended EPA petition form. The petition may be in any format as long as it includes the following information:

- Name and quantity of the used class I substance, in kilograms, to be imported (including material that has been recycled or reclaimed);
- Name and address of the importer, the importer I.D. number, phone number, fax number, and the name of the contact person;
- Name and address, contact person, phone and fax numbers of all previous source facilities from which the used class I substance was recovered;
- A detailed description of the previous use of the class I substance at each source facility and a best estimate of when the specific class I substance was put into the equipment including any documentation indicating such dates;
- A list of the name, make, and model of the equipment from which the material was recovered at each source facility;
- Name, address, contact person, and phone and fax number of the exporter and/or foreign owner of the material;
- U.S. port of entry for the import, the expected date of shipment, and the name of the vessel transporting the chemical;
- Intended future use of the used class I substance including the name, address, contact person, and phone and fax number of the ultimate U.S. purchaser, if known;
- Name, address, contact person, and phone and fax number of the U.S. reclamation facility, where applicable;
- Name of the person who recovered the class I substance from equipment at the source facility.
- Name, address, contact person, and phone and fax number of all foreign reclamation facilities responsible for reclaiming the cited shipment, if any;
- An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from that country;

- Name and address of the U.S. reclaimer bringing the material to CAA specifications if the used class I substance is to be sold as a refrigerant in the United States.; and
- A certification of the accuracy of the information submitted in the petition.

In evaluating a petition, EPA determines whether a class I substance to be imported is, in fact, previously used. In order to independently verify the previous use of the class I substance, EPA requests information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requests a detailed description of the source facility (facilities) and the specific equipment from which the class I substance was recovered. This information ensures U.S. compliance under the Montreal Protocol.

Pursuant to the final rule published December 31, 2002 (67 FR 79861), EPA is no longer requiring that companies certify knowledge of tax liability as part of the petition process. Instead, EPA is deferring interpretation of regulatory requirements regarding excise taxes for class I substances to the Internal Revenue Service (IRS). More information on excise taxes can be found on the IRS website at <http://www.irs.gov/formspubs/page/0,,id%3D80193,00.html>.

### **2.7.2 Recordkeeping Requirements**

Section 82.13(g)(3)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that should be maintained by all companies approved to import used class I substances are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import including the commodity code of the used class I substance approved for import.

For more information on the imports of class I substances, please read the fact sheet, [Black Market CFCs and You – A Criminal Combination](#).

## 2.8 EXPORTERS OF CLASS I SUBSTANCES

Exporters of class I substances are required to report annually to EPA. Section 82.13(h) describes the regulatory requirements for recordkeeping and annual reporting of exports. Exporters should send the report to EPA within 45 days after the end of the control period (December 31<sup>st</sup>). Export(s) of blends and mixtures of class I substances are also considered exports under the regulations and are subject to reporting. Terms such as “exporter,” “destruction,” and “transform” are defined in the regulations (§82.3) and in Appendix E.

The exporter is the company that owns the class I substances when they are exported, not necessarily the person that places them on the ship or in the truck. Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the class I substance to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred. The U.S. Export Declaration Form may be substituted for the bill of lading.

The regulation applies only to exports of bulk containers of class I substances, and not to exports of products or use systems that contain class I substances.

### 2.8.1 Recordkeeping Requirements

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting class I substances maintain copies of invoices and bills of lading for each shipment.

### 2.8.2 Reporting Requirements

In general, information provided about the recipient should pertain to the location of the plant where the class I substance is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

The following list summarizes annual reporting requirements for various types of exports:

- *Exports for In-House or Second-Party Transformation and Destruction*  
Section 82.13(h)(1)(viii) requires a sales contract certifying that the class I substance that was exported to a Party to the Protocol is intended for transformation or destruction.

### 2.8.3 Form Instructions: Exporter Annual Report (Form 1432.22-E)

The Exporter Annual Report has three sections:

- Section 1 – Exporting Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Export Totals

#### *Section 1 - Exporting Company Identification*

1.1 Date of Submission: Date the report is submitted to EPA.

- 1.2 Number of Transactions Reported: The number of individual class I substances exported during the control period.
- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Year to Which This Report Applies: Enter the appropriate year for which this report applies. The year entered may or may not correspond with the date the report is submitted to EPA.
- 1.5 Exporting Company Information: Name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transaction Records***

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the control period and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Recipient Company Name:*

The company receiving the class I substance.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the class I substances were exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for the class I substances. The commodity codes for class I substances are as follows:

CFC-11 (trichlorofluoromethane).....	2903.41.0000
CFC-12 (dichlorodifluoromethane).....	2903.42.0000
CFC-113 (trichlorotrifluoroethane).....	2903.43.0000
CFC-114 (dichlorotetrafluoroethane).....	2903.44.0010
CFC-115 (chloropentafluoroethane).....	2903.44.0020
Halons (1211, 1301 & 2402).....	2903.46.0000
Mixtures with chlorofluorocarbons (CFCs) (such as R-500 and R-502).....	
	3824.71.0000
Mixtures, Other (one or more fully halogenated compounds..... as defined in commodity codes listed above)	
	3823.79.0000
Carbon Tetrachloride.....	2903.14.0000
Methyl Chloroform (1,1,1- trichloroethane).....	2903.19.6010
Organic Composite Solvents and Thinners (containing methyl chloroform or carbon tetrachloride).....	
	3814.00.5010

*Quantity of Commodity Exported (kg):*

The total quantity, in kilograms, of the commodity exported.

*Class I Substance Exported:*

Name of the class I substance exported, such as CFC-11 or CFC-12.

*Quantity of the Class I Substance Exported (kg):*

The total quantity, in kilograms, of the class I substance exported. For pure class I substances, this will equal the quantity of the commodity imported. For mixtures containing class I substances, multiply the percentage of class I substance in the mixture by the quantity of commodity imported.

*Date of Export:*

Date of the export as it appears on the bill of lading.

*Port of Export from the U.S.:*

Port in the U.S. where the class I substance was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.



*Type of Export:*

Check the box (transformation, destruction, or Article 5) that applied to the specific transaction.

***Section 3 - Company Export Totals***

A separate Section 3 should be completed for each class I substance. Reproduce the blank form as needed.

For each transaction summary, provide the following information:

3.1 Company Name: Name of the reporting company, same as in Section 1.4.

3.2 Transaction Summaries: Check one class I substance for each sheet.

List the total quantity (in kilograms) of the specified class I substance in the check-off box and the country to which it was exported during the control period.

## **2.9 SECOND-PARTY TRANSFORMATION AND SECOND-PARTY DESTRUCTION - RECORDKEEPING AND REPORTING REQUIREMENTS**

Second-party transformers or second-party destroyers are required to report to EPA. Section 82.13 (k-m) describes the recordkeeping and regulatory requirements for annual reporting of second-party transformation and second-party destruction.

### **2.9.1 Recordkeeping Requirements**

Section 82.13(k) requires that second-party destroyers of class I substances provide the producer or importer from whom they purchase material with a verification that the class I substances will be used in processes that result in their destruction. If any aspects of this verification change, at any time, the person should submit a revised verification reflecting such changes to the producer from whom the person purchased class I substances intended for destruction.

Section 82.13(l) requires that second-party transformers of class I substances should provide the producer or importer from whom they purchase material with an IRS certification that the class I substances will be used in processes resulting in their transformation.

### **2.9.2 Reporting Requirements**

Producers and importers that sell class I substances for second-party transformation or second-party destruction should inform their customers of EPA's annual reporting requirement. As explained in §82.13(m), a company purchasing class I substances for transformation or destruction is required to report to EPA within 45 days of the end (December 31st) of the control period in which the substances were purchased.

### **2.9.3 Form Instructions: Annual Report of Second-Party Transformation and Second-Party Destruction (Form 1432.22-SP)**

The Annual Report of Second-Party Transformation and Second-Party Destruction has two sections:

- Section 1 – Company Identification
- Section 2 – Transformation and Destruction Summary

#### ***Section 1 - Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Year to Which This Report Applies: Enter the appropriate year for which this report applies. The year entered may or may not correspond with the date the report is submitted to EPA.
- 1.3 Company Information: Name of the reporting company and the business address of the contact person for the report.
- 1.4 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.

- 1.5 Signature of Reporting Company Representative: Company official attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.3. The person signing the form should read the "certification" that the information on the form is accurate.

***Section 2 - Transformation and Destruction Summary***

- 2.1 Company Name: Name of the reporting company, same as in Section 1.2.

- 2.2 Transformation and Destruction Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Second-Party Transformation of Class I Substance (kg) (Column B):*

The total quantity, in kilograms, of each substance that was transformed (second-party) in the calendar year (control period).

*Second-Party Destruction of Class I Substance (kg) (Column C):*

The total quantity, in kilograms, of each class I substance that was destroyed (second-party) in the calendar year (control period).

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## **PART 3 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR METHYL BROMIDE**

### **3.1. INTRODUCTION**

Part 3 of this guidance document outlines industry recordkeeping and reporting requirements for methyl bromide (MeBr) in the Stratospheric Ozone Protection Program. This guidance document has been updated to reflect regulation changes published in the Federal Register on December 23, 2004 “Process for Exempting Critical Uses From the Phaseout of Methyl Bromide.”

Producers, importers, exporters, distributors, third party applicators, critical and emergency use holders and allowance transferors that deal in methyl bromide are required to report periodically on a company-wide basis to EPA and to maintain records. Reports must be sent to the Administrator within 45 days after the end of the applicable reporting period, unless otherwise specified. Records and copies of reports must be retained for three years. Quantities of methyl bromide should be reported in kilograms. Please refer to 40 CFR §82.13 (“Recordkeeping and reporting requirements for class I controlled substances”) for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed methyl bromide reporting forms are *recommended formats* for providing the required information to EPA.<sup>1</sup> Companies may, however, provide the same information in another format if desired.

<b>Title</b>	<b>EPA Form Number</b>	<b>Number of Pages</b>	<b>CFR Number*</b>
<b>QUARTERLY REPORTS</b>			
Producer Quarterly Report	2179.01-P-MB	3	82.13(f)(3)- (4)
Importer Quarterly Report	2179.01-I-MB	4	82.13(g)(4), 82.13(o-q)
Exporter Quarterly Report	2179.01-E-MB	3	82.13(h)(2)
QPS Distributor Quarterly Report	1432.22-D-MB	1	82.13(y)(4)
<b>ANNUAL REPORT (CAN OPT TO SUBMIT ON A QUARTERLY BASIS)</b>			
Critical Use Distributor/ Third Applicator Report	2179.01-TD-MB	2	82.13 (bb)(2) – (cc)(2))
<b>MISCELLANEOUS REPORTS</b>			
Notification of Transfers	2179.01-T-MB	3	82.12(a)(1)
Petition to Import Used Substances	No form	--	82.13(g)(2)-(3)

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<sup>1</sup> Note that the last two reports listed, the QPS Certification Report and the Critical Use Certification Report, are not submitted to EPA; they are provided as recommended formats to assist in other reporting requirements.

QPS Certification Report	1432.22-C-MB	1	82.13(y)(1)-(2), 82.13(z)(2)
Critical Use Certification Report	2179.01-CUC-MB	1	82.13(bb)(1)- (cc)(1)

## 3.2. PRODUCERS OF METHYL BROMIDE

Producers of methyl bromide are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping, in most cases, may be done on a facility or plant basis. Section 82.13(f) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

Terms such as “production,” “destruction,” “transform,” “quarantine applications,” “preshipment applications,” “emergency use,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” and “critical stock allowance” are defined in the regulations (§82.3) or in Appendix E to this guidance document.

### 3.2.1. Recordkeeping Requirements

Section 82.13(f)(2) describes the recordkeeping requirements for producers in detail. These requirements are summarized below.

- Dated records of the quantity of methyl bromide produced at each facility;
- Dated records of the quantity of methyl bromide produced for use in processes resulting in their transformation or destruction;
- Dated records of the quantity of methyl bromide produced and sold for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Dated records of the quantity of methyl bromide produced with Article 5 allowances;
- Copies of invoices or receipts documenting sales of methyl bromide resulting in their transformation or destruction;
- Dated records of the quantity of methyl bromide used at each facility as feedstocks or destroyed in the manufacturing of any substance, or any controlled substance introduced into the production process of the same methyl bromide;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of methyl bromide;
- Dated records of the shipments of methyl bromide produced at each plant;
- The quantity of methyl bromide, date received, and names and addresses of the source of used materials containing recycled or reclaimed methyl bromide at each plant;
- Records of the estimated quantity of any spill or release of methyl bromide that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation and destruction verification certifying the intent to transform or destroy the methyl bromide or sell the methyl bromide for transformation or destruction in cases when allowances were not expended;
- Written certifications that the quantity of methyl bromide was purchased by distributors, applicators or approved critical users to be used or sold only for an approved critical use;
- Dated records of the quantity of methyl bromide produced and sold solely for export to satisfy critical uses authorized by the Parties for that control period;
- Written verifications from a U.S. purchaser that methyl bromide was exported to an Article 5 country in cases when Article 5 allowances were expended during production;
- Dated records of the quantity of methyl bromide produced for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Dated records of the quantity of methyl bromide produced for quarantine and pre-shipment (QPS) applications and the quantity of methyl bromide sold for QPS applications;
- Written certifications that the methyl bromide produced solely for QPS applications was

- purchased from the producer by distributors and applicators solely for use in QPS applications; and
- Written verifications from a U.S. person purchasing methyl bromide from the producer that methyl bromide, if exported, will only be used for QPS applications.

### **3.2.2. Reporting Requirements**

The following list summarizes specific reporting requirements for various types of producers (§82.13(f)(3)-(4)).

#### *Production Using Article 5 Allowances*

Producers allocated baseline production allowances in §82.5 may produce up to 15 percent of the baseline explicitly for export to Article 5 countries for their domestic use. Producers must report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in 82.13(f)(3)(ix), producers that produce methyl bromide using Article 5 allowances must provide a list of U.S. entities that purchased the methyl bromide for export to Article 5 countries. In addition, producers must maintain dated records of the quantities of methyl bromide produced with Article 5 allowances. Appendix C lists Article 5 countries.

#### *Production for In-House or Second-Party Transformation*

Producers must report quarterly the quantities of methyl bromide produced for in-house and second-party transformation.

Section 82.13(l) requires a person who purchases methyl bromide for second-party transformation to provide the producer with an IRS certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock must accompany the quarterly report, whether the methyl bromide is sold for second-party transformation in the U.S. or for second-party transformation overseas. For each purchaser, only one copy of the certification must be provided during each control period as long as subsequent quantities shipped to that company are listed in each quarterly report.

#### *Production for In-House or Second-Party Destruction*

Producers must report quarterly the quantities of methyl bromide produced for in-house and second-party destruction.

Section 82.13(k) requires a person who purchases methyl bromide for second-party destruction to provide the producer from whom they purchased the material with verification that it will be used in a process resulting in its destruction.

Copies of destruction verifications for quantities sold for second-party destruction must accompany the Producer Quarterly Report.

#### *Quarantine and Preshipment (QPS) Applications*

Producers must report quarterly the quantities of methyl bromide sold or transferred during the quarter to a person other than the producer solely for QPS applications.

Producers must also submit a list of the quantities of methyl bromide that were produced by the



producer and exported by the producer and/or by other U.S. companies, to a Party to the Protocol solely for use in QPS applications.

As explained in §82.13(f)(3)(xv), producers must submit one copy of a certification that the methyl bromide will be used only for QPS applications from each recipient of the material. The certification must contain a list of any additional quantities shipped to that same person for the quarter.

*Critical Use and Critical Stock Allowances*

Producers must report quarterly the total of expended and unexpended critical use allowances that are pre-plant and post-harvest, as well as the total expended and unexpended critical stock allowances.

*Stocks of Pre-phaseout Methyl Bromide*

Producers should report annually the total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned, including all quantities held for the reporting company by other suppliers but not including any quantities sold to end-users.

**3.2.3. Form Instructions: Producer Quarterly Report (Form 2179.01-P-MB)**

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 – Company Production Data (company-wide)
- Section 3 – Allowance Expenditure Data

***Section 1 - Producing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year. Question 3.3 of the reporting form should be completed only when the fourth quarter is selected.
- 1.3 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.4 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer and whether the importer quarterly report is attached.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter and whether the exporter quarterly report is attached.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company

contact person identified in Section 1.3. The person signing the form should read the “certification” that the information on the form is accurate.

## ***Section 2 - Company Production Data***

2.1 Company Name: Name as it appears in Section 1.2.

2.2 Company Production Totals:

*Gross Production (kg) (Column A):*

The total quantity, in kilograms, of methyl bromide produced.

*In-House Transformation (kg) (Column B):*

The total quantity, in kilograms, of methyl bromide produced for in-house transformation.

*Second-Party Transformation (kg) (Column C):*

The total quantity, in kilograms, of methyl bromide produced for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column D):*

The total quantity, in kilograms, of methyl bromide produced for in-house destruction.

*Second-Party Destruction (kg) (Column E):*

The total quantity, in kilograms, of methyl bromide produced for second-party destruction. (Submit copy of the destruction verification from each company.)

*Quarantine and Preshipment (QPS) (kg) (Column F):*

The total quantity, in kilograms, of methyl bromide produced solely for QPS applications. The reported quantity should include both production for domestic QPS applications and for export to foreign parties.

*Critical Use Exemption (CUE), Pre-Plant, Post-Harvest, and For Export (kg) (Column G<sub>1</sub>, G<sub>2</sub>, and G<sub>3</sub>):*

The total quantity, in kilograms, of methyl bromide produced solely for Pre-Plant CUE applications (Column G<sub>1</sub>), the total quantity, in kilograms, of methyl bromide produced solely for Post-Harvest CUE applications (Column G<sub>2</sub>), and the total quantity, in kilograms, of methyl bromide produced solely for export to satisfy CUE applications internationally (Column G<sub>3</sub>).

*Emergency Use Exemption (kg) (Column H):*

The total quantity, in kilograms, of methyl bromide produced solely for use under an emergency use exemption. The reported quantity should include production for domestic emergency use exemptions and for export to foreign parties.

*Article 5 Production (kg) (Column I):*

The total quantity, in kilograms, of methyl bromide produced solely for export to Article 5 countries during this quarter that required expenditure of Article 5 allowances. Appendix C lists Article 5 countries.

*Net Production of Methyl Bromide (A-B-C-D-E-F-G<sub>1</sub>-G<sub>2</sub> G<sub>3</sub>-H-I=J) (kg) (Column J):*

The remaining quantities of methyl bromide after subtracting out quantities listed in columns

B, C, D, E, F, G<sub>1</sub>, G<sub>2</sub>, G<sub>3</sub>, H, I from the quantity listed in column A.

*Critical Stock Allowances (kg) (Column K):*

The total quantity, in kilograms, of methyl bromide that was produced and/or imported prior to the January 1, 2005 phaseout made available for sale to critical uses during the control period.

***Section 3 - Allowance Expenditure Data***

3.1 Company Name: Name as it appears in Section 1.2.

3.2 Allowance Balance Summary: Please supply this information for all methyl bromide for which the company holds Article 5, pre-plant critical use, post-harvest critical use, or critical stock allowances.

*Total Article 5 allowances for year to date (as of end of the quarter) (Column A):*

The total sum of expended and unexpended Article 5 allowances.

*Total pre-plant critical use allowances for year to date (as of the end of the quarter) (Column B<sub>1</sub>):*

The total sum of expended and unexpended pre-plant critical use allowances.

*Total post-harvest critical use allowances for year to date (as of the end of the quarter) (Column B<sub>2</sub>):*

The total sum of expended and unexpended post-harvest critical use allowances.

*Total critical stock allowances for year to date (as of the end of the quarter) (Column C):*

The total sum of expended and unexpended critical stock allowances (CSAs).

3.3 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.

3.4 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.

### **3.3. IMPORTERS OF METHYL BROMIDE**

Importers of methyl bromide are required to report to EPA. Section 82.13(g) describes the regulatory requirements for recordkeeping and quarterly reporting of importation. Importers are also required to report blends and mixtures of methyl bromide. Terms such as “importer,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” “critical stock allowance,” “destruction,” “heel,” “emergency use,” “quarantine applications,” “preshipment applications,” “transshipment,” and “transform” are defined in the regulations or in Appendix E.

Importers of used methyl bromide are required to petition EPA and the information required in the petition is described in §82.13(g)(2). Reports are also required for imports of used methyl bromide; Section 3.8 provides further information on these requirements.

#### **3.3.1. Recordkeeping Requirements**

Section 82.13 (g)(1) describes in detail the recordkeeping requirements for importers of methyl bromide. The records that must be maintained by all importers are summarized below:

- The quantity of methyl bromide imported, either alone or in mixtures, and the percentage of each mixture containing methyl bromide;
- The quantity of methyl bromide imported, either alone or in mixtures, that are used (including recycled or reclaimed);
- The quantity of methyl bromide excluding transshipments or used substances for use in processes resulting in their transformation or destruction;
- The date on which and the country from which methyl bromide was imported;
- The port of entry of the methyl bromide;
- The commodity code for methyl bromide shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the quantity of methyl bromide imported for a critical use, specifying quantities dedicated for pre-plant and post-harvest use;
- Written certifications that the quantity of methyl bromide imported for a critical use was purchased by distributors, applicators or approved critical users to be used or sold only for an approved critical use;
- Dated records of the sale or transfer of methyl bromide for use in processes resulting in its transformation or destruction;
- Copies of certifications confirming that the methyl bromide will be transformed or destruction verifications confirming its destruction;
- Dated records of the quantity of methyl bromide imported for QPS applications and the quantity sold for QPS applications;
- Written certifications that the quantities of methyl bromide, imported solely for QPS applications, were purchased by distributors or applicators to be used only for QPS applications; and
- Written verifications from a U.S. purchaser that methyl bromide imported solely for QPS applications, if exported, will be exported solely for QPS applications upon receipt of a certification.

### 3.3.2. Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§82.13(g)(4) and (o-q)).

#### Imports for In-House or Second-Party Transformation

Importers must report quarterly the quantities of methyl bromide imported for in-house and second-party transformation. Section 82.13(l) requires that a person who purchases methyl bromide for second-party transformation must provide the importer with a certification of intent to use the substance as a feedstock.

Copies of the certificates of intent to use the methyl bromide as a feedstock must accompany the Importer Quarterly Report. For each purchaser, *only one copy* of the certification should be provided as long as subsequent quantities shipped to that company are listed in each quarterly report.

#### Imports for In-House or Second-Party Destruction

Importers must report quarterly the quantities of methyl bromide imported for in-house and second-party destruction. Section 82.13(k) requires the person who purchases methyl bromide for second-party destruction to provide the importer with verification that the methyl bromide will be used in processes that result in its destruction.

The importer quarterly report must be accompanied by copies of destruction verifications for quantities sold for second-party destruction.

#### Quarantine and Preshipment (QPS) Applications

Importers must report quarterly the quantity of methyl bromide sold or transferred to a person other than the importer solely for QPS applications.

The importer quarterly report must be accompanied by a copy of a certification that the methyl bromide will be used only for QPS applications as described in §82.13(g)(4)(xvii) as well as a list of additional quantities shipped to that same person for the quarter.

#### Critical Use and Critical Stock Allowances

Importers must report quarterly the total of expended and unexpended critical use allowances that are pre-plant and post-harvest.

Importers must report quarterly the total of expended and unexpended critical stock allowances.

#### Imports of Used Methyl Bromide

Importers must report the quantity of imports of used methyl bromide.

#### Imports of 'Heels'

A heel is any quantity of methyl bromide returning to the United States that is no more than 10 percent of the volume of the container and was not unloaded or discharged from that container.

Imported heels must be reported quarterly. The importer must label their bill of lading or invoice indicating that the methyl bromide in the container is a heel. The importer of heels must submit certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed; or (4) be recovered

for a non-emissive use. The importer must also report on the final disposition of the heel.

Stocks of Pre-phaseout Methyl Bromide

Importers should report annually the total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned, including all quantities held for the reporting company by other suppliers but not including any quantities sold to end-users.

**3.3.3. Form Instructions: Importer Quarterly Report (Form 2179.01-I-MB)**

The Importer Quarterly Report has four sections:

- Section 1 – Importing Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Import Data (company-wide)
- Section 4 – Allowance Expenditure Data

***Section 1 - Importing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the “certification” that the information on the form is accurate.

***Section 2 - Transaction Records***

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Source Country:*

The country from which the methyl bromide was exported to the United States.

*Port of Exit from Source Country:*

Port city from which the methyl bromide was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

*Importer Number:*

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form 7501 as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The commodity code for methyl bromide is 2903.30.1520.

*Quantity of Commodity Imported:*

The total quantity, in kilograms, of the commodity imported. If the commodity is a mixture, then the reported quantity of the commodity should be greater than the reported quantity of methyl bromide imported.

*Quantity of Methyl Bromide Imported:*

The total quantity, in kilograms, of methyl bromide imported.

*Port of Entry into the U.S.:*

The U.S. port where the shipment landed.

*Date of Import:*

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the truck or train enters the U.S.

*Customs Entry Summary Number:*

This number identifies the specific shipment (from block number 1 of U.S. Customs Form 7501). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

*Methyl Bromide will be imported for:*

Check the box describing the intended use (QPS, Transformation, Destruction, Pre-Plant Critical Use, Post-Harvest Critical Use, or Emergency Use).

*Transaction Type:*

If applicable, check the box describing the transaction type (Used or Heels). If the substance is new neither box should be checked.

### ***Section 3 - Company Import Data***

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

### 3.2 Company Import Totals:

*Gross Imports (kg) (Column A):*

The total quantity, in kilograms, of methyl bromide imported.

*In-House Transformation (kg) (Column B):*

The total quantity, in kilograms, of methyl bromide imported for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column C):*

The total quantity, in kilograms, of methyl bromide imported for second-party transformation. (Submit the certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column D):*

The total quantity, in kilograms, of methyl bromide imported for in-house destruction.

*Second-Party Destruction (kg) (Column E):*

The total quantity, in kilograms, of methyl bromide imported for second-party destruction. (Submit copy of the destruction verification from each company.)

*Quarantine and Preshipment (QPS) (kg) (Column F):*

The total quantity, in kilograms, of methyl bromide imported solely for QPS applications.

*Critical Use Exemption, Pre-Plant and Post-Harvest (CUE) (kg) (Column G<sub>1</sub> and G<sub>2</sub>):*

The total quantity, in kilograms, of methyl bromide imported solely for Pre-Plant CUE applications (Column G<sub>1</sub>) and the total quantity, in kilograms, of methyl bromide imported solely for Post-Harvest CUE applications (Column G<sub>2</sub>).

*Emergency Use Exemption (kg) (Column H):*

The total quantity, in kilograms, of methyl bromide imported solely for emergency use.

*Net Imports of Methyl Bromide (A-B-C-D-E-F-G<sub>1</sub>-G<sub>2</sub>- H=I) (kg) (Column I):*

The remaining quantities of methyl bromide after subtracting out quantities listed in columns B, C, D, E, F, G<sub>1</sub>, G<sub>2</sub>, and H from the quantity listed in column A.

*Total "Used" Imports (kg) (Column J):*

The total quantity, in kilograms, of used methyl bromide imported.

*Total "Heels" (kg) (Column K):*

The total quantity, in kilograms, of methyl bromide brought into the U.S. as a heel that is less than 10 percent of the volume of each container. (The importer must label their bill of lading or invoice indicating that the class I substance in the container is a heel as required in §82.13(o), submit the certification that the heel will be treated as required in §82.13(p), and report on the final disposition of the heel in accordance with §82.13(q).)

### **Section 4 – Allowance Expenditure Data**

4.1 Company Name: Name of the company submitting the report, as in Section 1.5.



- 4.2 Balance Summary of Allowances: Please supply this information for all methyl bromide for which the company holds pre-plant critical use, post-harvest critical use, or critical stock allowances.

*Total pre-plant critical use allowances for year to date (as of end of the quarter) (Row A<sub>1</sub>):*  
The total sum of expended and unexpended pre-plant critical use allowances (CUAs).

*Total post-harvest critical use allowances for year to date (as of end of the quarter) (Row A<sub>2</sub>):*  
The total sum of expended and unexpended post-harvest critical use allowances (CUAs).

*Total critical stock allowances for year to date (as of the end of the quarter) (Row B):*  
The total sum of expended and unexpended critical stock allowances (CSAs).

- 4.3 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities for the reporting company held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.
- 4.4 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.

### **3.4. EXPORTERS OF METHYL BROMIDE**

Exporters of methyl bromide are required to report to EPA. Section 82.13 (h)(2) describes the regulatory requirements for recordkeeping and quarterly reporting for exporters. Exporters must send the report to EPA within 45 days after the end of the quarter. Terms such as “exporter,” “destruction,” “critical use for pre-plant uses,” “critical use for post-harvest uses,” “critical stock allowance,” “emergency use,” “quarantine applications,” “preshipment applications,” and “transform” are defined in regulations (§82.3) or in Appendix E.

The exporter is the company that owns the methyl bromide when it is exported, not necessarily the person that places it on the ship or in the truck. Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the methyl bromide to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred. The U.S. Export Declaration Form may be substituted for the bill of lading.

#### **3.4.1. Recordkeeping Requirements**

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting methyl bromide maintain copies of invoices and bills of lading for each shipment.

#### **3.4.2. Reporting Requirements**

In general, information provided about the recipient should pertain to the location of the plant where the methyl bromide is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

Reporting requirements for various types of exports include those quantities exported for transformation, destruction, QPS, critical and emergency use exemptions, and the quantities exported to Article 5 countries. Section 82.13(h)(2)(viii) requires a sales agreement or invoice certifying that the methyl bromide exported to a Party to the Protocol is intended for transformation, destruction, or that the recipient or eventual applicator will only use the material for QPS applications.

#### **3.4.3. Form Instructions: Exporter Quarterly Report (Form 2179.01-E-MB)**

The Exporter Quarterly Report has three sections:

- Section 1 – Exporting Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Export Totals

##### ***Section 1 - Exporting Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: The number of individual methyl bromide shipments exported during the control period.

- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Quarter and Year to Which This Report Applies: Check the appropriate box and enter the appropriate year. Question 1.5 of the reporting form should be completed only when the fourth quarter is selected.
- 1.5 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.
- 1.6 Exporting Company Information: Name of the company and the business address of the contact person for the report.
- 1.7 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.8 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transaction Records***

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the control period and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Recipient Company Name:*

The company receiving the methyl bromide.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the methyl bromide was exported.

*Postal Code:*

The postal code of the recipient company.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Percent of Methyl Bromide that is Used, Recycled or Reclaimed:*

The percent of methyl bromide that is being exported that is used, recycled, or reclaimed.

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for class I substances. The methyl bromide code is 2903.30.1520.

*Quantity of the Methyl Bromide Exported (kg):*

The total quantity, in kilograms, of the methyl bromide exported. For pure methyl bromide, this will equal the quantity of the commodity imported. For mixtures containing methyl bromide, multiply the percentage of methyl bromide in the mixture by the quantity of commodity imported.

*Source of Methyl Bromide:*

The U.S. producer of the methyl bromide being exported.

*Date of Export:*

The date of the export as it appears on the bill of lading.

*Port of Export from the U.S.:*

The U.S. port where the methyl bromide was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Methyl Bromide will be Exported for:*

Check the box (transformation, destruction, quarantine and preshipment, critical use, emergency use, or Article 5 allowances) that applied to the specific transaction.

### ***Section 3 – Company Export Totals***

Reproduce the blank form as needed.

For each transaction summary, provide the following information:

- 3.1 Company Name: Name of the reporting company, as in Section 1.6.
- 3.2 Transaction Summaries for Methyl Bromide:

*Country Exported to:*

The country to which methyl bromide was exported.

*Transformation (kg):*

The total quantity, in kilograms, of methyl bromide exported for transformation.

*Destruction (kg):*

The total quantity, in kilograms, of methyl bromide exported for destruction.

*Article 5 (kg):*

The total quantity, in kilograms, of methyl bromide exported to each Article 5 country. Appendix C lists Article 5 countries.

*Quarantine and Preshipment (kg):*

The total quantity, in kilograms, of methyl bromide exported for use in QPS applications.

*Critical Use Exemption (CUE) (kg):*

The total quantity, in kilograms, of methyl bromide exported for critical use exemption purposes.

*Emergency Use Exemption (kg):*

The total quantity, in kilograms, of methyl bromide exported for emergency use exemption purposes.

*Totals:*

The sum, in kilograms, of the methyl bromide exports (i.e., sum each column).

### **3.5. DISTRIBUTORS AND THIRD PARTY APPLICATORS OF CRITICAL USE METHYL BROMIDE**

Distributors and third party applicators of methyl bromide are required to report to EPA. Section 82.13(bb) describes the regulatory requirements for recordkeeping and quarterly reporting for distributors. Section 82.13(cc) describes the regulatory requirements for recordkeeping and quarterly reporting for third party applicators. Distributors and third party applicators must send the report to EPA within 45 days after the end of the control period (December 31st), but also have the option to submit the report on a quarterly basis. Please be sure to indicate whether the report being submitted is annual or quarterly. Terms such as “critical use for pre-plant uses,” “critical use for post-harvest uses,” and “critical stock allowance,” are defined in regulations (§82.3) or in Appendix E.

#### **3.5.1. Recordkeeping Requirements**

Section 82.13(bb)(1) describes the recordkeeping requirements for distributors. Section 82.13(cc)(1) describes the recordkeeping requirements for third party applicators. For the convenience of reporting companies, EPA has provided *Form 2179.01-CUCD-MB* as a recommended certification form; please refer to Section 3.6 of this guidance document for more information. Records of certifications must be maintained for three years.

#### **3.5.2. Reporting Requirements**

As required in §82.13(bb)(2) and §82.13(cc)(2), distributors and third party applicators of critical use methyl bromide must report to EPA the total quantity of pre-plant and post-harvest critical use methyl bromide that was bought, sold, owned, and held on behalf of other entities. The total quantity of critical use methyl bromide sold for pre-plant and post-harvest critical uses must specify the quantity sold to each approved critical use category. Distributors and third party applicators of critical use methyl bromide must also report the total of expended and unexpended critical stock allowances.

#### **3.5.3. Form Instructions: Critical Use MeBr Distributor/ Third Party Applicator Report (Form 2179.01-TD-MB)**

The Distributor/ Third Party Applicator Report has two sections:

- Section 1 – Distributor or Third Party Applicator Company Identification
- Section 2 – Transaction Data

##### ***Section 1 - Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Year to Which This Report Applies: Enter the appropriate year.
- 1.3 Quarterly (select Quarter) or Annual Submittal: If submitting this report on a quarterly basis, select the quarter for which the data represents. If submitting this report annually, check the annual box. If the fourth quarter or annual box is selected, Question 2.8 of the reporting form should also be completed.
- 1.4 Company: Name of the company and the business address of the contact person for the report.

- 1.5 Company Contact Identification: Name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Company Type: Type of the company, either a distributor or third party applicator of critical use methyl bromide, submitting the report.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transaction Data***

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Total Amount of Critical Use Methyl Bromide Sold for Per-Plant and Post-Harvest Critical Uses, Active Ingredient Only (as either gas or as part of fumigant services) (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide sold for the specified approved critical uses.
- 2.3 Total Amount of Critical Use Methyl Bromide Sold to another Distributor/Supplier (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide sold to another distributor and/or supplier.
- 2.4 Total Amount of Critical Use Methyl Bromide Bought (kg): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide bought.
- 2.5 Total Amount of Critical Use Methyl Bromide Owned (kg): Calculate the total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide owned by subtracting the total quantity of pre-plant and post-harvest critical use methyl bromide sold as listed in Section 2.2, and the total quantity of pre-plant and post-harvest critical use methyl bromide sold to another distributor or supplier as listed in Section 2.3, from the total quantity of pre-plant and post-harvest critical use methyl bromide amount bought as listed in Section 2.4.
- 2.6 Name(s) of Company(ies) for Which Critical Use Methyl Bromide is Being Held and Associated Amounts (kg) Held for Each (excluding end-users): The total quantity, in kilograms, of pre-plant and post-harvest critical use methyl bromide held on behalf of other entities and the names of those entities.
- 2.7 Total Critical Stock Allowances (CSAs) for Year to Date that were Expended and Unexpended: The total sum of expended and unexpended total critical stock allowances.
- 2.8 Total Stocks of Pre-phaseout Methyl Bromide: The total stocks of pre-phaseout (pre-1/1/2005) methyl bromide owned at the end of the control period, including all quantities held for the reporting company by other suppliers, but not quantities sold to end-users. Please supply this information in the fourth quarter only unless otherwise directed.

### **3.6. CERTIFICATION OF CRITICAL USE METHYL BROMIDE ORDER/ PURCHASE**

Prior to delivery, purchasers of methyl bromide must certify to the supplier company if the methyl bromide will be sold or used solely for pre-plant or post-harvest critical use applications. Every distributor and third party applicator, purchasing critical use methyl bromide, must submit the certification to the producer or importer, or other entity from which they are acquiring the critical use methyl bromide, as required in §82.13(bb)(1) and §82.13(bb)(2). Terms such as “critical use for pre-plant uses” and “critical use for post-harvest uses” are defined in regulations (§82.3) or in Appendix E.

#### **3.6.1. Recordkeeping Requirements**

Recordkeeping is required for distributors and third party applicators of critical use methyl bromide. Records must be maintained for three years. Section 82.13(bb)(1) describes the recordkeeping requirements for distributors. Section 82.13(cc)(1) describes the recordkeeping requirements for third party applicators. These requirements are summarized below.

- Written certifications that certify to the producer or importer that the quantities of methyl bromide being acquired by the third party applicator or the distributor will be sold or used only for approved critical uses;
- Written verifications from a U.S. purchaser prior to delivery that the quantity of critical use methyl bromide ordered sold to the distributor or third party applicator will be sold or used only for approved critical uses;
- Dated records of invoices and order records related to the sale of critical use methyl bromide.

#### **3.6.2. Reporting Requirements**

A certification report must be completed by any company purchasing critical use methyl bromide and must subsequently be maintained as records by both the purchaser and the supplier (the form is not submitted to EPA). For the convenience of reporting companies, EPA has provided *Form 2179.01-CUC-MB* as a recommended certification form. The report should include the name of the critical use methyl bromide customer and address, and a contact name and phone number for the customer. The certification from the purchaser should also identify the total quantity of critical use methyl bromide ordered or purchased. The reporting company representative should certify, by selecting the appropriate check box, if the methyl bromide will or will not be exclusively used for pre-plant or post-harvest critical use allowances.

Additionally, the approved critical users purchasing an amount of critical use methyl bromide or purchasing fumigation services with critical use methyl bromide must provide documentation that identifies the use as a critical use and certifies them as an approved critical user with each request. The documentation must certify knowledge of the requirements associated with the exemption for critical use allowances by including a certification statement as provided in §82.13(dd). The certification must also indicate the type of critical use methyl bromide purchased, the location of the treatment, the crop or commodity treated, the quantity purchased, the acreage/square footage treated, and must be signed and dated by the approved critical user. There is no EPA recommended form for this documentation.



### **3.7. NOTIFICATION OF METHYL BROMIDE TRANSFERS**

Holders of Article 5, pre-plant critical use, post-harvest critical use, and critical stock allowances for methyl bromide may transfer allowances for a specific control period through transfers with another company. Section 82.12 describes the regulatory requirements for quarterly reporting for companies increasing or decreasing allowances for a specific control period through transfers with another company. The terms “Article 5 allowances,” “critical use for pre-plant uses,” “critical use for post-harvest uses” and “critical stock allowance” are defined in the regulations or in Appendix E.

#### **3.7.1. Recordkeeping Requirements**

There are no recordkeeping requirements for companies notifying the Agency of Article 5, pre-plant critical use, post-harvest critical use, and/or critical stock allowance transfers.

#### **3.7.2. Form Instructions: Notification of MeBr Transfers (Form 2179.01-T-MB)**

The form for Notification of MeBr Transfers has three sections:

- Section 1 – Transferor Identification
- Section 2 – Transaction Record
- Section 3 – Unexpended Balance Summary

#### ***Section 1 – Transferor Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, fax number, and e-mail address of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Record***

Companies notifying EPA of transfers in Article 5, pre-plant critical use, post-harvest critical use, or critical stock allowance transfers should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for additional transactions.

For each transaction, complete the form as follows:

2.1 Transferee Identification:

*Transferee Company Name:*

Name and address of the transferee company (the company receiving allowances as a result of the trade).

*Transferee Contact Person:*

Identify a contact person and provide an address and telephone and fax numbers.

*Check only one:*

Check the appropriate box for the type of allowances (pre-plant critical use, post-harvest critical use, Article 5, or critical stock allowances) being transferred.

2.2 Type of Allowances Transferred: Check only one box to identify the type of allowances being transferred. A transfer of current year allowances is only for the current control period. A transfer of baseline allowances permanently reduces the number of Article 5 allowances that the transferor will receive in future allocations.

2.3 Number of Methyl Bromide Allowances Being Transferred (kg): The total quantity, in kilograms, of methyl bromide that is being transferred.

2.4 Amount of Offset (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.3 by 0.001 for pre-plant and post-harvest critical use allowances and by 0.01 for Article 5 Allowances. If the transfer is a critical stock allowance, no offset is applied and this question should be left blank.

2.5 Number of Allowances Subtracted from Transferor's Balance of Chemical Being Transferred (kg): Calculate the amount of allowances that are to be subtracted from the transferor's balance of the chemical listed in Section 2.3 by adding the amount listed in Section 2.3 to the amount listed in Section 2.4.

2.6 Number of Methyl Bromide Allowances Being Received (kg):  
The total quantity, in kilograms, of methyl bromide that is being received.

***Section 3 - Unexpended Balance Summary***

3.1 Balance of Unexpended Methyl Bromide Allowances Prior to Trades Reported: Report the company's balance of unexpended allowances of methyl bromide before the trade.

*Balance of Unexpended Pre-Plant Critical Use Allowances (Column A):*

The unexpended pre-harvest critical use allowances held by the transferor.

*Balance of Unexpended Post-Harvest Critical Use Allowances (Column B):*

The unexpended post-harvest allowances held by the transferor.

*Balance of Unexpended Article 5 Allowances (Column C):*

The unexpended Article 5 allowances held by the transferor.

*Balance of Unexpended Critical Stock Allowances (Column D):*

The unexpended critical stock allowances held by the transferor.

### **3.8. USED METHYL BROMIDE - PETITION TO IMPORT**

A rule published December 31, 2002 (67 FR 79872), clarified and updated the petition process for imports of *used* class I substances, including methyl bromide, as previously established in 40 CFR Part 82. The term “used controlled substances” is defined in the regulations (§82.3) and reproduced in Appendix E. **EPA is not aware of any practice involving imports of used methyl bromide but is providing the information in this section to clarify how such imports would be covered under the current regulatory framework.**

An importer needs to petition EPA to import each individual shipment over 5 pounds of used methyl bromide, at least 40 working days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of the guidance document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition must accompany the shipment through U.S. Customs. The approved used methyl bromide must be imported within the same control period as the date stamped on the non-objection notice.

#### **3.8.1. Petition Information Requirements**

Section 82.13(g)(2)-(3) describes the information requirements for petitioners in detail, and Part 2 Section 2.7 of the Guidance Document summarizes those requirements for other Class I substances. There is no EPA-recommended petition form. The petition may be in any form as long as it includes the information in 82.13(g)(2)-(3).

In evaluating a petition, EPA determines whether the methyl bromide to be imported is, in fact, previously used. In order to independently verify the previous use of this class I substance, EPA requires information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requires a detailed description of the source facility (facilities) and the specific equipment from which the methyl bromide was recovered. This information ensures U.S. compliance under the Montreal Protocol.

#### **3.8.2. Recordkeeping Requirements**

Section 82.13(g)(3)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that must be maintained by all companies approved to import used methyl bromide are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import

### 3.9. DISTRIBUTORS OF QPS METHYL BROMIDE

Distributors of methyl bromide are required to report to EPA. Section 82.13(y) describes the regulatory requirements for recordkeeping and quarterly reporting for distributors. Distributors must send the report to EPA within 45 days after the end of the quarter. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

#### 3.9.1. Recordkeeping Requirements

Section 82.13(y)(3) describes the recordkeeping requirements for distributors who receive certifications stating that the quantity ordered and delivered will be used solely for QPS applications. For the convenience of reporting companies, EPA has provided *Form 1432.22-C-MB* as a recommended certification form; please refer to Section 3.11 of this guidance document for more information. Records of certifications must be maintained for three years.

#### 3.9.2. Reporting Requirements

As required in §82.13(y)(4), distributors must report to EPA the total quantity of methyl bromide that was ordered and delivered to purchasers certifying its use solely for QPS applications. The report must include the name of the methyl bromide distributor and address, and a contact name and phone number for the distributor. The report must also identify the supplying company from whom the methyl bromide is being purchased solely for QPS applications.

#### 3.9.3. Form Instructions – Distributor of QPS Methyl Bromide Quarterly Report (Form 1432.22-D-MB)

The Distributor Quarterly Report has one section:

Section 1 – Distributor Information

##### *Section 1 – Distributor Information*

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Total Quantity of Methyl Bromide Delivered for Use in Certified QPS Applications (kg): Total quantity, in kilograms, that was delivered by the distributor for use in certified QPS applications.
- 1.3 Quarter and Year to Which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.4 Distributor Information: Name of the distributor and the business address of the contact person for the report.
- 1.5 Distributor Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report.
- 1.6 Supplier Identification: Name of the supplier of methyl bromide (the name of the supplying company from which the quantity specified in Section 1.2 originated). This may or may not be the company identified in Section 1.4.

- 1.7 Signature of Reporting Distributor Representative: Company official who is certifying that the total quantity of methyl bromide listed in the form was exclusively sold for use in QPS applications, and not sold or transferred to another person. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

### **3.10. CERTIFICATION OF QPS METHYL BROMIDE ORDER/ PURCHASE**

Prior to delivery, purchasers of methyl bromide must certify to the supplier company if the methyl bromide will be used solely for quarantine and preshipment (QPS) applications and not be resold or used in manufacturing. If the purchaser is the distributor, the distributor must submit the certification to the producer or importer, as required in §82.13(y)(1). If the purchaser is the applicator, the applicator must submit the certification to the distributor of the methyl bromide, as required in §82.13(y)(2).

Section 82.13(y) describes the regulatory requirements for certification of QPS methyl bromide orders/purchases. Terms such as “quarantine applications” and “preshipment applications,” are defined in regulations (§82.3) or in Appendix E.

#### **3.10.1. Recordkeeping Requirements**

Recordkeeping is required for distributors and applicators of methyl bromide as well as every commodity owner, shipper or their agent requesting an applicator to use methyl bromide for QPS purposes. Records must be maintained for three years.

Section 82.13(y)(3) describes the recordkeeping requirements for distributors of methyl bromide who receive a certification from an applicator that the methyl bromide will be used solely for QPS purposes.

Section 82.13(z)(1) describes the recordkeeping requirements for applicators of methyl bromide produced or imported solely for QPS purposes.

Section 82.13(z)(2)(aa) describes the recordkeeping requirements for commodity owners, shippers or their agents that request an applicator to use methyl bromide solely for QPS applications.

#### **3.10.2. Reporting Requirements**

Section 82.13(y)(1)-(2) and §82.13(z)(2) describe the reporting requirements for distributors and applicators of methyl bromide produced or imported solely for QPS purposes. A certification report must be completed by any company purchasing methyl bromide and must subsequently be maintained as records by both the purchaser and the supplier (the form is not submitted to EPA). For the convenience of reporting companies, EPA has provided *Form 1432.22-C-MB* as a recommended certification form. The report was designed so to allow the distributor receiving the form to track the quantities of exempt and non-exempt methyl bromide. The report should include the name of the methyl bromide customer and address, and a contact name and phone number for the customer. The certification from the purchaser should also identify the total quantity of methyl bromide ordered or purchased. The reporting company representative should certify, by selecting the appropriate check box, if the methyl bromide will or will not be exclusively used for QPS applications.

Additionally, the commodity owner, shipper or their agent requesting an applicator to use methyl bromide solely for QPS purposes must provide documentation to the applicator that cites the regulatory requirement or other official requirement that justifies the use of exempted methyl bromide for QPS purposes. The documentation must certify knowledge of the requirements associated with the exemption for QPS applications by including a certification statement as provided in §82.13(z)(2)(aa). There is no EPA recommended form for this documentation.

### **3.10.3. Form Instructions – Certification of Order/Purchase of QPS Methyl Bromide (Form 1432.22-C-MB)**

The Methyl Bromide Certification Report has one section:

Section 1 – Purchaser Identification and Methyl Bromide Use

#### ***Section 1 – Purchaser Identification and Methyl Bromide Use***

- 1.1 Date of Submission: Date the report is submitted to the supplier of the methyl bromide.
- 1.2 Quantity of Methyl Bromide Ordered/Purchased (kg): The total quantity of methyl bromide, in kilograms, that was ordered or purchased.
- 1.3 Company Information: Name of the purchaser and the business address of the contact person for the report.
- 1.4 Company Contact Identification: Name, telephone number, and fax number of the official at the purchasing company who may be contacted by the supplier to answer questions concerning the report.
- 1.5 Signature of Reporting Company Representative: Company official who is certifying if the methyl bromide being purchased was or was not solely for QPS applications and will not be resold or used for manufacturing, and attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should select the appropriate check box and should read the "certification" that the information on the form is accurate.

**PART 4 – RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS II SUBSTANCES**

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## PART 4 – RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS II SUBSTANCES

### 4.1. INTRODUCTION

Part 4 of this guidance document outlines industry recordkeeping and reporting requirements for class II substances in the Stratospheric Ozone Protection Program.

Producers, importers, exporters, persons requesting additional consumption allowances, and hydrochlorofluorocarbon (HCFC) transferors that deal in class II ozone-depleting substances (ODS) are required to report periodically on a company-wide basis to EPA and to maintain records. Reports and revisions of reports should be sent to the Administrator 30 and 180 days after the end of the applicable reporting period, respectively, unless otherwise specified. Records and copies of reports should be retained for three years. Quantities of class II substances should be reported in kilograms. Please refer to §82.24(a) of 40 CFR Part 82 for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed reporting forms are *recommended formats* for providing the required information to EPA. Companies may, however, provide the same information in another format if desired.

<u>Title</u>	<u>EPA Form Number</u>	<u>Number of Pages</u>	<u>CFR Number*</u>
<b><i>QUARTERLY REPORTS</i></b>			
Producer Quarterly Report	2014.02-P-HCFC	3	82.24(b)(1)
Importer Quarterly Report	2014.02-I-HCFC	4	82.24(c)(1), 82.24(f)
Exporter Quarterly Report	2014.02-E-HCFC	3	82.24(d) 82.24(b)(1)(vi)
<b><i>OTHER REPORTS</i></b>			
Domestic Transfers of Allowances	2014.02-DT-HCFC	3	82.23
Request for Additional Consumption Allowances	2014.02-RCA-HCFC	3	82.20(a)
Petition to Import Used Substances	no form	--	82.24(c)(3)-(4)

\* All citations are from the January 21, 2003 edition of 68 CFR 2820.

The remainder of Part 4 describes the recordkeeping and reporting requirements and provides instructions on how to complete each of the forms listed above.

## 4.2. PRODUCERS OF CLASS II SUBSTANCES

Producers of class II substances are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping by some companies may be conducted on an individual facility or plant basis. Section 82.24(b) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

For producers that fail to maintain records or submit the report, the Administrator may assume that production reached full capacity during the period for which records were not kept as explained in §82.24(b)(3).

Terms such as “production,” “destruction,” and “transform” are defined in the regulations (§82.3) and reproduced in Appendix E to this guidance document.

### 4.2.1. Recordkeeping Requirements

Section 82.24(b)(2) describes the recordkeeping requirements for producers in detail. The records that should be maintained by all producers are summarized below.

- Dated records of the quantity of class II substances produced at each facility;
- Dated records of the quantity of class II substances produced with export production allowances or Article 5 allowances;
- Dated records of the quantity of class II substances used at each facility as feedstocks, or destroyed in the manufacturing of a class II substance, or introduced into the production process of the same class II substance;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of class II substances at each facility;
- Dated records of the shipments of each class II substance produced at each plant;
- Copies of invoices or receipts documenting sales of class II substances resulting in their transformation or destruction;
- The quantity of class II substances, date received, and names and addresses of the source of used materials containing recycled or reclaimed class II substances at each plant;
- Records of the estimated quantity of any spill or release of class II substance that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation or destruction verification certifying the intent to transform or destroy the class II substance or sell the class II substance for transformation or destruction in cases when allowances were not expended;
- Written verification from the U.S. purchaser that the class II substance was exported to Parties to the Protocol, including exports to Article 5 countries, in cases where export production allowances were expended to produce the class II substances; and
- Written verification from the U.S. purchaser that HCFC-141b was manufactured to meet HCFC-141b exemption needs, in accordance with §82.16(h), in cases where HCFC-141b exemption allowances were expended to produce the HCFC-141b.

## 4.2.2. Reporting Requirements

The following list summarizes reporting requirements for various types of production (§82.24(b)(1)).

- *Production using Production and Consumption Allowances*  
Producers should report the total sum of expended and unexpended production and consumption allowances for each class II substance produced.
- *Production using Article 5 Allowances*  
Producers allocated baseline production allowances in §82.18 may produce up to 15 percent of the baseline explicitly for export to Article 5 countries for the latter's domestic use. Producers should report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in §82.24(b)(1)(x), producers that produce class II substances using Article 5 allowances should provide a list of U.S. entities that purchased those class II substances and exported them to Article 5 countries. In addition, producers should maintain dated records of the quantity of class II substances produced with Article 5 allowances. Appendix C lists Article 5 countries.
- *Production for In-House or Second-Party Transformation*  
Producers should report the quantities of class II substances produced for in-house or second-party transformation.

A person purchasing class II substances for second-party transformation should provide the producer with verification that the class II substances will be used in a process resulting in their transformation.

Copies of transformation verifications for quantities sold for second-party transformation should accompany the Producer Report.

- *Production for In-House or Second-Party Destruction*  
Producers should report the quantities of class II substances produced for in-house or second-party destruction.

A person purchasing class II substances for second-party destruction should provide the producer with verification that the class II substances will be used in a process resulting in their destruction.

Copies of destruction verifications for quantities sold or transferred for second-party destruction should accompany the Producer Quarterly Report.

- *Production for HCFC-141b Exemptions*  
Producers should report the quantities of HCFC-141b produced for HCFC-141b exemption allowance holders.

The producers should provide a list of all HCFC-141b exemption allowance holders from whom orders were received and for whom HCFC-141b was produced.

- *Production using Export Production Allowances*  
Producers that produce class II substances using export production allowances should provide a list of U.S. entities that purchased those class II substances and exported them to a Party to the

Protocol. In addition, producers should maintain dated records of the quantity of class II substances produced with export production allowances.

Producers who import and/or export class II substances should file an Importer and/or Exporter Report as well as a Producer Report.

#### **4.2.3. Form Instructions: Producer Quarterly Report (Form 2014.02-P)**

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 - Company Production Data (company-wide)
- Section 3 - Allowance of Expenditure Totals

##### ***Section 1 - Producing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.3 Company Contact Identification: Name, telephone number, and fax number of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter.
- 1.7 Signature of Reporting Company Representative: The company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company contact person identified in Section 1.3. The person signing the form should read the "certification" that the information on the form is accurate.

##### ***Section 2 - Company Production Data***

- 2.1 Company Name: Name as it appears in Section 1.2.
- 2.2 Company Production Totals:

*Chemical Name (Column A):*  
The common names of class II substances.

*Gross Production (kg) (Column B):*  
The total quantity, in kilograms, of the class II substances produced.

*In-House Transformation (kg) (Column C):*

The total quantity, in kilograms, of each class II substance produced for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column D):*

The total quantity, in kilograms, of each class II substance produced for second-party transformation. (Submit copy of the transformation verification from each company.)

*In-House Destruction (kg) (Column E):*

The total quantity, in kilograms, of each class II substance produced for in-house destruction.

*Second-Party Destruction (kg) (Column F):*

The total quantity, in kilograms, of each class II substance produced for second-party destruction. (Submit a copy of the destruction verification from each company.)

*HCFC-141b Exemption (kg) (Column G):*

The total quantity, in kilograms, of HCFC-141b produced for exemption allowance holders from whom orders were received. (Submit a list of all HCFC-141b exemption allowance holders for whom HCFC-141b was produced.)

*Export Production (kg) (Column H):*

The total quantity, in kilograms, of each class II substance produced by expending export production allowances. (Submit a list of all U.S. entities that purchased those class II substances and exported them to a Party to the Protocol.)

*Article 5 Production (kg) (Column I):*

The total quantity, in kilograms, of each class II substance produced explicitly for export to Article 5 countries during this quarter that will require expenditure of Article 5 allowances. (Submit a list of all U.S. entities that purchased those class II substances and exported them to Article 5 countries.) Appendix C lists Article 5 countries.

*Net Production of HCFC (kg) (Column J):*

The remaining quantity of HCFCs after subtracting out the quantities produced as listed in Columns C, D, E, and F from Column B. Production quantities for Columns G, H, and I should not be included in the gross production in Column B.

***Section 3 - Allowance Expenditure Totals***

3.1 Company Name: Name as it appears in Section 1.2.

3.2 Allowance Balance Summary: Please supply this information for all substances for which the company holds production, consumption, export production, or Article 5 allowances.

*Chemical Name (Column A):*

The common names of class II substances.

*Total Production Allowances for Year to Date (as of end of quarter) (Column B):*

The total sum of expended and unexpended production allowances.

*Total Consumption Allowances for Year to Date (as of end of quarter) (Column C):*

The total sum of expended and unexpended consumption allowances.

*Total Export Production Allowances for Year to Date (as of end of quarter) (Column D):*

The total sum of expended and unexpended export production allowances.

*Total Article 5 Allowances for Year to Date (as of end of quarter) (Column E):*

The total sum of expended and unexpended Article 5 allowances.

### 4.3. IMPORTERS OF CLASS II SUBSTANCES

Importers of new class II substances are required to report to EPA. Section 82.24(c) and §82.24(f) describe the regulatory requirements for recordkeeping and quarterly reporting of importation. They are also required to report blends and mixtures of class II substances. Terms such as “importer,” “heel,” “destruction,” “transshipment,” and “transform” are defined in the regulations (§82.3) and in Appendix E.

Importers of used class II substances are required to petition EPA and the information required in the petition is described in §§82.24(c)(3) through (c)(4).

#### 4.3.1. Recordkeeping Requirements

Section 82.24(c)(2) describes the recordkeeping requirements for importers of class II substances. These requirements are summarized below:

- The quantity of each class II substance imported, either alone or in mixtures, and the percentage of each mixture containing a class II substance;
- The quantity of class II substances excluding transshipments or used class II substances for use in processes resulting in their transformation or destruction;
- The quantity of class II substances that are imported and sold for processes resulting in their transformation and destruction;
- The date on which class II substances were imported;
- The port of entry of the class II substances;
- The country from which the class II substances were imported;
- The commodity code for the class II substances shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the sale or transfer of class II substances for use in processes resulting in their transformation or destruction;
- Verification of transformation or destruction; and
- Written verification from a U.S. purchaser that HCFC-141b was imported to meet HCFC-141b exemption needs, in accordance with §82.16(h), in cases where HCFC-141b exemption allowances were expended to import the HCFC-141b.

Section 82.24 (c)(5) describes the recordkeeping requirement for companies that tranship a class II substance. Any importer who tranships a class II substance should maintain the following records:

- Records that the transshipment originated in a foreign country;
- Records that the transshipment is destined for another foreign country; and
- Records that the class II substance shipment will not enter interstate commerce within the U.S.

#### 4.3.2. Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§§82.24(c)(1) and 82.24(f)).

- Imports for Expending Consumption Allowances

Importers should report the total sum of expended and unexpended consumption allowances for each class II substance imported.

- Imports for In-House or Second-Party Transformation

Importers should report the quantities of class II substances imported for in-house or second-party transformation.

A person purchasing class II substances for second-party transformation should provide the importer with verification that the class II substances will be used in processes resulting in their transformation.

Copies of transformation verifications for quantities sold for second-party transformation should accompany the Importer Quarterly Report.

- Imports for In-House or Second-Party Destruction

Importers should report the quantities of class II substances imported for in-house or second-party destruction.

A company purchasing class II substances for second-party destruction should provide the importer with verification that the class II substances will be used in processes resulting in their destruction.

Copies of destruction verifications for quantities sold for second-party destruction should accompany the Importer Quarterly Report.

- Imports of Used Class II Substances

Imports of used class II substances are reported separately in the Importer Quarterly Report

- Imports of HCFC-141b

Importers should report the quantities of HCFC-141b imported for HCFC-141b exemption allowance holders.

The importer should provide a list of all HCFC-141b exemption allowance holders from whom orders were requested and the quantities of HCFC-141b imported for each allowance holder.

- Imports of 'Heels'

The importer should label their bill of lading or invoice indicating that the class II substance in the container is a heel. The importer of heels should report and submit the certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed; or (4) be recovered for a non-emissive use. In addition, importers should report on the final disposition of the heel. Importers also need to report total heels on a quarterly basis.



### 4.3.3. Form Instructions: Importer Quarterly Report (Form 2014.02-I)

The Importer Quarterly Report has four sections:

- Section 1 - Importing Company Identification
- Section 2 - Transaction Records
- Section 3 - Company Import Data (company-wide)
- Section 4 - Allowance Expenditure Totals

#### *Section 1 - Importing Company Identification*

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

#### *Section 2 - Transaction Records*

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for subsequent transactions. Reproduce this page as needed to obtain sufficient blank spaces for multiple transactions.

*Source Country:*

The country that exported the class II substance to the U.S.

*Port of Exit from Source Country:*

The port city from which the class II substance was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

*Quantity of Commodity Imported:*

The total quantity, in kilograms, of the commodity imported.

*Commodity Code of Shipment:*

The 10-digit code number in the Harmonized Tariff Schedule. The commodity codes for class II substances are designated by the U.S. Customs Service. The commodity codes for class II substances are listed below and in Appendix K to Subpart A of 40 CFR Part 82.

HCFC-22.....	2903.49.9010
HCFC-21	
HCFC-31	
HCFC-123	
HCFC-124	
HCFC-133	
HCFC-141b	
HCFC-142b	
HCFC-225.....	2903.49.0000
Mixtures, (Other)	
(One or more fully halogenated compounds indicated above).....	3824.79.0000

*If Import is not a Blend:*

The class II substance by its common name, such as HCFC-22, HCFC-124, HCFC-142b that is being imported and the total quantity, in kilograms, of the class II substance.

*If Import is a Blend:*

The name of the blend containing HCFCs that is being imported (e.g., R-409A) and the total quantity, in kilograms, of the blend.

*HCFC in Blend, Quantity:*

The class II substance by its common name, such as HCFC-22, HCFC-124, HCFC-142b and the total quantity, in kilograms, of each HCFC imported in the blend (e.g., if the blend is R-409A and the blend is comprised of 60 percent HCFC-22, 25 percent HCFC-124, and 15 percent HCFC-142b, then using these percentages, calculate and report the quantity of each HCFC within the blend).

*Port of Entry into the U.S.:*

The U.S. port where the shipment landed.

*Date of Import:*

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the date the truck or train enters the U.S.

*Customs Entry Summary Number:*

This number identifies the specific shipment (from block number 1 of the U.S. Customs Entry Summary Form). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

*Importer Number:*

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

*Type of Import:*

Check the box describing the purpose (transformation or destruction) or type of shipment (new, used, or heels).

*If Heels, Indicate One of the Following Purposes:*

Check the box describing the purpose (included in future shipment, transformation, destruction, non-emissive use) of the heels.

**Section 3 - Company Import Data**

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

3.2 Company Import Totals:

*Chemical Name (Column A):*

The common names of the class II substances.

*Gross Imports (kg) (Column B)\*:*

The total quantity, in kilograms, of the class II substances imported.

*In-House Transformation (kg) (Column C)\*:*

The total quantity, in kilograms, of each class II substance imported for in-house transformation purposes.

*Second-Party Transformation (kg) (Column D)\*:*

The total quantity, in kilograms, of each class II substance imported and sold for second-party transformation. (Submit a copy of the transformation verification from each company.)

*In-House Destruction (kg) (Column E)\*:*

The total quantity, in kilograms, of each class II substance imported for in-house destruction.

*Second-Party Destruction (kg) (Column F)\*:*

The total quantity, in kilograms, of each class II substance imported and sold for second-party destruction. (Submit a copy of the destruction verification from each company.)

*Net Imports (kg) (Column G):*

The remaining quantity of class II substances after subtracting out the quantities listed in Columns C, D, E, and F from Column B.

*Total 'Used' Imports (kg) (Column H):*

The total quantity, in kilograms, of each used class II substance imported.

*Total 'Heels' (kg) (Column I):*

The total quantity, in kilograms, of each class II substance brought into the United States as a heel that is no more than 10 percent of the volume of each container. (Submit the certification that the heel will be treated as required in 82.24(f).)

\* NOTE: If the substance is a component of a mixture, report only the quantity of the class II substance in the mixture.

***Section 4 – Allowance Expenditure Totals***

4.1 Company Name: Name of the company submitting the report, as in Section 1.5.

4.2 Yearly Balance Summary of Allowances: This information should be supplied for all substances for which the company holds consumption allowances or HCFC-141b exemption allowances.

*Chemical Name (Column A):*

The common names of class II substances.

*Total Consumption Allowances for Year to Date (as of end of quarter) that were expended and unexpended (Column B):*

The total sum of expended and unexpended consumption allowances by chemical for the control period to date.

*Total HCFC-141b Exemption Allowances for Year to Date (as of end of quarter) that were expended and unexpended (Column C):*

The total sum of expended and unexpended HCFC-141b exemption allowances by chemical for the control period to date. (Submit a list of all HCFC-141b exemption allowance holders for whom HCFC-141b was imported.)

## 4.4. EXPORTERS OF CLASS II SUBSTANCES

Exporters of class II substances are required to report to EPA. Section 82.24(d) and §82.24(b)(1)(vi) describes the regulatory requirements for recordkeeping and quarterly reporting of exports. Exports of blends and mixtures of class II substances are also considered exports under the regulations and should be reported. Terms such as “exporter,” “destruction,” and “transform” are defined in the regulations (§82.3) and in Appendix E.

The exporter is the company that owns the class II substances when they are exported, not necessarily the person that places them on the ship or in the truck. In addition, the exporter does not need to be identified as such on any form collected to monitor exports (i.e., the Export Declaration Form). Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the class II substance to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred.

Exporters may obtain consumption allowances equivalent to the quantity of class II substances exported to a foreign state when that quantity was produced in the U.S. with expended consumption allowances. The exporter should complete *Form 2014.02-E-HCFC* to request additional class II consumption allowances.

### 4.4.1. Recordkeeping Requirements

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting class II substances maintain copies of invoices and bills of lading for each shipment.

### 4.4.2. Reporting Requirements

In general, information provided about the recipient should pertain to the location of the plant where the substance is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

The following list summarizes quarterly reporting requirements for various types of exports (§82.24(d)(1)).

- *Exports for Transformation*  
Section 82.24(d)(1)(viii) requires the recipient or purchaser of class II substances for transformation to provide the exporter with verification that the class II substances are intended for transformation.  
  
The exporter report should be accompanied by copies of transformation verifications for quantities sold for transformation.
- *Exports for Destruction*  
Section 82.24(d)(1)(viii) requires the recipient or purchaser of class II substances for destruction to provide the exporter with verification that the class II substances are intended for destruction.

The exporter report should be accompanied by copies of destruction verifications for quantities sold for destruction.

#### **4.4.3. Form Instructions: Exporter Quarterly Report (Form 2014.02-E)**

The Exporter Quarterly Report has three sections:

- Section 1 - Exporting Company Identification
- Section 2 - Transaction Records
- Section 3 - Company Export Totals (company-wide)

##### ***Section 1 – Exporting Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Exporting Company Information: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

##### ***Section 2 - Transaction Records***

- 2.1 Company Name: Company submitting the Exporter Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for subsequent transactions. Reproduce this page as needed to obtain sufficient blank spaces for multiple transactions.

*Recipient Company Name:*

The company receiving the class II substance.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the class II substances were exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Quantity of Commodity Exported:*

The total quantity, in kilograms, of the commodity exported.

*Commodity Code of Shipment:*

The 10-digit code in the Harmonized Tariff Schedule. The commodity codes for class II substances are designated by the U.S. Customs Service. The commodity codes for class II substances are listed below and in Appendix K to Subpart A of 40 CFR Part 82.

HCFC-22.....	2903.49.9010
HCFC-21	
HCFC-31	
HCFC-123	
HCFC-124	
HCFC-133	
HCFC-141b	
HCFC-142b	
HCFC-225.....	2903.49.0000
Mixtures, (Other)	
(One or more fully halogenated compounds indicated above).....	3824.79.0000

*If Export is not a Blend:*

The class II substance by its common name, such as HCFC-22, HCFC-124, HCFC-142b that is being exported and the total quantity, in kilograms, of the class II substance.

*If Export is a Blend:*

The name of the blend containing HCFCs that is being exported (e.g., R-409A) and the total quantity, in kilograms, of the blend.

*HCFC in Blend, Quantity:*

The class II substance by its common name, such as HCFC-22, HCFC-124, HCFC-142b and the total quantity, in kilograms, of each HCFC exported in the blend (e.g., if the blend is R-409A and the blend is comprised of 60 percent HCFC-22, 25 percent HCFC-124, and 15 percent HCFC-

142b, then using these percentages, calculate and report the quantity of each HCFC within the blend).

*Date of Export:*

Date of export as it appears on the bill of lading.

*Port of Export from the U.S.:*

U.S. port where the class II substance was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Type of Export:*

Check the box describing the purpose (transformation or destruction), type of HCFC (used), or type of allowances expended (export production allowances, Article 5 allowances, or production allowances/consumption allowances).

***Section 3: Company Export Totals***

A separate Section 3 should be completed for each class II substance. Reproduce the blank form as needed.

3.1: Company Name: Company submitting the Exporter Quarterly Report, as in Section 1.5.

3.2: Transaction Summaries: Select the class II substance to be summarized for the first transaction of the quarter. Reproduce this page as needed to proceed with summaries for class II substances associated with transactions "2," "3," and so on.

*Class II Substance:*

The common names of the class II substances. Enter the common name of the class II substance in the space provided if it is not provided in the list.

*Country Receiving Export:*

The names of countries to which the class II substances were exported.

*Quantity of Class II Substance Exported:*

The total quantity, in kilograms, of the specific class II substance exported to each country.



#### 4.5. DOMESTIC TRANSFERS OF ALLOWANCES

Domestic transfers of allowances (§82.23) are discussed below, while international transfers of production allowances, consumption allowances, export production allowances, and Article 5 allowances should comply with the requirements in §§82.18(c) and 82.20(b).

*Form 2014.02-DT-HCFC (“Transfers of Allowances”)* may not be used for international transfers of allowances.

A producer may increase or decrease its production allowances, export production allowances, or Article 5 allowances, for a specific control period through transfers with another producer. Terms such as “production allowances,” “consumption allowances,” “export production allowances,” or “Article 5 allowances” are defined in the regulations (§82.3) and reproduced in Appendix E.

The following list summarizes information on various types of allowances.

- *Production Allowances*  
A producer that was apportioned baseline production allowances for class II substances may increase or decrease its balance of allowances through transfer with another producer.
- *Consumption Allowances*  
A producer, importer, or exporter that was apportioned baseline consumption allowances for class II substances may increase or decrease its balance of allowances through transfers with any holder of consumption allowances.
- *Article 5 Allowances*  
A producer that was apportioned baseline production allowances is also apportioned Article 5 allowances, equal to 15 percent of the producer’s baseline production allowances, for the specified HCFC for each control period until December 31, 2014; 10 percent from January 1, 2015 to December 31, 2029; and 15 percent from January 1, 2030 to December 31, 2039. The specified HCFC can be produced for export to Article 5 countries. Appendix C lists Article 5 countries.
- *Export Production Allowances*  
A producer that was apportioned baseline production allowances for HCFC-141b is also apportioned export production allowances, equal to 100 percent of its baseline production allowances, for HCFC-141b for each control period beginning January 1, 2003, until December 31, 2029. The baseline production allowances for HCFC-141b expired December 31, 2002. HCFC-141b can be produced *for export only* by expending export production allowances.

For transfers of production allowances, export production allowances, or Article 5 allowances, the transfer claim should include the 0.1 percent offset applied to the unweighted quantity transferred that will be deducted from the transferor’s balance of allowances.

If a person intends to transfer consumption allowances to another company or to another chemical, *Form 2014.02-DT-HCFC* (“Domestic Transfers of Allowances”) can be used as a template for transfer claims, and should be submitted to EPA before the transfer(s) take(s) place. Section 82.23 of the rule presents the reporting requirements applicable to the transfer claim and is summarized as follows:

A person should complete a transaction summary for each transfer involving a different chemical or a different transferee.

For inter-pollutant transfers, the transfer claim should include the quantity of allowances to be subtracted from the transferor's unexpended allowances for the first class II substance to be equal to 100.1 percent of the quantity of allowances converted. The quantity being converted should account for differences in ozone depletion potentials (ODPs). ODPs of the class II substances are listed in Appendix B.

EPA will review the transfer claim within three (3) working days of receiving the claim, and respond with either a "no objection" notice if, according to EPA's records, the transferring company has sufficient allowances to cover the transfer, or a "disallowance" notice, if the transferring company does not have sufficient allowances. If EPA does not act upon the transfer within the three-day review period, the transferring companies may proceed with the transaction. In cases where the Agency issues a notice of no objection or fails to respond expeditiously, if EPA later determines that insufficient allowances existed to cover the transfer, the companies may face enforcement actions.

For transfers of consumption allowances, the transfer claim should include the 0.1 percent offset applied to the unweighted quantity transferred that will be deducted from the transferor's balance of allowances.

#### **4.5.1. Recordkeeping Requirements**

There are no recordkeeping requirements for companies notifying the Agency of a class II transfer.

#### **4.5.2. Form Instructions: Domestic Transfers of Allowances (Form 2014.02-DT)**

The form for Domestic Transfer of Allowances has three sections:

- Section 1 - Transferor Identification
- Section 2 - Transaction Record
- Section 3 - Unexpended Balance Summary

##### ***Section 1 - Transferor Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.

- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transaction Record***

Companies submitting a transfer claim should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for multiple transactions.

For each transaction, complete the form as follows:

- 2.1 Transferee Identification: Name and address of the transferee company (the company receiving allowances as a result of the transfer). Identify a contact person and provide telephone and fax numbers. If a person is conducting an inter-pollutant transfer (i.e. trading allowances internally between two class II substances), the transferee company will be the same company identified in Section 1.5. The type of allowance being transferred (Production, Consumption, Export Production, or Article 5) should also be identified.
- 2.2 Type of Allowances Transferred: A transfer of current year allowances is only for the current control period. A transfer of baseline allowances *permanently* reduces the number of allowances that the transferor will receive in future allocations. Only one box should be checked.
- 2.3 HCFC Transferring From: The common name of the class II substance that is having its allowances reduced as a result of the transfer (e.g., HCFC-22 or HCFC-123).
- 2.4 Ozone Depletion Potential (ODP): The ozone depletion potential (defined as the measure of a substance's ability to destroy stratospheric ozone) of the chemical listed in Section 2.3. ODPs of the class II substances are listed in Appendix B.
- 2.5 Quantity of HCFC in Section 2.3 Being Transferred (kg): The number of allowances of the class II substance listed in 2.3 that are being transferred.
- 2.6 Calculated Level of HCFC in Section 2.3 Being Transferred: Transfers of class II substances are made on the basis of calculated level. The calculated level of a quantity of class II substance is equal to its mass in kilograms multiplied by its ODP. Calculate the level of class II substance being transferred by multiplying the ODP (listed in Section 2.4) by the quantity transferred (listed in Section 2.5); report the result in Section 2.6.
- 2.7 HCFC Transferring To: The common name of the class II substance which will have its balance of allowances increased as a result of the transfer.
- 2.8 Ozone Depletion Potential (ODP): The ODP of the class II substance listed in Section 2.7. ODPs of the class II substances are listed in Appendix B.
- 2.9 Amount of Offset (0.001 x Section 2.5) (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.5 by 0.001.
- 2.10 Number of Allowances Subtracted from Transferor's Balance of HCFC Allowances (Section 2.5 + Section 2.9): Calculate the number of allowances that are to be subtracted from the transferor's

balance of the chemical listed in Section 2.3 by adding Sections 2.5 and 2.9.

- 2.11 Quantity of HCFC in Section 2.7 Being Received (Section 2.6 ÷ Section 2.8) (kg): The number of allowances received is equal to the calculated level of allowances being transferred divided by the ODP of the class II substance that is having its balance of allowances increased as a result of the transfer. Calculate the number of class II allowances being received by dividing the calculated level reported in Section 2.6 by the ODP listed in Section 2.8.

### ***Section 3 - Unexpended Balance Summary***

- 3.1 Balance of Unexpended HCFC Allowances Prior to Transfers Reported: For each class II substance involved in the transfer, report the company's balance of unexpended allowances before the transfer.

*Chemical Name (Column A):*

The common names of class II substances. Enter the common name of the class II substance in the space provided if it is not already provided in the list.

*Balance of Unexpended Production Allowances (Column B):*

The unexpended production allowances held by the transferor within the production limit of that class II substance.

*Balance of Unexpended Consumption Allowances (Column C):*

The unexpended consumption allowances held by the transferor within the consumption limit of that class II substance.

*Balance of Unexpended Export Production Allowances (Column D):*

The unexpended export production allowances held by the transferor within the export production limit of that class II substance.

*Balance of Unexpended Article 5 Allowances (Column E):*

The unexpended Article 5 allowances held by the transferor within the production limit of that class II substance.

## **4.6. REQUEST FOR ADDITIONAL CLASS II CONSUMPTION ALLOWANCES**

### Adjustment for Expended Consumption Allowances

At any time during the control period, an exporter may obtain consumption allowances equivalent to the quantity of expended consumption allowances after exporting class II substances from the U.S. and its territories to a Party to the Protocol. Section 82.20(a) describes the information and documentation required for such an adjustment.

#### **4.6.1. Recordkeeping Requirements**

There are no recordkeeping requirements for companies requesting additional consumption allowances.

#### **4.6.2. Reporting Requirements**

The exporter should submit a request for consumption allowances to EPA. Section 82.20(a)(1) lists the reporting requirements for companies requesting additional consumption allowances of class II substances. Specific information requirements, not found in the reporting forms for exporters requesting additional consumption allowances, are summarized below.

- Additional Documentation  
Section 82.20(a)(1)(viii) states that the company requesting additional consumption allowances should submit a copy of the bill of lading and the invoice indicating the net quantity (kg) of class II substances shipped and documenting the sale of class II substances to the purchaser. According to §82.20(a)(1)(x), the company should also submit a written statement from the producer that the class II substances were produced with expended consumption allowances.

#### **4.6.3. Form Instructions: Request for Additional Consumption Allowances (Form 2014.02-RCA)**

The form for the Request for Additional Consumption Allowances has three sections:

- Section 1 - Exporting Company Identification
- Section 2 - Transaction Records
- Section 3 - Company Export Totals

##### ***Section 1 – Exporting Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Exporting Company: The name of the company requesting additional consumption allowances and the business address of the contact person for the report.

- 1.5 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

***Section 2 – Transaction Records***

- 2.1 Company Name: Company submitting the Request for Additional Consumption Allowances, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for subsequent transactions. Reproduce this page as needed to obtain sufficient blank spaces for multiple transactions.

*Recipient Company Name:*

The company receiving the class II substance.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the class II substances were exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Quantity of Commodity Exported:*

The total quantity, in kilograms, of the commodity exported.

*Commodity Code of Shipment:*

The 10-digit code number in the Harmonized Tariff Schedule. The commodity codes for class II substances are designated by the U.S. Customs Service. The commodity codes for class II substances are listed below and in Appendix K to Subpart A of 40 CFR Part 82.

HCFC-22.....2903.49.9010

HCFC-21	
HCFC-31	
HCFC-123	
HCFC-124	
HCFC-133	
HCFC-141b	
HCFC-142b	
HCFC-225.....	2903.49.0000
Mixtures, (Other)	
(One or more fully halogenated compounds indicated above).....	3824.79.0000

*HCFC Chemical Exported:*

The class II substance using its common name, such as HCFC-22, HCFC-123, HCFC-142b. If the class II substance exported is a component of a blend or a mixture, identify both the blend and the class II substance(s) that it contains (e.g., “R-401A containing HCFC-22 and HCFC-142b”).

*Quantity of HCFC Exported:*

The total quantity, in kilograms, of the class II substance exported. For pure class II substances, this will equal the quantity of the commodity exported. For mixtures containing class II substances, multiply the percentage of class II substance in the mixture by the quantity of commodity exported.

*Date of Export:*

Date of export as it appears on the bill of lading.

*Port of Export from the U.S.:*

Port in the U.S. where the class II substance was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Source of HCFC:*

Supplier if it is not the U.S. producer who expended consumption and production allowances in the production of the class II substance.

*Date Purchased:*

Date that the class II substance was purchased from the supplier or the U.S. producer who expended consumption and production allowances to produce the class II substance.

*Company that Produced the HCFC with Production and Consumption Allowances:*

Indicate the company that produced the HCFC in the U.S. with production and consumption allowances.

**Section 3 – Company Export Totals**

3.1 Company Name: The company requesting the additional consumption allowances of class II substances.

3.2 Company Request Summary:

*Chemical Name (Column A):*

The common names of the class II substances.

*Total Consumption Allowances Requested (kg) (Column B)\*:*

The total quantity, in kilograms, of the class II substances exported.

\* NOTE: If the substance was a component of a mixture, report only the amount of the class II substance in the mixture.



## **4.7. USED CLASS II SUBSTANCES - PETITION TO IMPORT**

A petition process is required for imports of used class II substances. The term “used controlled substances” is defined in the regulations (§82.3) and in Appendix E.

An importer needs to petition EPA to import each individual shipment over 5 pounds of used class II substances, at least 40 working-days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of the guidance document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition should accompany the shipment through U.S. Customs. The approved used class II substance should be imported within the same control period as the date stamped on the non-objection notice.

### **4.7.1. Petition Information Requirements**

Section 82.24(c)(3)-(4) describes the information requirements for petitioners in detail. There is no EPA petition form. The petition may be in any format as long as it includes the following information:

- Name and quantity of the used class II substance, in kilograms, to be imported (including material that has been recycled or reclaimed);
- Name and address of the importer, the importer I.D. number, phone number, fax number, and the name of the contact person;
- Name and address, contact person, phone and fax numbers of all previous source facilities from which the used class II substance was recovered;
- A detailed description of the previous use of the class II substance at each source facility and a best estimate of when the class II substance was put into the equipment including any documentation indicating such dates;
- A list of the name, make, and model of the equipment from which the class II substance was recovered at each source facility;
- Name, address, contact person, and phone and fax number of the exporter and/or foreign owner of the class II substance;
- U.S. port of entry for the import, the expected date of shipment, and the name of the vessel transporting the class II substance;
- Intended future use of the used class II substance including the name, address, contact person, and phone and fax number of the ultimate U.S. purchaser, if known;
- Name, address, contact person, and phone and fax number of the U.S. reclamation facility, where applicable;
- Name of the person who recovered the class II substance from equipment at the source facility.
- Name, address, contact person, and phone and fax number of all foreign reclamation facilities responsible for reclaiming the cited shipment, if any;
- An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from that country;
- Name and address of the U.S. reclaimer bringing the material to CAA specifications if the used class II substance is to be sold as a refrigerant in the United States.; and

- A certification of the accuracy of the information submitted in the petition.

In evaluating a petition, EPA determines whether the class II substance to be imported is, in fact, previously used. In order to independently verify the previous use of the class II substance, EPA requires information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requires a detailed description of the source facility (facilities) and the specific equipment from which the class II substance was recovered. This information ensures U.S. compliance under the Montreal Protocol.

#### **4.7.2. Recordkeeping Requirements**

Section 82.24(c)(4)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that should be maintained by all companies approved to import used class II substances are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import including the commodity code of the used class II substance approved for import.

## APPENDIX A

### PARTIES TO THE MONTREAL PROTOCOL (AS OF MARCH 29, 2005)

The table below includes both Article 5 and non Article 5 (Article 2) countries. A check mark indicates ratification/accession/acceptance/approval of the agreement. Updates to this table are posted on the web site of the Montreal Protocol Ozone Secretariat at

[http://www.unep.org/ozone/Treaties\\_and\\_Ratification/2C\\_ratificationTable.asp](http://www.unep.org/ozone/Treaties_and_Ratification/2C_ratificationTable.asp)

U.S. companies may trade HCFCs with Article 5 countries regardless of whether an Article 5 country has ratified the Copenhagen and Beijing Amendments because Article 5 countries have no HCFC obligations under the Protocol until 2016. After 2016, trade in HCFCs with Article 5 countries can only occur if they have ratified both the Copenhagen and Beijing Amendments.

U.S. companies may only trade HCFCs with an Article 2 country that has ratified the Copenhagen and Beijing Amendments, unless that Article 2 country has complied with the notification procedures in paragraph 2(c) of Decision XV/3 established by the Parties to the Montreal Protocol. To see if an Article 2 country without a check mark under the Copenhagen and Beijing Amendments has submitted information to satisfy the requirements of paragraph 2(c) of Decision XV/3, please check the Ozone Secretariat's website at (<http://www.unep.org/ozone/>) and Appendix 3 of Annex 2 to the regulations published under 40 CFR Part 82, Subpart A.

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Albania	✓				
Algeria	✓	✓	✓		
Angola	✓				
Antigua and Barbuda	✓	✓	✓	✓	
Argentina	✓	✓	✓	✓	
Armenia	✓	✓	✓		
Australia	✓	✓	✓	✓	
Austria	✓	✓	✓	✓	✓
Azerbaijan	✓	✓	✓	✓	
Bahamas	✓	✓	✓	✓	✓
Bahrain	✓	✓	✓	✓	
Bangladesh	✓	✓	✓	✓	
Barbados	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Belarus	✓	✓			
Belgium	✓	✓	✓	✓	
Belize	✓	✓	✓		
Benin	✓	✓	✓		
Bhutan	✓	✓	✓	✓	✓
Bolivia	✓	✓	✓	✓	
Bosnia and Herzegovina	✓	✓	✓	✓	
Botswana	✓	✓	✓		
Brazil	✓	✓	✓		
Brunei Darussalam	✓				
Bulgaria	✓	✓	✓	✓	✓
Burkina Faso	✓	✓	✓	✓	✓
Burundi	✓	✓	✓	✓	✓
Cambodia	✓				
Cameroon	✓	✓	✓		
Canada	✓	✓	✓	✓	✓
Cape Verde	✓	✓	✓	✓	
Central African Republic	✓				
Chad	✓	✓	✓	✓	
Chile	✓	✓	✓	✓	✓
China	✓	✓	✓		
Colombia	✓	✓	✓	✓	
Comoros	✓	✓	✓	✓	✓
Congo	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Congo, Democratic Republic of	✓	✓	✓	✓	
Cook Islands	✓	✓	✓	✓	✓
Costa Rica	✓	✓	✓		
Cote d'Ivoire	✓	✓	✓		
Croatia	✓	✓	✓	✓	✓
Cuba	✓	✓	✓		
Cyprus	✓	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓	✓
Denmark	✓	✓	✓	✓	✓
Djibouti	✓	✓	✓	✓	
Dominica	✓	✓			
Dominican Republic	✓	✓	✓		
Ecuador	✓	✓	✓		
Egypt	✓	✓	✓	✓	
El Salvador	✓	✓	✓	✓	
Equatorial Guinea <sup>1</sup>					
Eritrea	✓				
Estonia	✓	✓	✓	✓	✓
Ethiopia	✓				
European Community	✓	✓	✓	✓	✓
Federated States of Micronesia	✓	✓	✓	✓	✓
Fiji	✓	✓	✓		
Finland	✓	✓	✓	✓	✓
France	✓	✓	✓	✓	✓
Gabon	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Gambia	✓	✓			
Georgia	✓	✓	✓	✓	
Germany	✓	✓	✓	✓	✓
Ghana	✓	✓	✓		
Greece	✓	✓	✓		
Grenada	✓	✓	✓	✓	✓
Guatemala	✓	✓	✓	✓	✓
Guinea	✓	✓			
Guinea Bissau	✓	✓	✓	✓	✓
Guyana	✓	✓	✓	✓	
Haiti	✓	✓	✓	✓	
Honduras	✓	✓	✓		
Hungary	✓	✓	✓	✓	✓
Iceland	✓	✓	✓	✓	✓
India	✓	✓	✓	✓	✓
Indonesia	✓	✓	✓		
Iran	✓	✓	✓	✓	
Ireland	✓	✓	✓		
Israel	✓	✓	✓	✓	✓
Italy	✓	✓	✓	✓	✓
Jamaica	✓	✓	✓	✓	✓
Japan	✓	✓	✓	✓	✓
Jordan	✓	✓	✓	✓	✓
Kazakhstan	✓	✓			

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Kenya	✓	✓	✓	✓	
Kiribati	✓	✓	✓	✓	✓
Korea, Democratic People's Republic of	✓	✓	✓	✓	✓
Korea, Republic of	✓	✓	✓	✓	✓
Kuwait	✓	✓	✓	✓	
Kyrgyzstan	✓	✓	✓	✓	
Lao, People's Democratic Republic	✓				
Latvia	✓	✓	✓	✓	✓
Lebanon	✓	✓	✓	✓	
Lesotho	✓				
Liberia	✓	✓	✓		
Libyan Arab Jamahiriya	✓	✓	✓		
Liechtenstein	✓	✓	✓	✓	✓
Lithuania	✓	✓	✓		
Luxembourg	✓	✓	✓	✓	✓
Madagascar	✓	✓	✓	✓	✓
Malawi	✓	✓	✓		
Malaysia	✓	✓	✓	✓	✓
Maldives	✓	✓	✓	✓	✓
Mali	✓	✓	✓	✓	✓
Malta	✓	✓	✓	✓	✓
Marshall Islands	✓	✓	✓	✓	
Mauritania	✓				
Mauritius	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Mexico	✓	✓	✓		
Moldova	✓	✓	✓		
Monaco	✓	✓	✓	✓	✓
Mongolia	✓	✓	✓	✓	
Morocco	✓	✓	✓		
Mozambique	✓	✓	✓		
Myanmar	✓	✓			
Namibia	✓	✓	✓		
Nauru	✓	✓	✓	✓	✓
Nepal	✓	✓			
Netherlands	✓	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓	✓
Nicaragua	✓	✓	✓		
Niger	✓	✓	✓	✓	
Nigeria	✓	✓	✓	✓	
Niue	✓	✓	✓	✓	✓
Norway	✓	✓	✓	✓	✓
Oman	✓	✓	✓	✓	✓
Pakistan	✓	✓	✓		
Palau	✓	✓	✓	✓	✓
Panama	✓	✓	✓	✓	✓
Papua New Guinea	✓	✓	✓		
Paraguay	✓	✓	✓	✓	
Peru	✓	✓	✓		



COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Philippines	✓	✓	✓		
Poland	✓	✓	✓	✓	
Portugal	✓	✓	✓	✓	
Qatar	✓	✓	✓		
Romania	✓	✓	✓	✓	
Russian Federation	✓	✓			
Rwanda	✓	✓	✓	✓	✓
Saint Kitts and Nevis	✓	✓	✓	✓	
Saint Lucia	✓	✓	✓	✓	✓
Saint Vincent and the Grenadines	✓	✓	✓		
Sao Tome and Principe	✓	✓	✓	✓	✓
Samoa	✓	✓	✓	✓	✓
Saudi Arabia	✓	✓	✓		
Senegal	✓	✓	✓	✓	✓
Serbia and Montenegro	✓	✓	✓	✓	✓
Seychelles	✓	✓	✓	✓	✓
Sierra Leone	✓	✓	✓	✓	✓
Singapore	✓	✓	✓	✓	
Slovakia	✓	✓	✓	✓	✓
Slovenia	✓	✓	✓	✓	✓
Solomon Islands	✓	✓	✓	✓	
Somalia	✓	✓	✓	✓	✓
South Africa	✓	✓	✓		
Spain	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Sri Lanka	✓	✓	✓	✓	✓
Sudan	✓	✓	✓		
Suriname	✓				
Swaziland	✓				
Sweden	✓	✓	✓	✓	✓
Switzerland	✓	✓	✓	✓	✓
Syrian Arab Republic	✓	✓	✓	✓	
Tajikistan	✓	✓			
Tanzania, United Republic	✓	✓	✓	✓	✓
Thailand	✓	✓	✓	✓	
The Former Yugoslav Republic of Macedonia	✓	✓	✓	✓	✓
Togo	✓	✓	✓	✓	✓
Tonga	✓	✓	✓	✓	✓
Trinidad and Tobago	✓	✓	✓	✓	✓
Tunisia	✓	✓	✓	✓	
Turkey	✓	✓	✓	✓	✓
Turkmenistan	✓	✓			
Tuvalu	✓	✓	✓	✓	✓
Uganda	✓	✓	✓	✓	
Ukraine	✓	✓	✓		
United Arab Emirates	✓	✓	✓	✓	✓
United Kingdom	✓	✓	✓	✓	✓
United States	✓	✓	✓	✓	✓
Uruguay	✓	✓	✓	✓	✓

COUNTRY	MONTREAL PROTOCOL	LONDON AMENDMENT	COPENHAGEN AMENDMENTS	MONTREAL AMENDMENTS	BELJING AMENDMENTS
Uzbekistan	✓	✓	✓		
Vanuatu	✓	✓	✓		
Venezuela	✓	✓	✓	✓	
Viet Nam	✓	✓	✓	✓	
Yemen	✓	✓	✓	✓	
Zambia	✓	✓			
Zimbabwe	✓	✓	✓		

<sup>1</sup> Equatorial Guinea ratified the Vienna Convention but has not signed or ratified the Montreal Protocol.

Updated lists of Parties to the Protocol and the Amendments can be located at the website for UNEP's Ozone Secretariat. To check for updated versions of this list, visit: <http://www.unep.org/ozone/ratif.shtml>

## APPENDIX B

### LIST OF CONTROLLED SUBSTANCES AND THEIR ODPs

CLASS I CONTROLLED SUBSTANCES		
Group	Chemical Name	ODP
<b>Group I</b>	- CFC-11 (CFCl <sub>3</sub> )	1.0
	- CFC-12 (CF <sub>2</sub> Cl <sub>2</sub> )	1.0
	- CFC-113 (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )	0.8
	- CFC-114 (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )	1.0
	- CFC-115 (C <sub>2</sub> F <sub>5</sub> Cl)	0.6
	- All isomers of the above chemicals.	
<b>Group II</b>	- Halon 1211 (CF <sub>2</sub> BrCl)	3.0
	- Halon 1301 (CF <sub>3</sub> Br)	10.0
	- Halon 2402 (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )	6.0
	- All isomers of the above chemicals.	
<b>Group III</b>	- CFC-13 Chlorotrifluoromethane (CF <sub>3</sub> Cl)	1.0
	- CFC-111 (C <sub>2</sub> FCl <sub>5</sub> )	1.0
	- CFC-112 (C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> )	1.0
	- CFC-211 (C <sub>3</sub> FCl <sub>7</sub> )	1.0
	- CFC-212 (C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub> )	1.0
	- CFC-213 (C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub> )	1.0
	- CFC-214 (C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub> )	1.0
	- CFC-215 (C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub> )	1.0
	- CFC-216 (C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub> )	1.0
	- CFC-217 (C <sub>3</sub> F <sub>7</sub> Cl)	1.0
	- All isomers of the above chemicals.	
<b>Group IV</b>	- Carbon Tetrachloride (CCl <sub>4</sub> )	1.1
<b>Group V</b>	- 1,1,1-Trichloroethane (Methyl Chloroform) (C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> )	0.1
	- All isomers of the above chemical, except 1,1,2-trichloroethane.	
<b>Group VI</b>	- Methyl Bromide (CH <sub>3</sub> Br)	0.7
<b>Group VII</b>	- CHFBr <sub>2</sub>	1.0
	- HBFC-22B1 (CHF <sub>2</sub> Br)	0.74
	- CH <sub>2</sub> FBr	0.73
	- C <sub>2</sub> HFBr <sub>4</sub>	0.3-0.8
	- C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub>	0.5-1.8
	- C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub>	0.4-1.6
	- C <sub>2</sub> HF <sub>4</sub> Br	0.7-1.2
	- C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>	0.1-1.1
	- C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>	0.2-1.5

CLASS I CONTROLLED SUBSTANCES		
	- C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br	0.7-1.6
	- C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>	0.1-1.7
	- C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br	0.2-1.1
	- C <sub>2</sub> H <sub>4</sub> FBr	0.07-0.1
	- C <sub>3</sub> HFBr <sub>6</sub>	0.3-1.5
	- C <sub>3</sub> HF <sub>2</sub> Br <sub>5</sub>	0.2-1.9
	- C <sub>3</sub> HF <sub>3</sub> Br <sub>4</sub>	0.3-1.8
	- C <sub>3</sub> HF <sub>4</sub> Br <sub>3</sub>	0.5-2.2
	- C <sub>3</sub> HF <sub>5</sub> Br <sub>2</sub>	0.9-2.0
	- C <sub>3</sub> HF <sub>6</sub> Br	0.7-3.3
	- C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub>	0.1-1.9
	- C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub>	0.2-2.1
	- C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub>	0.2-5.6
	- C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	0.3-7.5
	- C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br	0.9-1.4
	- C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub>	0.08-1.9
	- C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub>	0.1-3.1
	- C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Br <sub>2</sub>	0.1-2.5
	- C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br	0.3-4.4
	- C <sub>3</sub> H <sub>4</sub> FBr <sub>3</sub>	0.03-0.3
	- C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>2</sub>	0.1-1.0
	- C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br	0.07-0.8
	- C <sub>3</sub> H <sub>5</sub> FBr <sub>2</sub>	0.04-0.4
	- C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br	0.07-0.8
	- C <sub>3</sub> H <sub>6</sub> FB	0.02-0.7
	- All isomers of the above chemicals	
<b>Group VIII</b>	- Chlorobromomethane (CH <sub>2</sub> BrCl)	0.12

**CLASS II CONTROLLED SUBSTANCES**

<b>Chemical Name</b>	<b>ODP</b>	<b>Chemical Name</b>	<b>ODP</b>
HCFC-21 (CHFCI <sub>2</sub> )	0.04	HCFC-225 (C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub> )	0.02-0.07
HCFC-22 (CHF <sub>2</sub> Cl)	0.055	HCFC-225ca (CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub> )	0.025
HCFC-31 (CH <sub>2</sub> FCI)	0.02	HCFC-225cb (CF <sub>2</sub> ClCF <sub>2</sub> CHClF)	0.033
HCFC-121 (C <sub>2</sub> HFCl <sub>4</sub> )	0.01-0.04	HCFC-226 (C <sub>3</sub> HF <sub>6</sub> Cl)	0.02-0.10
HCFC-122 (C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub> )	0.02-0.08	HCFC-231 (C <sub>3</sub> H <sub>2</sub> FCl <sub>5</sub> )	0.05-0.09
HCFC-123 (C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub> )	0.02-0.06	HCFC-232 (C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> )	0.008-0.10
HCFC-124 (C <sub>2</sub> HF <sub>4</sub> Cl)	0.02-0.04	HCFC-233 (C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )	0.007-0.23
HCFC-131 (C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub> )	0.007-0.05	HCFC-234 (C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )	0.01-0.28
HCFC-132 (C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> )	0.008-0.05	HCFC-235 (C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl)	0.03-0.52
HCFC-133 (C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl)	0.02-0.06	HCFC-241 (C <sub>3</sub> H <sub>3</sub> FCl <sub>4</sub> )	0.004-0.09
HCFC-141 (C <sub>2</sub> H <sub>3</sub> FCl <sub>2</sub> )	0.005-0.07	HCFC-242 (C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub> )	0.005-0.13
HCFC-141b (CH <sub>3</sub> CFCl <sub>2</sub> )	0.11	HCFC-243 (C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub> )	0.007-0.12
HCFC-142 (C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl)	0.008-0.07	HCFC-244 (C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl)	0.009-0.14
HCFC-142b (CH <sub>3</sub> CF <sub>2</sub> Cl)	0.065	HCFC-251 (C <sub>3</sub> H <sub>4</sub> FCl <sub>3</sub> )	0.001-0.01
HCFC-151 (C <sub>2</sub> H <sub>4</sub> FCl)	0.003-0.005	HCFC-252 (C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub> )	0.005-0.04
HCFC-221 (C <sub>3</sub> HFCl <sub>6</sub> )	0.015-0.07	HCFC-253 (C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl)	0.003-0.03
HCFC-222 (C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub> )	0.01-0.09	HCFC-261 (C <sub>3</sub> H <sub>5</sub> FCl <sub>2</sub> )	0.002-0.02
HCFC-223 (C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub> )	0.01-0.08	HCFC-262 (C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl)	0.002-0.02
HCFC-224 (C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub> )	0.01-0.09	HCFC-271 (C <sub>3</sub> H <sub>6</sub> FCl)	0.001-0.03
All isomers of the above chemicals			

## APPENDIX C

### PARTIES CATEGORIZED AS OPERATING UNDER ARTICLE 5 PARAGRAPH 1 OF THE MONTREAL PROTOCOL (AS OF MARCH 29, 2005)

- Albania
- Algeria
- Angola
- Antigua and Barbuda
- Argentina
- Armenia
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belize
- Benin
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Burkina Faso
- Burundi
- Cambodia
- Cape Verde
- Cameroon
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Congo, Democratic Republic of
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Cyprus
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Ethiopia
- Fiji
- Gabon
- Gambia
- Georgia
- Ghana
- Grenada
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Honduras
- India
- Indonesia
- Iran, Islamic Republic of
- Jamaica
- Jordan
- Kenya
- Kiribati
- Korea, People's Democratic Republic of
- Korea, Republic of
- Kuwait
- Kyrgyzstan
- Lao People's Democratic Republic
- Lebanon
- Lesotho
- Liberia
- Libyan Arab Jamahiriya
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia, Federal States of
- Moldova
- Mongolia
- Morocco
- Mozambique
- Myanmar
- Namibia
- Nauru
- Nepal
- Nicaragua
- Niger
- Nigeria
- Niue
- Oman
- Pakistan
- Palau
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Qatar
- Romania
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent & the Grenadines
- Samoa
- Sao Tome and Principe
- Saudi Arabia
- Senegal
- Serbia and Montenegro
- Seychelles
- Sierra Leone
- Singapore
- Solomon Islands
- Somalia
- South Africa
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Syrian Arab Republic
- Tanzania, United Republic of
- Thailand
- The Former Yugoslov Republic of Macedonia
- Togo
- Tonga
- Trinidad & Tobago
- Tunisia
- Turkey
- Turkmenistan
- Tuvalu
- Uganda
- United Arab Emirates
- Uruguay
- Vanuatu
- Venezuela
- Viet Nam
- Yemen
- Zambia
- Zimbabwe

To view updated versions of this list, visit: <http://www.unep.org/ozone/ratif.shtml>

Afghanistan, and Eritrea are temporarily categorized as operating under Article 5 paragraph 1 of the Montreal Protocol.

## APPENDIX D

### CONTROL PERIOD CALENDAR

**January 1: Beginning of 1<sup>st</sup> Quarter of Control Period**

**Report Due Dates for the 4<sup>th</sup> Quarter from previous Control Period:**

	<i>Class I Substances (including Methyl Bromide)</i>	<i>Class II Substances</i>
<b>January 30:</b>	<ul style="list-style-type: none"> <li>• MeBr Critical Use Distributor/Third Party Applicator Report (Annual Report)</li> <li>• Distributor Annual Report (attached as Section 5 to the Essential Use Holder and Laboratory Supplier Report)</li> <li>• Essential Use and Laboratory Supplier</li> </ul>	<ul style="list-style-type: none"> <li>• Exporter</li> <li>• Importer</li> <li>• Producer</li> </ul>
<b>February 14:</b>	<ul style="list-style-type: none"> <li>• Exporter (Annual Report)</li> <li>• Second Party Transformation &amp; Second Party Destruction (Annual Report)</li> <li>• Importer</li> <li>• Producer</li> </ul>	<ul style="list-style-type: none"> <li>• MeBr Exporter</li> <li>• MeBr Importer</li> <li>• MeBr Producer</li> <li>• MeBr QPS Distributor</li> </ul>

**March 31: End 1<sup>st</sup> Quarter of Control Period**

**Report Due Dates for the 1<sup>st</sup> Quarter:**

	<i>Class I Substances (including Methyl Bromide)</i>	<i>Class II Substances</i>
<b>April 30:</b>	<ul style="list-style-type: none"> <li>• Essential Use and Laboratory Supplier</li> </ul>	<ul style="list-style-type: none"> <li>• Exporter</li> <li>• Importer</li> <li>• Producer</li> </ul>
<b>May 15:</b>	<ul style="list-style-type: none"> <li>• Importer</li> <li>• Producer</li> <li>• MeBr Exporter</li> </ul>	<ul style="list-style-type: none"> <li>• MeBr Importer</li> <li>• MeBr Producer</li> <li>• MeBr QPS Distributor</li> </ul>

**June 30: End 2<sup>nd</sup> Quarter of Control Period**

**Report Due Dates for the 2<sup>nd</sup> Quarter:**

	<i>Class I Substances (including Methyl Bromide)</i>	<i>Class II Substances</i>
<b>July 30:</b>	<ul style="list-style-type: none"> <li>• Essential Use and Laboratory Supplier</li> </ul>	<ul style="list-style-type: none"> <li>• Exporter</li> <li>• Importer</li> <li>• Producer</li> </ul>
<b>August 14:</b>	<ul style="list-style-type: none"> <li>• Importer</li> <li>• Producer</li> <li>• MeBr Exporter</li> </ul>	<ul style="list-style-type: none"> <li>• MeBr Importer</li> <li>• MeBr Producer</li> <li>• MeBr QPS Distributor</li> </ul>

**September 30: End 3<sup>rd</sup> Quarter of Control Period**

**Report Due Dates for the 3<sup>rd</sup> Quarter:**

	<i>Class I Substances (including Methyl Bromide)</i>	<i>Class II Substances</i>
<b>October 30:</b>	<ul style="list-style-type: none"> <li>• Essential Use and Laboratory Supplier</li> </ul>	<ul style="list-style-type: none"> <li>• Exporter</li> <li>• Importer</li> <li>• Producer</li> </ul>
<b>November 14:</b>	<ul style="list-style-type: none"> <li>• Importer</li> <li>• Producer</li> <li>• MeBr Exporter</li> </ul>	<ul style="list-style-type: none"> <li>• MeBr Importer</li> <li>• MeBr Producer</li> <li>• MeBr QPS Distributor</li> </ul>

**December 31: End 4<sup>th</sup> Quarter, End Control Period**



## APPENDIX E

### DEFINITIONS

All definitions are provided in 40 CFR 82 §82.3. A partial list of definitions of definitions of terms commonly found in the guidance document is provided below.

**Article 5 Allowances** - the privileges for persons that are apportioned baseline production allowances to produce a certain percentage (see §82.9(a) and §82.18(a)) of their baseline production allowances for export to Article 5 countries.

**Consumption Allowances** - the privileges granted to produce and import controlled substances. Consumption allowances may be used to produce controlled substances only in conjunction with production allowances. A person's consumption allowances for class I substances are the total of the allowances obtained under §§82.6 and 82.7 and 82.10, as may be modified under §82.12 (transfer of allowances). A person's consumption allowances for class II controlled substances are the total of the allowances obtained under §§82.19 and 82.20, as may be modified under §82.23.

**Critical Stock Allowance (CSA)** - the right granted to sell one (1) kilogram of class I, Group VI controlled substances from inventory produced or imported prior to the January 1, 2005 phaseout date for an approved critical use during the specified control period. A person's critical stock allowances are the total of the allowances obtained under § 82.8(c) as may be modified under § 82.12 (transfer of allowances).

**Critical Use Methyl Bromide for Pre-plant Uses** - the privilege to produce or import one (1) kilogram of methyl bromide solely for an approved critical use in pre-plant categories specified in Appendix L to Subpart A of 40 CFR 82 during the specified control period. A person's critical use allowances for pre-plant uses are the total of the allowances obtained under § 82.8(c) as may be modified under § 82.12 (transfer of allowances).

**Critical Use Methyl Bromide for Post-harvest Uses** - the privilege to produce or import one (1) kilogram of methyl bromide solely for an approved critical use in post-harvest categories specified in Appendix L to Subpart A of 40 CFR 82 during the specified control period. A person's critical use allowances for post-harvest uses are the total of the allowances obtained under § 82.8(c) as may be modified under § 82.12 (transfer of allowances).

**Destruction** - the expiration of a controlled substance to the destruction efficiency actually achieved, unless considered completely destroyed. Such destruction does not result in a commercially useful end product and uses one of the following controlled processes approved by the Parties to the Protocol:

- (1) Liquid injection incineration;
- (2) Reactor cracking;
- (3) Gaseous/fume oxidation;
- (4) Rotary kiln incineration;
- (5) Cement kiln;
- (6) Radio frequency plasma; or
- (7) Municipal waste incinerators only for the destruction of foams.

**Emergency Use** - a privilege granted after the phaseout for quantities not exceeding 20 metric tons of methyl bromide demand necessary and allowed for use in response to an emergency event. The Secretariat and the Technology and Economic Assessment Panel will evaluate the use according to the

"Critical Methyl Bromide Use" criteria and present this information to the next meeting of the Parties for review and appropriate guidance on future such emergencies.

**Essential-Use Allowances** - those privileges granted by §82.4(t) to produce class I substances, as determined by allocation decisions made by the Parties to the Montreal Protocol and in accordance with the restrictions delineated in the Clean Air Act Amendments of 1990.

**Export Production Allowances** - the privileges granted by §82.18(b) to produce HCFC-141b for export following the phaseout of HCFC-141b on January 1, 2003.

**Exporter** - the person who contracts to sell controlled substances for export or transfers controlled substances to his affiliate in another country.

**Heel** - the amount of a controlled substance that remains in a container after it is discharged or off-loaded (that is no more than ten percent of the volume of the container) and that the person owning or operating the container certifies the residual amount will remain in the container and be included in a future shipment, or be recovered for transformation, destruction or a non-emissive purpose.

**Importer** - the importer of record listed on U.S. Customs Service forms for imported controlled substances, used controlled substances, or controlled products.

**Preshipment Applications** – with respect to class I, Group VI controlled substances (methyl bromide), are those non-quarantine applications applied within 21 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those which are performed by, or authorized by, a national plant, animal, environmental, health or stored product authority.

**Production** - the manufacture of a controlled substance from any raw material or feedstock chemical, but does not include:

- (1) The manufacture of a controlled substance that is subsequently transformed;
- (2) The reuse or recycling of a controlled substance;
- (3) Amounts that are destroyed by the approved technologies; or
- (4) Amounts that are spilled or vented unintentionally.

**Production Allowances** - the privileges granted to produce controlled substances. Production allowances may be used to produce controlled substances only in conjunction with consumption allowances. A person's production allowances for class I substances are the total of the allowances obtained under §§82.5, 82.7 and 82.9, and may be modified under §82.12 (transfer of allowances). A person's production allowances for class II controlled substances are the total of the allowances obtained under §82.17 and as may be modified under §§82.18 and 82.23.

**Quarantine Applications**– with respect to class I, Group VI controlled substances (methyl bromide) are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where: (1) Official control is that performed by, or authorized by, a national (including state, tribal or local) plant, animal or environmental protection or health authority; (2) quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled. This definition excludes treatments of commodities not entering or leaving the United States or any State (or political subdivision thereof).

**Transform** - to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes.

**Transshipment** - the continuous shipment of a controlled substance, from a foreign state of origin through the United States or its territories, to a second foreign state of final destination, as long as the shipment does not enter into United States jurisdiction. A transshipment, as it moves through the United States or its territories, cannot be re-packaged, sorted or otherwise changed in condition.

**Used Controlled Substances** - controlled substances that have been recovered from their intended use systems (may include controlled substances that have been, or may be subsequently, recycled or reclaimed).