

What to expect from an EPA inspection – A guide for end users (operators) of equipment containing controlled gases (2018)



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

- What is being inspected
- What the EPA will look at during the inspection.
- Why you are being inspected
- How to prepare for an inspection

What are the EPA inspecting?

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

Why are the EPA carrying out the inspection?

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

Why is my business/premises being inspected?

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

1. Your business/premises is likely to have equipment or systems which contain F-gases or ODS;
2. Previous correspondence between the EPA and you indicates that your business/premises has equipment or systems in place which use F-gases or ODS gases;
3. Your business/premises was previously inspected and non-compliances were not corrected;
4. A complaint has been received about potential non-compliance at your business/premises;
5. Your business/premises has been randomly selected.

My contractor looks after all the equipment/systems on-site – does this make me compliant?

The legal obligation to comply with the F-gas and ODS Regulations rests with you, the “operator” of the systems/equipment. In the majority of cases, the operator is the owner or the ultimate end user of the equipment. Even if the operator employs a contractor to service and maintain the equipment/systems on their behalf, the legal obligations still falls upon you, the operator, unless a contract has been set up between the you and your contractor to legally reassign all responsibility. Therefore it is important that you are fully aware of you legal obligations and you should engage with your contractor so that they can help you to comply.

What happens during an inspection?

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

1. Opening meeting: This part of the inspection will take approximately 15-20 minutes. The EPA will ask general questions relating to the equipment/systems on site which will help determine which parts of the Regulations apply. Examples of questions which may be asked include:
 - Do you have equipment/systems containing F-gas and/or ODS on site?
 - What type of systems are in place (e.g. refrigeration, air conditioning, fire suppression systems, etc.)?
 - Do you arrange to carry out regular maintenance on the systems?
 - Is there an inventory of all the equipment/systems on site?

¹ Regulation (EU) No. 517/2014 on certain fluorinated greenhouse gases (the F-Gas Regulations) and Regulation (EC) No 1005/2009 on substances that deplete the ozone layer (the ODS Regulation).

If an inventory of equipment is available, the EPA will review that inventory. If an inventory has not already been prepared, the inspection will take longer as the EPA will collect information on all equipment from site personnel present during the inspection. The details that the EPA will want to establish at this point are:

- The type of equipment/systems present on the site; and,
- The number of each systems containing ODS and F-gases, and the quantity of gas contain in each system.

This information is important as it will establish the frequency of any leak checking that is required to be undertaken on each system.

2. Site tour: Following the opening meeting, the EPA will carry out a tour of the site, for the purpose of:
 - Comparing the details on the inventory with the equipment observed (depending on the size of the premises and the extent of systems on site, the EPA may decide to only visit certain parts of the site);
 - Verifying compliance with equipment labelling requirements; and,
 - Observing, where relevant, on-site practices with regard to storage of cylinders of gases and check whether any prohibited gases are stored.
3. Documentation review and closing meeting: After the site tour, the EPA will inspect documentation relating to the equipment/systems on the site. The documentation which the EPA may inspect includes:
 - Maintenance and service records provided by the maintenance/service contractor;
 - Proof of qualifications for the technicians who service and maintain the equipment/systems; and,
 - If relevant, documentation relating to the disposal of waste gases recovered during maintenance and servicing, or decommissioning.

The purpose of the documentation review will be to:

- Verify that the operator is maintaining the records that are legally required to be held;
- Verify, where relevant, that all systems are being leak checked to the required frequency; and,
- Identify both the company and technicians who undertake servicing and maintenance, and that they have the required company and personnel certification.

During the closing meeting, the EPA will briefly outline the findings of the inspection to the operator. Where non-compliances are found, or there are outstanding issues which could not be confirmed during the site inspection, these will be outlined to the operator. An inspection report will be issued after the inspection, setting out the corrective actions that must be taken, with a deadline set for response to the EPA.

What should I do to prepare for the inspection?

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

- Have an appropriate person available to deal with the EPA who understands what F-gas and ODS gas systems are present on site. This is one of the most important aspects of preparing for the inspection;
- Provide a space in which the opening and closing meetings can be conducted, if possible; and,
- Gather together any records relating to the equipment/systems on your site. This would include maintenance and service records provided by your contractor (ideally, have the previous 12 months of records available), copies of technician qualifications provided by your contractor and any inventory of equipment/systems.

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

How long does an inspection take?

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

Further Information:

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

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