

Bad Gas!

With Black Market CFC-12 Smuggling On The Rise, It May Be Time To Ask, 'Is My CFC-12 Legal?'

Ward Atkinson, MACS Technical Consultant and Dr. Martin Drigotas, Dupont™

By signing the Montreal Protocol in 1996, the United States banned the production of all chlorofluorocarbons or CFCs (including "R12" or Freon¹) in an effort to protect the earth's ozone layer. Reduced supplies of legal CFC-12 in the U.S., and rising prices has created a black market for illegal refrigerant.

Since January 1, 1996 new CFC refrigerant cannot be imported. However, used, recycled or reclaimed refrigerant can be imported from overseas. There is no federal requirement that containers of this type of refrigerant be labeled identifying the content or its purity.

Illegal CFC-12 is entering the U.S. and being offered for sale to the service industry. Anyone purchasing or selling this refrigerant is subject to federal laws, which can include confiscation of the refrigerant and criminal penalties.

Over the past 18-24 months, numerous reports have surfaced alleging illegal imports of 30-pound disposable cylinders of CFC-12, also called R12 or Freon¹. U.S. authorities have reported finding suspect cylinders in multiple regions of the U.S. but most recently the majority seems to be appearing in the southern areas. This CFC-12 was not produced in the U.S. and efforts continue to track down where it was produced and how it (illegally) entered the U.S.

The United States government has stepped up to the challenge of stopping this illegal trade and punishing offenders. Five of its agencies, EPA, the Justice Department, the U.S. Customs Service, the FBI, and the IRS are now cooperating in this effort. Thus far the task force has arrested 114 people of illegal CFC import schemes – with punishments totaling 56 years of prison time and \$65 million in fines.

Those who illegally import CFCs or who sell or distribute CFCs that they know have been smuggled into the United States are subject to customs laws and Clean Air Act felony sanctions that are punishable by up to five years of imprisonment and up to \$500,000 in fines per violation. Further, those who evade or fail to pay the requisite excise tax due on the first sale or use of the CFC in the U.S. are subject to criminal tax violations and money laundering charges that are punishable by up to 20 years.

The problem of illegal CFC-12 entry into the U.S. continues because the demand remains. The MACS 2000 Field Survey indicated that only 8% of the CFC-12 systems requiring service had been professionally retrofitted. Therefore, without retrofitting to HFC-134a, there are an unknown number of systems still need CFC-12.

To compound the problem, these illegal 30 lb. cylinders confiscated by authorities include some that are packaged almost identical to familiar name brands that had been available in the U.S. market prior to the end of U.S. production CFC-12 in 1997. Industry

¹ Registered trademark of the Dupont Company.

experts urge buyers to be diligent in researching the origin of product offered for sale to ensure it meets quality standards as legitimate CFC-12 so they are not subjected to possible violation of federal law.

What Should I Do When Purchasing CFC-12?

If anyone proposes to sell CFC-12 at a below market price, the buyer should confirm the origin of the product and inspect the packaging carefully. Determine that the packaging, labeling and cylinder are genuine.

Buyers of reclaimed CFC-12 should request an analysis for the product that clearly shows it is reclaimed meeting the EPA ARI 700 refrigerant purity requirements.

Know your supplier. If they are unknown and are operating off a truck or a cell phone, buyer beware!

● To meet U.S. Department of Transportation (DOT) regulations, 30-pound refrigerant cylinders must be in a carton. Without proper packaging loose cylinders cannot be transported legally.

● The refrigerant containers should have a "silk screen" (painted) label not printed labels attached to the container.

● Illegal refrigerant containers from other countries may be repainted. Keep a look out for:

1. The lower half (below weld point) of the cylinder may have been repainted to hide production information. Original "silk screen" printing information can be seen under the paint.

2. Refrigerant produced in Mexico has English and Spanish markings and a warning prohibiting sale in U.S.

3. Illegal refrigerant containers in new cardboard cartons:

a. Notice the box is smaller and container has tight fit.

b. When the refrigerant container is removed, the repainted container will have score marks, and paint will remain on inside of carton.

c. The information on the cardboard container and labels have misspelled words.

d. The illegal container shut-off valve is threaded into the top of the cylinder. (U.S. valves (DOT 39) like HFC-134a and R22 cylinders are welded.)



Illegal carton and repainted container.



Mexican Dupont carton and container.