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Poor F-Gas documentation exposes end users to potential legal action for non-compliance

F-Gas compliance standards on many commercial refrigeration and air conditioning sites fall short of mandatory requirements, according to cooling specialist Cool-Therm, exposing end users to the risk of possible legal action.

It believes the industry needs to review current approaches to ensure that F-Gas requirements are fully met, and clients better informed about their responsibilities. A key element is the need to maintain detailed records on site for activities involving work on all F-Gas-containing equipment.

The requirement applies to all systems containing more than 5tonnes CO₂-equivalent of F-Gas, and includes the common refrigerants R134a, R410A, R407C and R404A. Hermetically sealed equipment containing up to 10tonnes CO₂-equivalent is exempt, and there is a grace period for units containing less than 3kg of any F-Gas to the end of 2016.

The mandatory obligation came into force on 16 April 2014, with the introduction of EC Regulation 517/2014, updating the previous 2007 Regulation.

Alex Strong, technical director of Cool-Therm, who heads up the company's service operation, said: "The F-Gas Regulation lays down strict requirements for record keeping, designed to ensure a log is available on site for all operations affecting F-Gas plant.

"This has to include a log sheet for every applicable F-Gas asset, and record all mandatory leak tests carried out, whether any leaks are identified and if any remedial work is required, with a record of all refrigerant moved in/out of the plant. Importantly, there is a requirement to log all top-ups of F-Gas refrigerant made to equipment. Full records should be kept for at least five years."



He added: “This is entirely reasonable and sensible, and designed to ensure there is a continuous log of F-Gas-related work, giving inspecting authorities a complete history to ensure cradle-to-grave compliance.”

The reality, however, is that on-site F-Gas records are at best inconsistent or poorly presented, with no annual summary or management review. And at worst non-existent, providing no documentary evidence of F-Gas work, in contravention of the law.

“On site visits and TM44 inspections, I see many examples – perhaps in 50 per cent of cases – where there is no F-Gas Register with the necessary information for each piece of relevant equipment. In these situations, end users are laying themselves open to legal action. In some cases, there is some form of register or fragmented service record, but the information is incomplete or out-of-date and very difficult to review, meaning equipment owners are not compliant. It is a major issue.”

The problem is particularly acute on sites attended by different contractors over a period of time, with varying approaches and levels of compliance. For example, a FM provider or contractor responsible for a site may be replaced, perhaps a number of times over several years, and data lost or subsequently recorded in a different format or physical place.

“The regulations assume there is full continuity, with seamless handovers of record keeping between companies and a minimum continuous record of five years. The reality, of course, is this is far from the case, and what ends up on a site that has been looked after by several providers can be fragmentary at best.”

He added: “In this situation, the client – whose responsibility it is to meet many of the F-Gas requirements – is exposed if an inspection reveals incomplete or non-existent records. Many equipment owners believe that because they have a maintenance contract with an F-Gas registered service company, they are fully covered in terms of F-Gas compliance.

“However, the regulation lays down specific responsibilities on equipment owners, for record keeping as well as physical leak checks, and they are legally responsible for meeting them. Responsibility is only passed to the service company if this is agreed as part of the contract. Unless this transfer of responsibilities is explicitly agreed, the default position is – the equipment owner is responsible in law.”

Enforcement agencies are known to be stepping up action around non-compliance, with some cases going to court. To help end users comply, Cool-Therm has developed a Reg-Gas add-on programme, which keeps track of all F-Gas equipment and maintains an up-to-date record of relevant data, ensuring compliance with all mandatory requirements.

It is based on multi asset registers for all relevant F-Gas equipment on a site or estate, with an annual summary sheet for each year. This highlights key issues and helps managers understand the impact of their F-Gas assets and identify trends so that improvements can be made. It is particularly valuable when used as part of a wider programme of carbon reduction management for a building or estate.

F-Gas losses can hugely affect overall CO₂-equivalent emissions for a business or organisation, due to the high GWP rating of many common refrigerants. In some cases, gas loss may be the dominant component of a building’s CO₂-equivalent emissions.

For example, a small business losing 5kg of R410a from small DX air conditioning unit is equivalent to a 10 tonne CO₂ impact. This may equal the environmental impact of all the electricity it uses in a year, wiping out at a

stroke the environmental gain made, for example, by changing to low energy light bulbs.

Up the scale, a chiller plant losing 100kg of R134a is equivalent to 130 tonnes CO₂ impact. This is the same impact as consuming 288,888kWh electricity or 650,000kwh of natural gas, and can dramatically alter the green credentials of the end user responsible for the leak.

Cool-Therm offers consultancy assistance and independent audit of F-Gas compliance, along with dedicated TM44 Energy Inspections. For more details, contact Alex Strong on 01189 700808 or email alex.strong@cooltherm.co.uk

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