



March 2022

FAQ's For HFC Fire Suppressant Agent Recyclers

New Recordkeeping and Reporting Requirements under the AIM Act and EPA Regulations (40 CFR Part 84)

As of January 1, 2022, the EPA's regulations (40 CFR Part 84) implementing the American Innovation and Manufacturing act went into effect. The regulations include new requirements for reporting and recordkeeping which may affect FSSA members who work with HFCs for fire suppression. An overview of the EPA regulation was given at the annual forum and discussed at the division meetings.

This FAQ discusses the regulation and provides links to original source material in 40 CFR Part 84 and on the EPA website.

Q1. Where can I read an overview of these recordkeeping and reporting requirements?

Slides from an EPA webinar, *HFC Reclaimers and Fire Suppressant Recyclers*, can be viewed [here](#).

Q2. What HFC fire suppressant agents are covered by the reporting requirements?

HFC-227ea, HFC-125 and HFC-23 are the most commonly used HFC fire suppressant agents covered; HFC-236fa, HFC-134a are other agents recognized by NFPA 2001 which are covered by the reporting requirements.

Q3. Where can I find the EPA's new regulations (40 CFR Part 84)?

Part 84, *Phasedown of Hydrofluorocarbons*, can be accessed [here](#).

Q4. Who is required to register with, and report to, the EPA?

Any company that reclaims (see Q5 for the definition of *reclaim*) or recycles an HFC fire suppressant. Registration and reporting are done electronically. For more information on registering and reporting, refer to the EPA webinar materials linked in Q1, starting at page 12. To go directly to the EPA website to register, click [here](#).

Q5. What does "reclaim" mean?

In [40 CFR § 84.3](#), EPA defines *reclaim* to mean "... the reprocessing of regulated substances to all of the specifications in appendix A to 40 CFR part 82, subpart F (based on AHRI Standard 700-2016) that are applicable to that regulated



substance and to verify that the regulated substance meets these specifications using the analytical methodology prescribed in section 5 of appendix A to 40 CFR part 82, subpart F.”

Note that the reclaiming applies to HFCs used as refrigerants, not to fire suppressant agents. Recycle in this regulation refers specifically to HFCs used as fire suppressants.

Q6. What does “recycle” mean?

The EPA regulations do not contain a definition of recycle in 40 CFR § 84.3. However, note that [§84.23\(d\)\(3\)](#) states in part, “*Fire suppressant recyclers*. Any person filling a container with a recycled regulated substance for fire suppression purposes must ...”). FSSA and HARC are seeking clarification from the EPA on the meaning of “recycle” as applied to HFC fire suppressants.

Q7. When is the first report due?

The first quarterly report is due to be filed May 15, 2022 covering 1st quarter 2022. Thereafter, quarterly reports are due within 45 days of the end of each quarter detailing the quantity of HFCs received for recycling during the quarter. The required form, *HFC Fire Suppressant Recycler Quarterly Report*, is available on the EPA website linked [here](#).

Q8. What information needs to be included in the reports?

Specifically, [40 CFR 84.31\(j\)](#) states:

(j) **Fire suppressant recycling.** Persons (“recycler”) who recycle regulated substances used as a fire suppressant must comply with the following recordkeeping and reporting requirements:

(1) **Quarterly Reporting.** Within 45 days after the end of each quarter, each recycler of a regulated substance used as a fire suppressant must submit to the relevant Agency official a report containing the quantity of material (the combined mass of regulated substance and contaminants) by regulated substance sent to them for recycling, the total mass of each regulated substance recycled, and the total mass of waste products.

(2) **Annual Reporting.** Within 45 days after the end of the fourth quarter, each recycler of a regulated substance used as a fire suppressant must submit to the relevant Agency official a report containing the quantity of each regulated substance held in inventory onsite broken out by recovered, recycled, and virgin.

(3) **Recordkeeping.** Recyclers must maintain records of the names and addresses of persons sending them material for recycling and the quantity of the material (the combined mass of regulated substance and contaminants) by regulated substance sent to them for recycling. Such records must be maintained on a transactional basis for five years.

See the EPA webinar, *HFC Reclaimers and Fire Suppressant Recyclers*, linked in Q1, for further discussion.

Q9. How long must I retain records of the reported information?

Per 40 CFR 84.31(j) (3), you must retain the names and addresses of persons sending you HFC fire suppressants for recycling and the quantity of the materials on a transactional basis for five years.

Q10. Do my reports to the EPA need to be audited by a CPA?



Yes. Any company filing reports with the EPA to comply with this regulation must arrange for third party auditing of its reports submitted to the EPA. ([40 CFR § 84.33](#)). Subsection [\(d\) of § 84.33](#) applies to HFC fire suppressant recyclers and subsection (e) contains requirements/qualifications for your auditor.

Q11. Do I need to put a QR code/certification on an HFC fire suppressant container or cylinder?

Not until January 1, 2026. As of that date, the QR code/certification requirements in [40 CFR § 84.23](#) for marking containers and cylinders become applicable to HFC fire suppressant recyclers.

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