EPA Contractor Compliance Guide

A Practical Guide for HVAC/R Contractor Audit Readiness

If you got your EPA 608 certification years ago and haven't thought much about it since, you're not alone. Most HVAC/R contractors operate the same way. But EPA enforcement is real—and it happens to contractors like you.

This guide cuts through the regulatory complexity to give you what you need: a clear understanding of what's required, what inspectors look for, and how to protect your business.

FMHero®

The Reality of Enforcement

EPA has historically focused enforcement on scrap metal recyclers and large commercial facilities—they're stationary, visible, and easy targets. But contractors aren't invisible. When EPA does pursue HVAC/R contractors, penalties range from nuisance-level to catastrophic.

The following has been curated from a much longer list of enforcement actions against HVAC/R contractors to emphasize that small, medium and large contractors have all been subject to violations and fines.

GOLD MEDAL SERVICE, INC.
$101,295

JTR HEATING AND AIR CONDITIONING
$28,919

CUSTOM CLIMATE CONTROL, INC.
$8,876

LASTER HEATING & MASTER MECHANICAL SERVICE
$1,500

NATIONAL HVAC SERVICE / DUPONT
$1,306,651

SOUTHERN MECHANICAL AND CONTROLS
$12,705

Note: Total includes Penalties and SEP (Supplemental Environmental Project) costs which are additional compliance investments required as part of settlement agreements.

The Cost of Enforcement

Civil penalties are subject to inflation and as of January 8, 2025 were set at $59,114 per incident per day (42 U.S.C. 7413 (d)(1) and 40 CFR § 19.4).

Failure to comply can be a tragic mistake.

COMPLIANCE REQUIREMENTS:

A Workflow Approach

Rather than abstract regulatory categories, let's walk through compliance the way you actually work—from before you arrive at a job through disposal.

BEFORE THE JOB

Certification & Equipment

TECHNICIAN CERTIFICATION — 40 CFR §82.161

Every technician who could reasonably be expected to violate the integrity of a refrigerant circuit must hold valid EPA Section 608 certification (Type I, II, III, or Universal) appropriate to the equipment they service.

RECOVERY EQUIPMENT CERTIFICATION — 40 CFR §82.154(B)(2)

All recovery and recycling equipment must be certified by an EPA-approved testing organization and labeled accordingly. Recovery equipment must meet specific evacuation standards, be maintained and be leak free.

Purchasing Refrigerant

CERTIFICATION REQUIRED FOR PURCHASE — 40 CFR §82.154(C)(1)(I-II)

You cannot purchase regulated refrigerants unless you or your company employs at least one certified technician and can provide proof of certification to the seller.

DURING SERVICE

APPLIANCE — 40 CFR 82.152 "APPLIANCE"

The HVAC/R industry uses terms like "units", "systems" and "equipment", the EPA uses the term "Appliance". Each independent circuit in a multi-circuit unit is considered its own appliance.

VENTING PROHIBITION — 40 CFR §82.154(A)(1)

No person maintaining, servicing, repairing, or disposing of an appliance may knowingly vent or release refrigerant into the environment. De minimis releases during good faith recovery attempts are permitted, but only when proper practices are followed.

SALES DOCUMENTATION DURING SERVICE — 40 CFR §82.154(C)(1)(VIII) & §82.154(C)(3)(I)

When refrigerant is charged into an appliance during service, proper documentation must be maintained. Technicians and Contractors must keep and provide to customers invoices showing purchaser name, date, and quantity for three years.

RECOVERY DOCUMENTATION — 40 CFR §82.156(A)(3)

Each recovery must be documented to include the company name, location of the appliance, date of recovery, and the type of refrigerant removed. Records must be kept for the total quantity of refrigerant by type each month. All records must be maintained for three years.

RECOVERY CYLINDER USE — 49 CFR 180.209(A), 49 CFR 173.301(A)(7), AHRI GUIDELINE K-2024

The DOT, not the EPA, regulates the cylinders we use for service and recovery. Recovery cylinders must be recertified every 5 years and cannot be filled after they expire, but can be transported so they can be emptied and recertified.

Cylinder fill levels are set by the DOT, however AHRI Guideline K provides concise guidance to the HVAC/R industry.

Max Gross Weight = (0.8 x WC x SG) + TW

- WC = Water Capacity of the cylinder
- SG = Specific Gravity of the refrigerant at $77^{\circ F}$
- TW = Tare Weight of the cylinder (empty weight)

> EXAMPLE: R-454B IN A 50LB CYLINDER
> (0.8 X 50 X 0.99) + 26 = 65.6 LBS (39.6 LBS OF R-454B)

DURING SERVICE

LEAK REPAIR — 40 CFR 82.157, 40 CFR 84.106

Appliances 15+ lbs HFCs & substitutes (>53 GWP) or 50+ lbs ODS (HCFCs & CFCs) with leak rates (typically measured over the course of 365 days) in excess of:

- 10% Comfort Cooling
- 20% Commercial Refrigeration
- 30% Industrial Process

Must have leaks identified, repaired, inspected, returned to normal operation and re-inspected within 30 days. There are exceptions and many additional details. See the regulations and our EPA Compliance Guide for Equipment Owners for additional details.

CUSTOMER DOCUMENTATION — §82.157(L)(2) ,40 CFR 84.106(L)(4), 40 CFR 84.106(L)(2)

Equipment owners of larger systems (15+ lbs HFC / 50+ lbs ODS) are required to maintain significant records related to their equipment. Contractors and technicians are required to provide complete documentation related to the services they provide so that equipment owners can maintain adequate records. (Minimum required information: customer, location of equipment (address), date, part(s) installed/serviced/repaired/disposed, and amount and type of refrigerant added or removed. Additional details may be required - complete documentation is critical to ensure compliance.)

AFTER SERVICE

Handling Recovered Refrigerant

REUSE RESTRICTIONS — 40 CFR §82.154(D)

Used refrigerant cannot be sold or offered for sale unless it has been reclaimed by a certified reclaimer—with one exception: refrigerant may be returned to the same appliance it came from or another appliance owned by the same person without reclamation.

RECLAMATION DOCUMENTATION — 40 CFR §82.156(A)(3)(III)

Maintain documentation for all refrigerants sent to certified reclaimers or destruction facilities.

AFTER SERVICE

Disposing of Appliances

SMALL APPLIANCES (UNDER 5 LBS CHARGE) — 40 CFR §82.155

Maintain documentation for all refrigerants sent to certified reclaimers or destruction facilities.

- Refrigerant must be recovered before disposal — §82.155 (a)
- If transferring to a final processor (scrap yard, etc.), provide certification that refrigerant was recovered — §82.155 (b)(2)
- Maintain records for three years — §82.155 (c)

OTHER APPLIANCES (5 LBS +) — 40 CFR §82.156(A)

Before opening or disposing of these appliances, evacuate refrigerant to the levels specified in EPA regulations using certified recovery equipment. Documentation of proper evacuation must be maintained.

Special Scrap Considerations

Sending units to "scrap" prior to recovery is legal under the following conditions:

- The unit is self contained (RTU / PTAC / Etc), **OR**
- The unit is pumped down into a system receiver and the remaining portion achieves the required recovery vacuum — 40 CFR 82.156 (a), **AND**
- The "final processor" (scrap company) confirms that they will receive your unit(s) with refrigerant and will legally recover them according to 40 CFR 82.155 (b)(1) and will keep records according to 40 CFR 82.155 (c).

Special Focus: Disposable Cylinders

Disposable refrigerant cylinders require specific attention—and requirements are tightening.

REUSE / REFILL — 49 CFR 178.65(I)(2)(VIII)(B)

The disposable cylinders new refrigerant often comes in (DOT39) are one time use cylinders and cannot be refilled.

AFTER SERVICE

HEEL RECOVERY — 40 CFR 82.154(A)(1)

Current regulations are clear, the refrigerant remaining in a disposable cylinder (the "heel") cannot be vented. Under the Section 608 venting prohibition, this residual refrigerant must be recovered before the cylinder is scrapped.

2028 DOCUMENTATION REQUIREMENTS — 40 CFR 84.116

Starting January 1, 2028, disposable cylinders used in servicing refrigerant-containing equipment must be sent to a certified reclaimer, or final processor capable of removing the heel. Alternatively, a certified technician may:

- Evacuate the heel to 15 inches of mercury vacuum
- Provide a signed certification statement with name, address, and date
- Deliver that statement to the final processor, who must retain it for three years

In short, disposables must be recovered (either by the technician or the final processor), document refrigerant removed, and sent only to qualified recyclers (not garbage bins, general scrap bins, or landfills).

Cylinder Disposal Best Practice

RENDER USELESS — 49 CFR 173.301(A)(7) , 49 CFR 180.205(J)(2)(I)(C)

Disposables must be rendered useless ("render the cylinder incapable of holding pressure") before they can be discarded. Typically, this has meant removing the valve stem, drilling a hole in the shoulder or body of the cylinder or punching a hole in the side of the cylinder (with a hammer or other tool).

METAL RECYCLING

Disposable cylinders should be recycled as scrap metal rather than sent to landfills. State and local governments often restrict discarding empty disposable refrigerant cylinders in landfills. Many suppliers and distributors offer cylinder return programs.

OVERALL BEST PRACTICE

- Recover remaining refrigerant (to 15" Hg vacuum).
- Document the recovery and weight removed.
- Render the cylinder(s) useless.
- Recycle the cylinder(s) - send to scrap metal recycling.

Who Is Responsible

BROAD SCOPE — 40 CFR 82.150(B)

The federal regulations apply broadly to the HVAC/R industry including technicians, contractors, scrap companies, reclaimers, equipment owners, wholesalers and many others.

DEFINITIONS — 40 CFR 82.152 "PERSON", 40 CFR 82.152 "TECHNICIAN"

Throughout the regulations the terms "Person" and "Technician" are used regularly.

Effectively, a Technician is any "person" who installs, services, repairs or disposes of "Appliances" and can reasonably be expected to violate the integrity of the refrigerant circuit (this includes even the simple act of hooking up gauges).

A "person" is an individual or legal entity, including an individual, corporation, partnership...

The "Who" is You.

WHAT INSPECTORS LOOK FOR:

Audit Readiness Checklist

If an EPA inspector walked into your shop tomorrow, could you demonstrate compliance? Use this checklist to assess your readiness.

PERSONNEL & CREDENTIALS

- ☐ All technicians have valid EPA 608 certification cards
- ☐ Certification types match work performed (Type I, II, III, or Universal)
- ☐ Technician certifications must keep a copy of their certificate at their place of business
- ☐ Records of apprentices include registration dates (2-year limit applies)

RECOVERY EQUIPMENT

- ☐ All recovery/recycling equipment has certification labels visible
- ☐ Equipment is appropriate for refrigerant types serviced
- ☐ Maintenance records available (filter changes, gauge calibration, leak inspection)
- ☐ Equipment meets evacuation standards

REFRIGERANT PURCHASING

- ☐ Purchase invoices show seller name, date, quantity, and refrigerant type
- ☐ Proof of technician certification provided to suppliers on file
- ☐ Records retained for at least three years

SERVICE DOCUMENTATION

- ☐ Customer and date of services completed
- ☐ Address and unique identification of the unit being serviced
- ☐ Qualified Technician information linked to service records
- ☐ Refrigerant type and quantity added/removed by unit
- ☐ Part(s) installed, serviced, repaired, or disposed
- ☐ Leak(s) inspected, repaired, tested, re-verified

REFRIGERANT INVENTORY & HANDLING

- ☐ Recovered refrigerant stored in labeled, DOT-approved containers
- ☐ Cylinders are in date for DOT (recertified within 5 years)
- ☐ Recovered refrigerant only reused in same-owner equipment (or sent to reclaimer)
- ☐ Documentation for refrigerant sent to reclaimers or destruction
- ☐ Mixed refrigerants properly identified and segregated

APPLIANCE DISPOSAL

- ☐ Signed statements from final processors on file (if applicable)
- ☐ Records of proper evacuation before disposal
- ☐ Appliance recovery certification documentation available

DISPOSABLE CYLINDERS

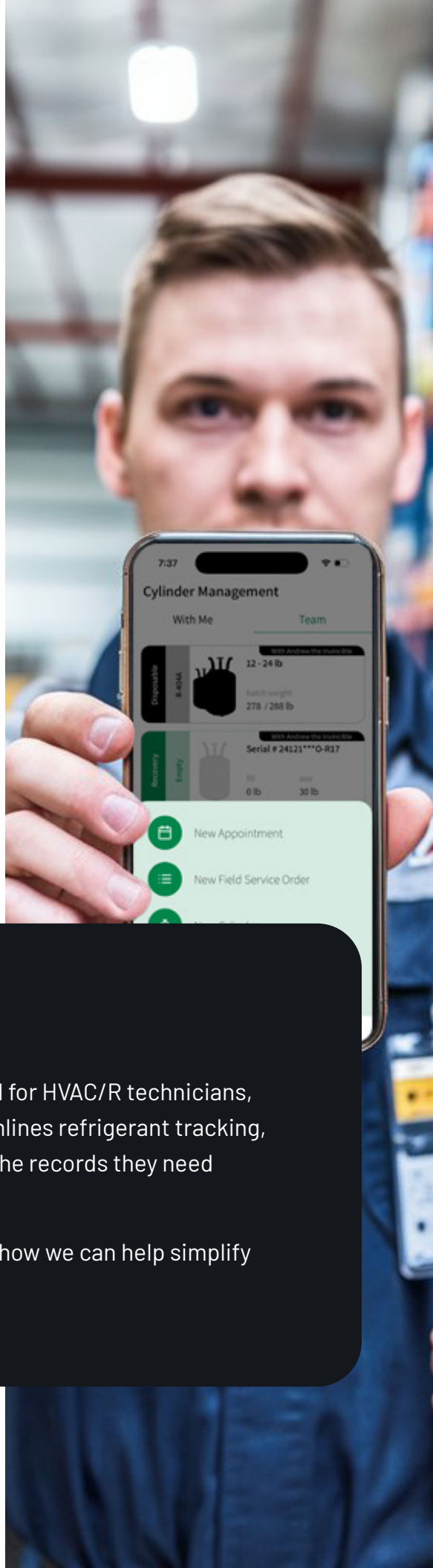
- ☐ Do NOT refill disposable cylinders
- ☐ Heels recovered and documented before cylinder disposal (current requirement)
- ☐ Cylinders sent to recycling, not landfill
- ☐ Process in place for 2028 documentation requirements

Protecting Your Business

Compliance isn't just about avoiding penalties—though a $100,000+ enforcement action can devastate a contracting business. It's about operating professionally, protecting your reputation, and being able to demonstrate to customers and regulators that you take your responsibilities seriously.

The contractors who get caught typically share common failures: incomplete documentation, lost refrigerant, and informal processes that appeared to work until someone asked for proof.

The solution isn't complicated: know the requirements, document your work, maintain your credentials, and use certified equipment. This guide gives you the foundation. The rest is execution.



How FMHero Can Help

FMHero provides mobile-first compliance solutions designed for HVAC/R technicians, contractors and the facilities they serve. Our platform streamlines refrigerant tracking, automates documentation, and helps ensure your team has the records they need when they need them.

For more information, visit **fmhero.com** or contact us to see how we can help simplify your compliance workflow.

Regulatory Citations Reference

All citations reference 40 CFR Part 82, Subpart F (Protection of Stratospheric Ozone—Recycling and Emissions Reduction) or 40 CFR Part 84, Subpart C (Phasedown of Hydrofluorocarbons—Management of Regulated Substances), unless otherwise noted.

Requirement	Citation
608 (40 CFR PART 82) / AIM (40 CFR PART 84)	
Regulatory Scope	§82.150(b)
Definitions (Appliance, Person, Technician)	§82.152
Venting Prohibition	§82.154 (a)(1)
Recovery Equipment Certification	§82.154 (b)(2)
Certification Required for Purchase	§82.154 (c)(1)(i-ii)
Sales Documentation During Service	§82.154 (c)(1)(viii), §82.154 (c)(3)(i)
Reuse Without Reclamation	§82.154(d), §84.104
Small Appliance Disposal	§82.155 (a), §82.155 (b)(1-2), §82.155 (c)
Other Appliance Disposal / Recovery	§82.156 (a)
Recovery Documentation	§82.156 (a)(3)
Reclamation/Destruction Documentation	§82.156 (a)(3)(iii)
Leak Repair	§82.157, §84.106
Technician Certification	§82.161
Customer Documentation	§82.157 (l)(2), §84.106 (l)(4), 40 CFR 84.106 (l)(2)
Disposable Cylinder Requirements (2028)	§84.116
DOT REGULATIONS (49 CFR)	
Recovery Cylinder Fill Limits	49 CFR 173.301 (a)(7)
Disposable Cylinder Refill Prohibition	49 CFR 178.65 (i)(2)(viii)(B)
Disposable Cylinder End of Life	49 CFR 173.301 (a)(7) ,49 CFR 180.205 (j)(2)(i)(C)
Recovery Cylinder Recertification	49 CFR 180.209 (a)
ENFORCEMENT / PENALTIES	
Civil Penalties (Clean Air Act)	42 U.S.C. 7413 (d)(1)
Penalty Amounts (Inflation Adjusted)	40 CFR § 19.4
INDUSTRY GUIDANCE	
Cylinder Fill Calculations	AHRI Guideline K-2024