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M J Mapp

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New Civil Penalties for F-Gas Breaches

Amended F-gas regulations pave the way for potential fines of up to £200,000 for organisations that cause, or knowingly permit, unlawful discharge to air.

Fluorinated gases – also known as F-gases – are man-made substances that once released can remain in the atmosphere for hundreds of years, contributing to climate change by adding to the greenhouse effect.

F-gases are commonly found in commercial buildings, within air-conditioning systems where they are used as refrigerants, or in fire-fighting equipment where they are used as propellants.

In a recent public consultation, the Department for the Environment, Food and Rural Affairs (DEFRA) requested industry feedback on a proposal to introduce penalties for organisations found to have infringed the Fluorinated Greenhouse Gases Regulations 2009.

The measures were considered in response to growing concerns that the current penalty system was not adequate to ensure compliance.

Following the consultation, DEFRA laid before Parliament the Fluorinated Greenhouse Gases (Amendment) Regulations 2018 which came into force on the 27th of February 2018, with enforcement beginning on the 1st of April.

New civil penalties will be applied to a number of F-gas contraventions, with the maximum penalty of £200,000 being imposed for intentional release of refrigerant into the atmosphere and failure to comply with enforcement notices.

To ensure compliance, organisations that operate equipment that contain F-gases (e.g. air-conditioning units) must:

- Check the type and amount of F-gas contained in the equipment;
- Use trained engineers to carry out work on the equipment;
- Ensure that equipment which contains F-gas is labelled if additional F-gas is added;
- Check for leaks at specific intervals if the equipment contains F-gas above certain thresholds;
- Install leak-detection equipment on units that contain F-gas equivalent to more than 500 tonnes of CO₂e; and,

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- Keep records for any equipment that has to be checked for leaks for five years, making them available to Government officials on request.

M J Mapp ensure all properties under management are checked on a regular basis to ensure all compliance obligations are being met and our property management activities in this area are externally verified to the ISO 14001 standard.

For further information about how M J Mapp can support you in meeting your compliance obligations, please contact:

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