



Department of Justice
Federated States of Micronesia

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Office of the
President / DOJ

Joses R. Gallen, Sr., Secretary


(691)320-2644/2608

February 10, 2021

MEMORANDUM

TO: The President

FROM: Assistant Attorney General

THRU: Secretary Joses R. Gallen, Sr. 

SUBJECT: **Signatures for the Amendments to the Ozone Depleting Substances regulations for government adoption to fulfill obligations to the Kigali Amendment to the Montreal Protocol**

The purpose of this memorandum is to transmit a proposed amended regulation for the Ozone Depleting Substances (ODS) for your review, approval and signature for adoption.

Your signature will mean that our nation is taking a step forward to fulfill our obligations to the Kigali Amendment to the Montreal Protocol which we are party to and ratified on May 12, 2017.

Should you require other matters to be clarified, please do let us know.

Thank you,


Robert Nakasone, Jr.

SCANNED
2/11/21



**DEPARTMENT OF ENVIRONMENT,
CLIMATE CHANGE AND EMERGENCY MANAGEMENT**

PO BOX PS-69

Palikir, Pohnpei 96941 Phone: (691) 320-8815 Fax: (691) 320-8936

JB
Naka
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FEB - 3 2021
FSM Department
of Justice
J.
2/3/21
Roy

February 03, 2021

MEMORANDUM

TO: Secretary, Department of Justice

FROM: Secretary

SUBJECT: **URGENT: Signatures for the Amendments to the Ozone Depleting Substances regulations for government adoption to fulfill obligations to the Kigali Amendment to the Montreal Protocol.**

DECEM would like to urgently request action on signatures for amendments to the Ozone Depleting Substances regulations that were supposed to be done by 1 January 2021.

We are sending this package at the request of your office who misplaced the first package sent in December 2020.

Please see the attached documents for the review and signature. The FSM National Ozone Unit worked closely with Mr. Jeffrey Tilfas to develop the amended ODS regulations.

Attached are final draft amendments to the regulations. Should you have any questions, please contact DECEM at 320-8814 or email us at fsmozoneunit@gmail.com.

Sincerely,

Andrew R. Yatilman

Attachments:

FSM REGULATIONS ON CONTROLLED SUBSTANCES UNDER THE MONTREAL PROTOCOL

Part I. General Provisions

- 1.1 Authority. This regulation is issued pursuant to section 210 (1) (b) of title 25 of the code of the Federated States of Micronesia.
- 1.2 Purpose. The purpose of these regulations is to regulate the import, export, manufacture and sale of ozone depleting substances in accordance with the Montreal Protocol.
- 1.3 Interpretation.

As used in these regulations the term:

“aerosol spray” and “aerosol” means any substance packed under pressure in a container with a device for releasing it directly into the atmosphere as a foam or fine spray, or a liquid or solid stream;

“bulk”, in relation to any controlled substance,

- (a) Means any controlled substance that is acquired in a non-processed form, whether alone or in a mixture; and
- (b) Includes any controlled substance that is acquired in a non-processed form, whether alone or in a mixture, that has been recovered, cleaned (by filtering or drying) or reclaimed (by filtering, drying, distillation or chemical treatment), but
- (c) Excludes any controlled substance that is in a manufactured product;

“carbon tetrachloride” means that the substance specified in Part IV of the Schedule;

“CFC” or Chlorofluorocarbons means any substance specified in Part I or Part III of the Schedule;

“controlled substance” means any substance specified in the Schedule;

“export” and “exportation” means to take or cause to be taken out of the Federated States of Micronesia;

“goods” means any product made with, or containing, any controlled substance, but does not include any bulk controlled substance;

“government” includes the Government of the Federated States of Micronesia and the Governments of the States of Kosrae, Pohnpei, Chuuk and Yap.

“halon” means any substance specified in Part II of the Schedule;

“HBFC” or Hydrobromofluorocarbons, means any substance specified in Part VI of the Schedule;

“HCFC” or Hydrochlorofluorocarbons, means any substance specified in Part VII of the Schedule;

“HFC” or Hydrofluorocarbons, means any substance specified in Part X of the Schedule;

“import” and “importation” means to bring or cause to be brought into the Federated States of Micronesia;

“methyl bromide” means the substance specified in Part VIII of the Schedule;

“methyl chloroform” means the substance specified in Part V of the Schedule;

“Montreal Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer under the Vienna Convention for the Protection of the Ozone Layer and includes any amendments to, or substitutions of, that Protocol that are, or will become, binding on the Federated States of Micronesia;

“non-complying country” means

- (a) Any country that is not a party in the Montreal Protocol
- (b) A country that has not been determined, in accordance with the Montreal Protocol, to be a country that is in full compliance with Articles 2, 2A to 2E, and Article 4 of the Protocol, and any certificate given by the Secretary of Foreign Affairs to the effect that any country is or is not a complying country shall be conclusive evidence of that fact;

“Office” means the Department of Environment, Climate Change, and Emergency Management;

“person” means the Federated States of Micronesia, a State, municipality, political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Federated States of Micronesia or any State or country, lessee or other occupant of property, or individual, acting singly or as a group;

“plastic foam” means any plastics in cellular mass which are formed with the use of any gas or volatile liquid introduced into liquid plastic to make bubbles;

“pre-shipment application” means any treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing or exporting country;

“quarantine applications” mean any treatments to prevent the introduction, establishment or spread of quarantine pests (including diseases), or to ensure their official control;

“RAC” means Refrigeration and Air Conditioning;

“RAC certification tools” means all of the listed tools listed in Part XI of the Schedule;

“RAC technician” means anyone who has earned a valid Refrigeration and Air Conditioning certification through the College of Micronesia Career and Technical Education Center;

“refrigerant” means any single or mixed fluid substance, that operates as a gas or vapor in refrigeration or cooling systems, and are stored in disposable or refillable cylinders;

“Refrigerant Handler” means anyone who has earned a valid refrigerant handler certification though the College of Micronesia Career and Technical Education Center;

“sale” means every method of disposition for valuable consideration (including barter), and includes – the disposition to an agent for sale on consignment; offering for sale or attempting to sell, or receiving or having in possession for sale, or exporting for sale, or sending or delivering for sale , or causing any of these things to be done; disposal by way of lottery, raffle or game of chance and “sell” and “sold” shall have corresponding meanings;

“Secretary” means the Secretary of the Department of Environment, Climate Change and Emergency Management of the Government of the Federated States of Micronesia;

“solvent” means any aqueous or organic product designed to clean a component or assembly by dissolving the contaminants present on its surface.

Part II. Prohibitions Relating to Controlled Substances.

2.1 Strictly Prohibited

The importation into the Federated States of Micronesia of any bulk controlled substances in Part I, Part II, and Part III of the Schedule and specified equipment in Annex D is strictly prohibited.

2.2 Prohibitions on Importation of Controlled Substances.

The importation into the Federated States of Micronesia of any bulk controlled substance is prohibited, except pursuant to a valid license issued under Part III of these regulations.

2.3 Prohibitions on the Importation of Certain Goods.

1. The importation into the Federated States of Micronesia of the following goods is prohibited, except pursuant to a valid license issued under Part III of these regulations;

- (a) any aerosol spray that contains any controlled substance, other than methyl bromide;
- (b) any dry-cleaning machine that contains or is designed to use any controlled substance as a solvent;
- (c) any fire extinguisher that contains any controlled substance;
- (d) any dehumidifiers, refrigerators, freezers, air-conditioners, supermarket display cases, heat pumps and water coolers that contain any CFC's or halons;
- (e) any air-conditioning or refrigeration units whether filled to a vehicle or as mechanical components intended for use in, or on, a vehicle and which contain CFC's.
- (f) plastic foam, or any goods that contain plastic foam, that is or are manufactured using a controlled substance specified in Part I or Part II of the Schedule including any;
 - (i) extruded polystyrene foam;
 - (ii) polystyrene board stock;
 - (iii) thermoformed plastic packaging such as supermarket meat or produce trays, eggs cartons, fast-food containers, disposable plates and cups, horticultural packaging trays and packaging netting.
- (g) "Hydrochlorofluorocarbon" or HFCs
- (h) "Hydrofluorocarbons" or HCFCs

2.4 Exemptions in Relation to Imports.

(1) the following exemptions may be given in relation to imports referred to in regulation 2.1 and 2.2 in accordance with a valid license issued under Part II of these regulations;

- (a) a Quarantine and Pre-shipment License in relation to methyl bromide;

(b) a Medical Health or Safety License;

(c) an HCFC or HFC License.

(3) "Valid License required under this Subpart 2.3 shall be issued on Per-Shipment License and not on Annual License".

2.5 Prohibitions on Export.

(1) The exportation from the Federated States of Micronesia of any bulk controlled substance to any country is prohibited except in accordance with written approval provided by the Secretary pursuant to this regulation.

(2) A person who intends to export any bulk substance must apply to the Secretary for approval, and is to provide particulars of;

(a) the substance to be exported;

(b) the date and amount of the intended export;

(c) the destination city and county, and the receiving body of the substance; and

(d) the intended use or disposal of the substance at its destination.

(3) The Secretary may approve the export of any bulk controlled substance, including controlled substances retrieved from vehicles, goods and equipment in the Federated States of Micronesia, which is to be exported for the purposes of safe disposal in another country. Applications to export controlled substances for any purpose other than safe disposal shall not be approved.

(4) An approval given by the Secretary under sub-regulation (3) must be consistent with the Federated States of Micronesia's obligations under the Montreal Protocol, and must include conditions requiring the storage, movement and disposal of the controlled substance to be undertaken in accordance with international best practice.

2.6 Prohibitions on Manufacture, and on Negligent Installation, Operation or Service.

(1) The manufacture within the Federated States of Micronesia of the following substances or goods is prohibited

(a) any bulk controlled substance;

(b) any aerosol spray that contains any controlled substance;

(c) any plastic foam, or any goods that contain plastic foam, that is or are manufactured using any CFC;

(d) any dry-cleaning machine that contains or is designed to use any controlled substance as a solvent; and

(e) any fire extinguisher that contains any controlled substance.

(2) No person may, in the course of installing, operating, servicing dismantling or otherwise handling any equipment used in relation to any controlled substance, willfully or negligently license any controlled substance to be discharged into the atmosphere.

2.7 Prohibitions on Sales.

Subject to regulation 2.8, the sale in the Federated States of Micronesia of any bulk controlled substance or any goods specified in regulation 2.2 is prohibited.

2.8 Exemptions in Relation to Sales.

Nothing in regulation 2.7 shall make it unlawful for a person to sell any

(a) Second hand goods; or

(b) Goods or substances in respect of which a license granted under Part III of these regulations applies provided that the sale does not breach any applicable license conditions.

Part III Registrations and Licenses

3.1 General Provisions in Relation to Licenses and Registrations.

(1) When considering the grant of a license or registration under this Part, the Secretary must have regard to –

(a) the obligations of the Federated States of Micronesia under the Montreal Protocol;

(b) the need to phase out controlled substances, except for essential uses; and

(c) whether any alternative products are available to be used instead of the ozone depleting substance.

(2) the following requirements shall apply to all licenses and registrations issued under these regulations and standard operating procedure related to the licensing of controlled substances under the Montreal Protocol

- (a) an application shall be made to the Secretary on a form approved from time to time by the Secretary;
- (b) the applicant shall provide any information required by the Secretary;
- (c) a fee of \$200 will be charged as part of the application process to be a Registered Importer;
- (d) licenses and registrations may not be transferred;
- (e) all license holders, shall submit a report to the Secretary on or before 31 March of the year following the calendar year to which the license applies and the report shall specify-
 - (i) the amount of any controlled substance imported or consumed under the license,
 - (ii) the uses to which the controlled substance was put, and
 - (iii) any other matter that the Secretary may from time to time require to be included in the report;
- (f) licenses and registrations shall be subject to such conditions as may be determined by the Secretary, including any condition requiring compliance available in the Federated States of Micronesia or another country relating to –
 - (i) any controlled substance,
 - (ii) any equipment used in relation to a controlled substance, or
 - (iii) the manner in which a controlled substance may be used;
- (g) the Secretary may revoke any license or registration if satisfied that the license or registration holder

- (i) has breached these regulations or committed any other offense involving controlled substances; or
- (ii) provided false or misleading information in relation to the application for the license or registration;(h)

Subject to regulation 3.1(h), a license to import any controlled substances shall be valid for one shipment and one substance at a time. Per-shipment License issued under this Subpart 3.1(2) is not renewable. Registered Importer may not issue a new per-shipment license for another shipment of controlled substances unless an application filed with the DECEM.

- (h) nothing in these regulations exempts imports under licenses issued pursuant to these regulations from being subject to the Customs Act or any other applicable law.

3.2 Quarantine and Pre-Shipment Licenses.

The Secretary, after consulting the Secretary of the Department of Resources and Development, may grant a license under this regulation in relation to the importation of methyl bromide where satisfied that the methyl bromide is to be used for legitimate quarantine or pre-shipment applications and that the Federated States of Micronesia will not be thereby in breach of its obligations under the Montreal Protocol.

3.3 Medical, Health, or Safety Licenses.

The Secretary, after consulting the Secretary of the Department of Health and Social Affairs, may grant a license under this regulation in relation to the importation of any goods containing a controlled substance where satisfied that it has a medical application relating to the protection of human life or health, or is otherwise necessary for human health and safety and that the Federated States of Micronesia will not be thereby in breach of its obligations under the Montreal Protocol.

3.4 Registration of HCFC and HFC Importers.

(1) Any person who wishes to import bulk HCFC and HFC shall first apply to the Secretary to be registered as an Approved Importer.

(2) The Secretary may approve applications under sub-regulation (1) if satisfied that the person has

(a) not breached these regulations or committed any other offense involving controlled substances; and

(b) not provided any false or misleading information in relation to the application to be registered.

(3) The Secretary may register a person as an Registered Importer for a period of up to three years, provided that in the event the person commits an offense under these regulations or any other offense involving controlled substances the Director may cancel the registration.

(4) The Secretary shall keep a register of Approved Importers and make it available at the premises of the Office or through any other mechanism considered appropriate.

3.5 Registration of Refrigerant Handlers and/or RAC Technicians.

(1) Any person who intends to sell, store, process, recover or recycle refrigerant, or refill equipment using refrigerant, must first apply to the Secretary to be registered as an Approved Refrigerant Handler or RAC Technician.

(2) The Secretary may approve an application under sub-regulation (1) if satisfied that the applicant:

(a) has not been convicted of any offense against this regulation or any other offense involving controlled substances;

(b) has not provided any false or misleading information in relation to the application; and

(c) has the necessary skills, trained staff and RAC certification tools to:

(i) minimize emissions of the controlled substance; and

(ii) recover, store and deal with controlled substances

in a manner that does not contravene any obligation or requirements under the Convention and the Montreal Protocol and is in accordance with accepted best practice.

(3) The Secretary may impose conditions on any registration approved under this regulation, including conditions requiring applicants to attain suitable accreditation relating to the handling of controlled substances, the use of any equipment used in relation to controlled substances, or the manner in which controlled substances may be handled.

(4) The Secretary may register a person as an Approved Refrigerant Handler and/or RAC technicians for a period of up to three years, provided that in the event the person commits an offense under these regulations or any other offense involving controlled substances the Director may cancel the registration.

(5) The Secretary shall keep a register of approved facilities and make it available at the premises of the Office or through any other mechanism considered appropriate.

(6) It is prohibited for any person, other than Approved Refrigerant Handlers or RAC technicians, to sell, store, process, recover or recycle refrigerants, or refill equipment using any refrigerants.

3.6 HCFC and HFC Import License

(1) Any person who intends to import bulk HCFC or HFCs must apply to the Secretary for an HCFC and/or HFC import license.

(2) The Secretary may issue a license allowing the importation of bulk HCFC or HFCs if satisfied that the Federated States of Micronesia will not be thereby in breach of its obligations under the Vienna Convention or the Montreal Protocol and in particular the Secretary must not issue a license if such issuance would allow the importation of a volume of bulk HCFC or HFCs that exceeds the total allowable volume of HCFC or HFCs specified in Part VII or Part X of the Schedule for a per-shipment to which the license, if granted, would apply.

(3) The Secretary must consider the need to provide access to bulk HCFC or HFCs to persons in all states of the Federated States of Micronesia and may refuse to issue a license if such issuance may prevent such access by person in one or more states.

(4) Any license issued under this regulation shall

(a) be issued only for importation in a specified per-shipment and per substance;

(b) be issued only to a person that is registered as a Registered Importer;

(c) specify the exact amount of HCFC or HFCs that may be imported by the license holder in the calendar year to which the license relates; and

(d) be subject to the condition that the bulk HCFC or HFCs must not be sold to persons who are not certified Refrigerant Handlers or RAC Technicians, and any other conditions as may be imposed by the Secretary.

3.7 Goods for which No License may be Issued. No license issued under this Part shall operate to allow the importation of—

(a) any dry-cleaning machine which contains or is designed to use may bulk controlled substance as a solvent;

(b) any goods specified in regulation 2.2 imported from any non-complying county; and

(c) any aerosol or fire extinguisher prohibited by these regulations, except where the Secretary is satisfied, after consulting the Secretary of the Department of Health and Social Affairs, that importing the aerosol or fire extinguisher is necessary for human health or safety.

(d) Any equipment used in the Refrigerant and Air-Conditioning sector containing HCFCs.

Part IV Administration and Enforcement

4.1 Administration and Enforcement. These regulations shall be administered and enforced in accordance with section 303 to 308 inclusive of title 25 of the Code of the Federated States of Micronesia.

4.2 Offenses. Any person who –

(1) A person who:

(a) acts in contravention of any requirement or prohibitions of Regulation 2; or

(b) aids or abets any person contravening any requirement or prohibition of regulation 2; or

(c) conspires with any person to do any act in contravention of any requirement or prohibition of regulation 2.

is in breach of these regulations and is liable to enforcement action pursuant to section 303 to 307 of title 25 of the Code of the Federated States of Micronesia and a civil penalty of \$100 per pound of illegally obtained controlled substance up to a maximum of \$50,000 may be imposed.

(2) A person who fails to comply with a condition of a license or registration under Regulation 3 is in breach of these regulations and is liable to enforcement action pursuant to section 303 to 307 of title 25 of the Code of the Federated States of Micronesia and a maximum civil penalty of \$10,000.

(3) A person who:

(a) hinders or obstructs an officer, duly authorized under section 308 of the 25 of the code of the Federated States of Micronesia to administer or enforce these regulations, in the performance of his or her duties under these regulations or the exercise of a power under the regulations; or

(b) induces or incites any other person to act in contravention of sub-regulation (3)(a); or

(c) by words or conducts falsely represents that he or she is an officer duly authorized under section 308 of title 25 of the Code of the Federated States of Micronesia to administer or enforce these regulations; or

(d) provides false or misleading information:

(i) to an officer duly authorized under section 308 of title 25 of the Code of the Federated States of Micronesia to administer or enforce these regulations while they are exercising a power under these regulations; or

(ii) in any application made under these regulations; or

(iii) in any report required to be provided under these regulations

Is in breach of these regulations and is liable to enforcement action pursuant to section 3030 to 307 of title 25 of the Code of the Federated States of Micronesia and a maximum civil penalty of \$5,000.

SCHEDULE - CONTROLLED SUBSTANCES

PART I CFCs (CHLOROFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential²</i>
CFCl ₃	CFC-11	1.0
CF ₂ Cl ₂	CFC-12	1.0
C ₂ F ₃ Cl ₃	CFC-113	0.8
C ₂ F ₄ Cl ₂	CFC-114	1.0
C ₃ F ₅ Cl	CFC-115	0.6

PART II HALONS

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential²</i>
CF ₂ BrCl	Halon 1211	3.0
CF ₃ Br	Halon 1301	10.0
C ₂ F ₄ Br ₂	Halon 2402	6.0

PART III OTHER CFCs (CHLOROFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential²</i>
CF ₃ Cl	CFC-13	1.0
C ₂ FCl ₅	CFC-111	1.0
C ₂ F ₂ Cl ₄	CFC-112	1.0
C ₃ FCl ₇	CFC-211	1.0
C ₃ F ₂ Cl ₆	CFC-212	1.0
C ₃ F ₃ Cl ₅	CFC-213	1.0
C ₃ F ₄ Cl ₄	CFC-214	1.0
C ₃ F ₅ Cl ₃	CFC-215	1.0
C ₃ F ₆ Cl ₂	CFC-216	1.0
C ₃ F ₇ Cl	CFC-217	1.0

PART IV
CARBON TETRACHLORIDE

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
CCl ₄	Carbon tetrachloride	1.1

PART V
METHYL CHLOROFORM

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
C ₂ H ₃ Cl ₃	1,1,1-trichloroethane	0.1

This formula does not refer to 1,1,2-trichloroethane.

PART VI
HBFCs (HYDROBROMOFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Number of isomers</i>	<i>Ozone-Depleting Potential**</i>
CHBrF ₂	(HBFC-22B1)	1	1.00
CHF ₂ Br		1	0.74
CH ₂ FBr		1	0.73
C ₂ H ₂ FBr ₂		2	0.3-0.8
C ₂ H ₂ F ₂ Br ₂		3	0.5-1.8
C ₂ H ₂ F ₃ Br ₂		3	0.4-1.6
C ₂ H ₂ F ₄ Br		2	0.7-1.2
C ₂ H ₂ F ₂ Br ₃		3	0.1-1.1
C ₂ H ₂ F ₃ Br ₃		4	0.2-1.5
C ₂ H ₂ F ₄ Br ₂		3	0.7-1.6
C ₂ H ₂ F ₃ Br		3	0.1-1.7
C ₂ H ₂ F ₄ Br ₂		3	0.2-1.1
C ₂ H ₂ F ₅ Br		2	0.07-0.1
C ₃ H ₂ F ₆		5	0.3-1.5
C ₃ H ₂ F ₅ Br ₂		9	0.2-1.9
C ₃ H ₂ F ₄ Br ₃		12	0.3-1.8
C ₃ H ₂ F ₃ Br ₄		12	0.5-2.2
C ₃ H ₂ F ₄ Br ₂		9	0.9-2.0
C ₃ H ₂ F ₅ Br		5	0.7-3.3
C ₃ H ₂ F ₆ Br ₂		9	0.1-1.9
C ₃ H ₂ F ₅ Br ₃	16	0.2-3.1	
C ₃ H ₂ F ₄ Br ₄	18	0.2-5.6	
C ₃ H ₂ F ₆ Br	16	0.3-7.5	

$C_3H_2F_5Br$	8	0.9-1.4
$C_3H_3FBr_4$	12	0.08-1.9
$C_3H_3F_2Br_3$	18	0.1-3.1
$C_3H_3F_3Br_2$	18	0.1-2.5
$C_3H_4F_4Br$	12	0.3-4.4
$C_3H_4FBr_3$	12	0.03-0.3
$C_3H_4F_2Br_2$	16	0.1-1.0
$C_3H_4F_3Br$	12	0.07-0.8
$C_3H_5FBr_2$	9	0.04-0.4
$C_3H_5F_2Br$	9	0.07-0.8
C_3H_6FBr	5	0.02-0.7

PART VII

HCFCs (HYDROCHLOROFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Number of isomers</i>	<i>Ozone-Depleting Potential^a</i>
$CHFCl_2$	(HCFC-21)	1	0.04
CHF_2Cl	(HCFC-22)	1	0.055
CH_2FCl	(HCFC-31)	1	0.02
C_2HFCl_2	(HCFC-121)	2	0.01-0.04
C_2HF_2Cl	(HCFC-122)	3	0.02-0.08
C_2HF_3Cl	(HCFC-123)	3	0.02-0.06
$CHCl_2CF_2$	(HCFC-123)	-	0.02
C_2HF_2Cl	(HCFC-124)	2	0.02-0.04
$CHFCICF_3$	(HCFC-124)	-	0.022
$C_2H_2FCl_3$	(HCFC-131)	3	0.007-0.05
$C_2H_2F_2Cl_2$	(HCFC-132)	4	0.008-0.05
$C_2H_2F_3Cl$	(HCFC-133)	3	0.02-0.06
$C_2H_3FCl_2$	(HCFC-141)	3	0.005-0.07
CH_2CFCl_2	(HCFC-141b)	-	0.11
$C_2H_3F_2Cl$	(HCFC-142)	3	0.008-0.07
CH_2CF_2Cl	(HCFC-142b)	-	0.065
C_2H_4FCl	(HCFC-151)	2	0.003-0.005
C_3HFCl_6	(HCFC-221)	5	0.015-0.07
$C_3HF_2Cl_5$	(HCFC-222)	9	0.01-0.09
$C_3HF_3Cl_4$	(HCFC-223)	12	0.01-0.08
$C_3HF_4Cl_3$	(HCFC-224)	12	0.01-0.09
$C_3HF_5Cl_2$	(HCFC-225)	9	0.02-0.07
$CF_3CF_2CHCl_2$	(HCFC-225ca)	-	0.025
CF_3CF_2CHClF	(HCFC-225cb)	-	0.033
C_3HF_6Cl	(HCFC-226)	5	0.02-0.10
$C_3H_2FCl_5$	(HCFC-231)	9	0.05-0.09
$C_3H_2F_2Cl_4$	(HCFC-232)	16	0.008-0.10

C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007-0.23
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	16	0.01-0.28
C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03-0.52
C ₃ H ₃ FCl ₄	(HCFC-241)	12	0.004-0.09
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005-0.13
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007-0.12
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009-0.14
C ₃ H ₄ FCl ₃	(HCFC-251)	12	0.001-0.01
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005-0.04
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003-0.03
C ₃ H ₅ FCl ₂	(HCFC-261)	9	0.002-0.02
C ₃ H ₅ F ₂ Cl	(HCFC-262)	9	0.002-0.02
C ₃ H ₆ FCl	(HCFC-271)	5	0.001-0.03

PART VIII
METHYL BROMIDE

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone-Depleting Potential</i>
CH ₃ Br	(Mono) bromomethane	0.6

* Notes

Ozone depleting potential is determined in accordance with the relevant Annexes to the Montreal Protocol.

Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

PART IX
FEDERATED STATES OF MICRONESIA HCFC PHASE-OUT SCHEDULE

	Year								
	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total allowable volume of HCFC in Metric Tonnes	2.40	2.30	2.20	2.00	1.90	1.80	1.70	1.60	1.50
Total allowable volume of HCFC in Pounds	5290	5070	4850	4410	4190	3970	3750	3530	3310

ADOPTION OF REGULATIONS ON OZONE DEPLETING SUBSTANCES

Pursuant to the authority vested in me by section 210 of Title 25 of the Code of Federated States of Micronesia, these *Regulations To Protect The Ozone Layer In Compliance With The Montreal Protocol On Substances That Deplete The Ozone Layer* are hereby adopted, subject to approval by the President.



Date: 17 September 2012

Andrew Yafilman
Director
Office of Environment and Emergency Management
Federated States of Micronesia

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These Regulations have been reviewed by the Department of Justice and are found to be in proper legal form.

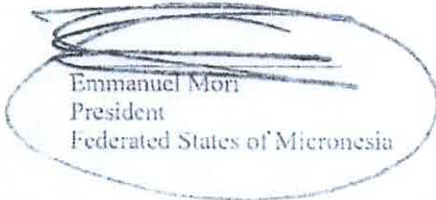


Date: 18 September 2012

Johnson Asher
Acting Attorney General
Federated States of Micronesia

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These *Regulations To Protect The Ozone Layer In Compliance With The Montreal Protocol On Substances That Deplete The Ozone Layer*, which have been promulgated by the Director of the Office of Environment and Emergency Management in accordance with law are hereby approved and shall become effective immediately.



Date: 19th September 2012

Emmanuel Mori
President
Federated States of Micronesia

Part X: Hydrofluorocarbons (HFCs)

This list is meant to cover the most common HFC refrigerants, either as a single substance or blended substance, that are imported into the FSM. This is not meant to be an exhaustive list of Hydrofluorocarbons as new refrigerant substances and blends are expected to be developed and added to this Part X of these regulations.

Single Substances	Chemical Formula	GWP	ASHRAE Number
HFC-23	CHF ₃	14800	R-23
HFC-32	CH ₂ F ₂	675	R-32
HFC-125	C ₂ H ₅ F	2800	R-125
HFC-134a	CH ₂ FCF ₃	1430	R-134a
HFC-143a	CF ₃ CH ₃	3800	R-143a
HFC-152	C ₂ H ₄ F ₂	140	R-152
HFC-152a	C ₂ H ₄ F ₂	124	R-152a
HFC-227ea	C ₃ H ₇ F	2900	R-227ea
HFC-236fa	C ₃ H ₂ F ₆	9810	R-236fa
HFC-245fa	C ₃ H ₃ F ₅	1030	R-245a
Blended Substances	Concentration in Weight (%)	GWP	ASHRAE Number
HFC-143a/HFC-125/HFC-134a	52/44/4	3900	R404A
HFC-32/HFC-125/HFC-134a	23/25/52	2107	R407A

HFC-32/HFC-125/HFC-134a	20/40/40	1774	R407C
HFC-32/HFC-125/HFC-134a	40/30/30	1825	R407F
HFC-32/HFC-125	50/50	2088	R410A
HFC-125/HFC-134a/R-600a	41/15/40/4	2346	R417A
HFC-125/HFC-134a/R-600a	65.1/31.5/3.4	2729	R422D
HFC-134a/HFC-227ea	52.5/47.5	2280	R423A
HFC-125/HFC-134a/R-600/R-601a	50.5/47/0.9/1/0.6	2440	R424A
HFC-134a/HFC-125/HFC-143a/HFC-32	50/25/10/15	2138	R427A
HFC-125/HFC-143a/R-290/R-600a	77.5/20/0.6/1.9	3607	R428A
HFC-125/HFC-134a/HFC-143a/R-600a	63.2/16/18/2.8	2070	R434A
HFC-32/HFC-125/R600a/R-601	78.5/19.5/1.4/0.6	1805	R437A
HFC-125/HFC-134a/HFC-32/R-600a	45/44.2/8.5/2.3	2265	R438A
HFC-32/HFC-125/HFC-134a/HFC-152a/HFC-227ea	31/31/30/3/5	1888	R442AF
HFC-32/HFC-125/HFP-1234yf/HFC-134a	24.3/24.7/25.3/25.7	1397	R449A
HFC-125/HFC-143a	50/50	3985	R507
R-116/HFC-23	61/39	13396	R508A
HFC-134a/HFO-1234yf	44/56	631	R513A
HFC-1234yf/HFC-134a	58.5/41.5	540	R513B

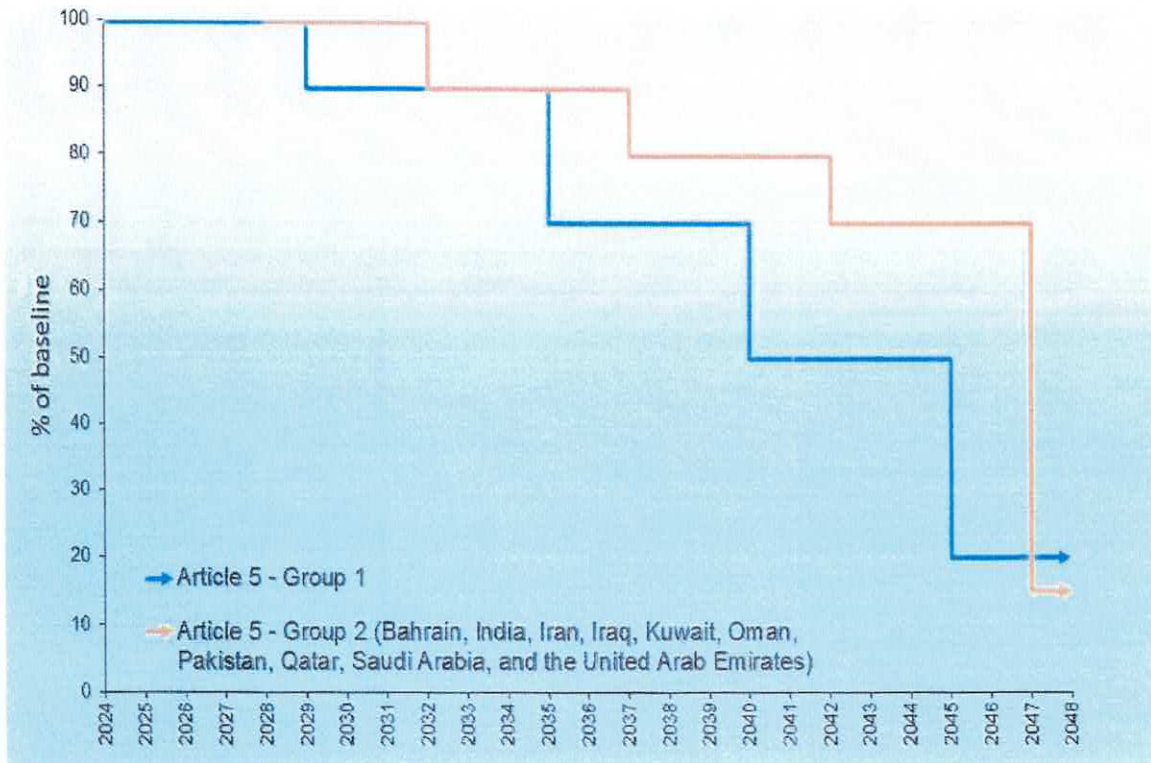
Part XI

Basic Refrigeration and Air-Conditioning servicing and handling tools

Description	Qty
1. Tube cutter	1
2. Flaring tool	1 set
3. Swaging tool	1 set
4. Torque wrench	1
5. Tube reamer	1
6. Manifold gauge	2 sets
7. Vacuum pump	1
8. Refrigerant Recovery machine for HFCs	1
9. Refrigerant Recovery cylinder, 30 lbs capacity	2 cylinders
10. Micron vacuum gauge	1
11. Nitrogen Gas cylinder	1
12. Nitrogen regulator	1
13. Gas welding equipment	1 set
14. Refrigerant electronic weighing scale	1 set
15. Refrigerant electronic leak detector	1 set

Part XII: FSM HFC Phase Down Schedule

The Federated States of Micronesia ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 6 September 1995 and the Kigali amendment to the Protocol on 12 May 2017. FSM is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and, as such, receives financial and technical support for implementation of the Protocol and its amendments through the Multilateral Fund. As a Very Low Volume Consuming (VLVC) Party, the FSM follows the HFC phase-down schedule of Group 1 indicated as the blue line.



Part XIII: HFC Maximum Allowable Consumption Calculation and phase-down steps

Article 5 Parties: Group 1		
Baseline Years	2020, 2021 & 2022	
Baseline Calculation	Average production/consumption of HFCs in 2020, 2021, and 2022 plus 65% of HCFC baseline production/consumption	
Reduction steps Freeze	2024	
Step 1	2029	10%
Step 2	2035	30%
Step 3	2040	50%
Step 4	2045	80%

Adoption of Amendments to Regulations on Ozone Depleting Substances and their Alternatives

Pursuant to the authority vested in me by section 210 of Title 25 of the Code of the Federated States of Micronesia, these *Regulations on Controlled Substances under the Montreal Protocol* are hereby adopted, subject to approval by the President.

Signature: _____

Date: _____

Andrew R. Yatilman
Secretary
Department of Environment, Climate, and Emergency Management
Federated States of Micronesia

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These Regulations have been reviewed by the Department of Justice and are found to be in proper legal form.

Signature: _____

Date: _____

Joses Gallen
Attorney General
Department of Justice
Federated States of Micronesia

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These *Regulations on Controlled Substances under the Montreal Protocol*, which have been promulgated by the Director of the Department of Environment, Climate Change, and Emergency Management in accordance with the law are hereby approved and shall become effective immediately.

Signature: _____

Date: _____

David W. Panuelo
President
Federated States of Micronesia