

## **Legal pressure building on acr firms**

Air conditioning and refrigeration (acr) engineers are soon to be required by law to train their operatives to a far higher standard than ever before. If they fail, they will be barred from trading.

This was the stark message from a seminar organised by the HVCA at last month's HEVAR Show in Manchester.

Unified training requirements about to be introduced across Europe mean that many UK contractors will have to go from a fairly basic level of training to in-depth practical and theoretical testing that will push their skills to the limit.

Delegates at the event, held at Old Trafford cricket ground, also heard that from July 2009 wholesalers will be banned from selling refrigerant to firms who are not members of recognised registration schemes – effectively stopping them from trading.

Under the timetable established by the F-Gas and Ozone Depleting Substances (ODS) regulations, the CITB Safe Handling of Refrigerants and City & Guilds 2078 qualifications will be superseded by new qualifications in February 2009. The industry will then have two years to comply.

“This changes everything,” said guest speaker Mike Creamer, managing director of training and troubleshooting specialist Business Edge. “In the past there was no legal requirement to carry out training – now there is.

“However, this is a good thing because the whole industry needs to improve its knowledge and professionalism. Untrained people are having a huge, negative impact on the running of acr systems and on energy efficiency. We need to get more good engineers trained and out in the field looking after equipment.”

He explained that existing qualifications would still be valid until 4 July 2011, but these would not qualify contractors to work in all EU member states.

The new qualifications apply to people who carry out leak checking of systems with more than 3kg charge (6kg if hermetically sealed), recovery, installation, as well as service and maintenance work. There will also be four grades to designate which tasks an operative is qualified to perform.

The examination includes an in-depth theoretical test that many contractors will not have faced before including subjects like basic thermodynamics, vapour compression cycles, and pressure enthalpy. It will also cover all major components, ancillary components, controls, climate change and legislation.

“This is serious training with a lot to cover and especially daunting for someone who has not covered anything like this before,” said Mr Creamer. “However, it is also a great opportunity for existing and potential trainers as we will need to create far more training capacity over the coming years.”

The practical test will include pressure testing, leak testing, recovery of refrigerant, oil draining, charging, pipework, brazing and so on. It may also include maintenance of scroll or screw

compressors, which means many of the industry's training providers will have to invest in building new training rigs.

However, Mr Creamer pointed out that many engineers had already "voted with their feet and booked themselves on training courses before they were actually required to".

"50 per cent of the customers on our training courses are small acr companies," he added. "That is a great testament to their professionalism. However, now it is mandatory everyone will have to follow their example."

Graeme Fox, chairman of the HVCA's Refrigeration and Air Conditioning group, said the training and regulations were good news for the industry because they would raise standards.

"There has been a huge rise in the number of acr contractors in recent years. A lot of engineers from other disciplines have come in and re-branded themselves with varying degrees of success," he told delegates.

"There are a number of colleges churning out qualifications in the quickest and easiest way possible and a lot of engineers have achieved the minimum safe handling of refrigerant qualifications, but have little understanding of how a system works."

He added that the HVCA questioned the value of a stand-alone safe handling qualification and would rather encourage companies and individual engineers to become fully trained, accredited and registered.

"I don't think we should have lower levels of competence for F-Gas. I have lobbied against it because clients will be confused," he said. "You should either be qualified or not. Quite a few engineers will have to go back to school for a long time and that's fine by me because people shouldn't have been working in the industry without understanding this stuff."

"There is no problem with a heating engineer learning how to install air conditioning, but it is essential that he has underpinning knowledge of how the refrigeration cycle works so he is able to put things right when they go wrong," Mr Fox added.

The speakers urged companies to register with the REFCOM scheme and to make sure individual operatives qualified for the ACRIB (Air Conditioning and Refrigeration Industry Board) register.

"Until now registration has been voluntary and some companies have balked at the cost – now it will be mandatory and they will have no choice," said REFCOM's Stephen Crocker. "Many end users remain in the dark about their responsibilities under F-Gas and it is important for the industry to explain to them that legal liability lies with the owner of the equipment so they should only use competent firms."

He explained that REFCOM has taken a long time to develop because many companies regarded it as an optional extra in the past. However, it now has 314 member companies and is adding 15 new members every month as mandatory registration looms.

REFCOM offers a register of refrigerant handling competence for companies and operatives plus a refrigerant tracking database system, which will become increasingly important as the Government seeks to gather data about F-Gas use across the country.

“The whole industry is now singing from the same hymn sheet and we are pushing the Government hard to announce the start of the mandatory scheme,” said Mr Crocker. “However, registering a company before you need to is good business practice and provides the framework for good employee behaviour. It also provides evidence of company competence to support any potential legal issues. Don’t forget it is the company not the operative who will be sued.

“It proves that a company maintains an audit trail of refrigerant, has adequate recovery and calibrated weighing equipment as well as being a registered waste disposal organisation – in line with their regulatory requirements.”

The Government continues to push for a ‘light touch’ approach that does not insist on a refrigerant audit. However, the speakers pointed out that the European Commission requires refrigerant data as part of its climate change programme and only an audit can provide the information.

“Good record keeping is now essential to meet legal obligations,” said Mr Crocker.

He also advised contractors not to take on the end users’ responsibilities. “Unless you have a good lawyer and a watertight contract you really don’t want to go there,” he warned.

All the speakers pointed out that end user/operators needed to challenge their specialist contractors and insist on seeing proof of competence such as an ACRIB card or SKILLcard. This is not happening regularly enough at the moment and clients could fall foul of the regulations by not using competent companies.

“There is no excuse for not being on the ACRIB register,” said Mr Fox. “It costs £40 over three years (£25 for HVCA members). REFCOM has now been in place for 14 years – and the easiest way for an end user to check the competence of a contractor is by going to its website ([www.refcom.org.uk](http://www.refcom.org.uk)).”

The legal ban on selling refrigerant to non-registered companies is already starting to bite, according to Mr Crocker.

“Already a number of distributors are looking to enforce their obligations for restricting refrigerant sales more than a year ahead of the official deadline,” he said. “This shows there is strong support in the industry for raising standards in this way.”

The HVCA called for the setting up of a voluntary scheme to restrict refrigerant sale to registered operatives some years ago, but the Government has still not made a decision about this. It has also failed to finalise details of the training requirements for F-Gas despite the looming deadline, according to Mr Fox.

“Registration is not a money raising scheme it is all about raising standards,” he said. “This is a rare example of an industry actually pushing the Government for regulation, yet still they prevaricate.

“We want to see professional installations with no corner cutting, proper purging during brazing, full commissioning and evacuation of systems. Too many engineers will tell end users that the

manufacturer's equipment is rubbish rather than admit they are not competent to put the problem right. It happens all the time and it is the manufacturer's badge the client sees.

"A lot of people have a lot to lose if they get this wrong," said Mr Fox. "But the industry and its customers also have a tremendous amount to gain from F-Gas and ODS as they force up professional standards in the coming years."

**Timetable:**

New training module – due July 2008

New EU-wide qualifications available – February 2009

Company Certification – by July 2009 (after DEFRA consultation summer 2008)

Ban on refrigerant sale to non-registered firms – July 2009

Individual Certification – by July 2011 (including four new operative competence categories)

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