



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: January 15, 2014

TO: Bruce Hoesly, Legislative Reference Bureau
1 East Main Street, Suite 200

FROM: Ben Brancel, Secretary

SUBJECT: **Chs. ATCP 90, 91, 92, 113, and 136 – Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights & Measures: Gasoline Advertising; and Mobile Air Conditioners; Final Rule (Clearinghouse Rule #13-043)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 13-043

SUBJECT: **Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights & Measures: Gasoline Advertising; and Mobile Air Conditioners**

ADM. CODE REFERENCE: Chapters ATCP 90, 91, 92, 113, and 136

DATCP DOCKET #: 12-R-11

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Business Impact Analysis (Summary)

This rule updates references to technical standards to the most recent editions of those standards without significant changes. This rule simply continues policies already in place in current rules or updates rules to conform to recent changes in the statutes. Except as noted below, this rule does not have an effect on small businesses.

Chapter ATCP 113 – Gasoline Advertising, updating references to most recent standards may increase the enforceability of the rule. Chapter ATCP 113 relies on nationally recognized standards for octane rating published by ASTM. However, the current rule relies on standards that are outdated and is, therefore, difficult

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to enforce. Updating the standards, as proposed in this rule, will improve the enforceability. By making it easier to punish any business that might mislead consumers about the octane rating or value, this rule should benefit honest sellers of gasoline.

This rule will benefit businesses that service mobile air conditioners. Under this rule, these businesses can service units that require the new refrigerant HFO-1234yf. This product was only recently approved by EPA.

Comments from Legislative Committees (Summary)

On January October 24, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on December 5, 2013 and the Assembly referred it to JCRAR on December 13, 2013. JCRAR took no action on the rule.