

Report From Agency

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 10-011

Rule No.: Chapters Comm 2, 41 and 45

Relating to: Mechanical Refrigeration

Contact person for substantive questions:

Contact person for internal processing:

Name Jim Quast

Name Sam Rockweiler

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Title Code Development Consultant

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1. Basis and purpose of the proposed rule.

The proposed rule changes primarily consist of updating chapter Comm 45 to have it directly reference the latest editions of two applicable national standards, and to make it consistent with current industry and regulatory practices for mechanical refrigeration systems. The primary referenced national standard is ANSI/ASHRAE 15-2007, including its addenda a to i – and ANSI/IIAR 2-2008 is referenced for closed-circuit ammonia mechanical refrigeration systems. Comm 45 currently instead references ANSI/ASHRAE 15 indirectly by incorporating chapter 11 of the 2000 edition of the *International Mechanical Code*[®] (IMC), which in turn references a previous version of ANSI/ASHRAE 15.

2. How the proposed rule advances relevant statutory goals or purposes.

The proposed rules are consistent with the Department's statutory duties to (1) establish rules and prescribe safeguards for protecting the life, health, safety and welfare of employees and frequenters of public buildings and places of employment and (2) establish rules relating to proper handling and use of ozone-depleting refrigerants and associated equipment.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes were made to the rule analysis or fiscal estimate.

COM-10550 (R.02/04)

FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Less stringent requirements are not proposed for small businesses because the statutory directives under which these rules are proposed do not provide such flexibility.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

Further clarification of the requirements relating to alterations and of the potential applicability of other model codes was requested. Informational notes have been added to (1) explain that neither the *International Fire Code*[®] nor NFPA[®] 1 are applied by the Department to mechanical refrigeration systems and (2) encourage designers, contractors and owners to contact the Department to discuss their intentions for alterations and to determine, on a case-by-case basis, any upgrades that are then needed.

Several comments recommended adopting requirements that would be more restrictive than the requirements in the national standards which are referenced in the proposed rules. The Department is postponing further consideration of those more-restrictive requirements until after they are included in the referenced national standards.

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3. Nature and estimated cost of preparation of any reports by small businesses.

No new substantive reporting would be imposed on small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

Although the rules would require periodic replacement of pressure relief valves in all existing ammonia mechanical refrigeration systems, the cost of this replacement is not expected to be significant. None of the other proposed rule changes are expected to significantly increase the current cost of installing and operating mechanical refrigeration systems because the primary effect of the changes is to make chapter Comm 45 consistent with current regional and national standards for mechanical refrigeration, and with current industry and regulatory practices.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code Development Consultant

Telephone No. 266-0797

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached