

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject: Mobile Air Conditioners; reclaiming and recycling refrigerant
Adm. Code Reference: ATCP 136
Rules Clearinghouse #: 13-107
DATCP Docket #: 13-R-11

Rule Summary

The rule interprets s. 100.45, Stats., the Mobile Air Conditioner; reclaiming and recycling refrigerants law administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”). Chapter ATCP 136 establishes requirements for buying, selling, reclaiming and recycling ozone depleting refrigerants. The requirements are consistent with those under federal law. The rule also requires businesses that install, repair or service mobile air conditioners to pay an annual registration fee and obtain an annual registration certificate from the department. The rule requires businesses to register their mobile air service technicians and technicians to successfully complete a department approved training course or satisfy other training requirements.

Rule Content

The proposed rule does all of the following:

- Eliminates the mobile air conditioner repair business \$120 annual registration fee. Surcharge fees are maintained.
- Modifies mobile air conditioner repair technician training requirements.
- Removes references to obsolete Department of Safety and Professional Services (DSPA) licensing requirements.

DATCP proposes to eliminate the \$120 annual registration fee and streamline the training requirements currently required under this rule. These modifications will harmonize DATCP’s rule with federal law and reduce overall regulatory burdens. The proposed rule also removes references to obsolete DSPA licensing requirements and makes other minor modifications needed to ensure uniformity between the statute and rule. Surcharge fees for operating without a registration are required under s. 100.45(5m), Stats., and are not affected by this rule change.

Small Business Affected

The proposed rule will have a positive impact on operators of mobile air conditioner repair businesses and will not have a negative effect on businesses. This rule affects businesses in the following ways:

Eliminates the annual registration fee

- Under the proposed rule, the \$120 annual registration fee for operators of mobile air conditioner repair businesses will be eliminated. With approximately 3500 businesses statewide, this will result in a savings of \$420,000 annually for small businesses.

Eliminates duplicative training requirements

- Prior to 2011, Wisconsin was the only state that prohibited the sale of small cans of non-ozone depleting (“substitute”) refrigerant. For this reason, the state had Wisconsin specific technician training requirements. With the change in law that now allows the sale of small cans of substitute refrigerant, the Wisconsin specific training is no longer needed. Under this proposed rule, technicians who pass an EPA approved training course will meet Wisconsin’s training requirement. This will save businesses and technicians an indeterminate amount of time and money as the technicians will no longer have to complete an additional training course.

Reporting, Bookkeeping and other Procedures

The proposed rule does not change existing reporting, bookkeeping or other procedures in the proposed rule for small businesses.

Professional Skills Required

The proposed rule eliminates the duplicative training requirements for technicians of mobile air conditioner businesses. However, technicians must still complete an approved training course.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” This proposed rule does not make special exceptions for small businesses because the program encompasses mobile air conditioner repair businesses of all sizes. The proposed registration fee and technician training rule changes will benefit large and small businesses alike.

Conclusion

This proposed rule will generally benefit affected businesses, including “small businesses.” This rule will not have a negative effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2)(e), Stats.

Dated this _____ day of _____, 20____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Sandy Chalmers, Administrator
Division of Trade and Consumer Protection