



State of Wisconsin
Governor Scott Walker

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

DATE: August 21, 2015

TO: The Honorable Mary Lazich
President, Wisconsin State Senate
Room 220 South, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
PO Box 8952
Madison, WI 53708-895

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

SUBJECT: **Mobile Air Conditioners, ch. ATCP 136; Final Draft Rule
(Clearinghouse Rule #15-015)**

Introduction

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is transmitting this rule for legislative committee review, as provided in s. 227.19 (2) and (3), Stats. DATCP will publish notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19 (2), Stats. This proposal amends Wisconsin Administrative Code ch. ATCP 136 (ch. ATCP 136) to implement changes created by the adoption of 2013 Act 312 (Act 312).

Background

The existing ch. ATCP 136, establishes requirements for buying, selling, reclaiming and recycling 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 DATCP. The rule requires businesses to register their mobile air service technicians and technicians to successfully complete a DATCP-approved training course or satisfy other training requirements.

Act 312 eliminated DATCP's authority to register businesses that install, repair, or service mobile air conditioners. Act 312 also repealed DATCP's authority to establish training requirements for technicians performing those services in Wisconsin.

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This rule will eliminate the business registration requirement and associated fee for operators of mobile air conditioning businesses, harmonize training requirements with the Environmental Protection Agency (EPA) to eliminate duplication, update adopted standards, and remove outdated references to statutes that no longer exist.

Rule Content

This rule does all of the following:

- Updates the rule to harmonize with statutory changes made in Act 312.
- Updates standards for recovery and recycling equipment, and recycled refrigerant to the most recent standards established by the Society of Automotive Engineers (SAE).
- Eliminates the mobile air conditioner repair business registration and associated fees.
- Modifies mobile air conditioner repair technician training requirements to refer to federal training requirements established by the EPA.
- Removes references to obsolete Wisconsin Department of Safety and Professional Services (DSPS) licensing requirements.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

At the federal level, the EPA requires technicians to be trained and certified by an EPA-approved organization. The training must cover specific content areas, and technicians must pass a test demonstrating competency to be certified. Under the proposed rule, a technician who completes the EPA-approved course would be qualified to install, repair, or service mobile air conditioners in Wisconsin.

This rule is consistent with federal laws related to buying, selling, reclaiming, and recycling ozone-depleting refrigerants.

Comparison with Rules in Adjacent States

The EPA administers the mobile air conditioner regulations used in adjacent states. Wisconsin has adopted EPA regulations into state law to improve the ability to enforce the regulations. The proposed rule brings Wisconsin's training requirements into conformity with the EPA training regulations used in neighboring states.

Summary of Factual Data and Analytical Methodologies

This rule does not depend on a complex analysis of data. Act 312 prompted the change to this rule. This rule harmonizes Wisconsin's training requirements with federal law and improves consistency with surrounding states.

***Analysis and Supporting Documents used to Determine Effect on
Small Business or in Preparation of an Economic Impact Analysis***

The DATCP Bureau of Weights and Measures administers Wisconsin's mobile air conditioning registration program. In 2013, 3,500 operators of mobile air conditioning repair businesses registered with DATCP. At a cost of \$120 per registration, the cumulative cost for these businesses to register with the state was \$420,000. In addition, DATCP collected another \$7,000 in statutorily required surcharge fees on late registrations. These businesses also registered and submitted Wisconsin required training credentials for 11,000 mobile air conditioning repair technicians.

Effect on Small Business

This proposed rule eliminates registration fees and modifies training requirements. Businesses will benefit from the reduction in fee and training expenses. The rule would save approximately 3,500 businesses a \$120 annual registration fee for a total savings of about \$420,000 each year. In addition, the 11,000 technicians who register annually with DATCP would be able to use their EPA-approved training course to meet Wisconsin's training requirements. This cost savings is indeterminate, but it would save technicians and businesses both training registration fees and time away from their jobs. This rule will not have a negative effect on small business.

Hearings

DATCP held one public hearing on this rule on April 22, 2015 in Madison, Wisconsin. There were no attendees at the hearing.

DATCP did not receive any written comments.

Changes from Hearing Draft

DATCP made technical corrections based on suggestions from the Legislative Council Rules Clearinghouse. However, there are no substantive changes from the hearing draft.