



State of Wisconsin
Governor Scott Walker

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

DATE: December 14, 2015

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

FROM: Ben Brancel, Secretary

SUBJECT: Ch. ATCP 136 – Mobile Air Conditioners; Recycling and Reclaiming of Refrigerants; Final Rule (Clearinghouse Rule 15-015)

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

CLEARINGHOUSE RULE: 15-015
SUBJECT: Mobile Air Conditioners
ADM. CODE REFERENCE: ATCP 136
DATCP DOCKET: 14-R-07

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 proposed rule eliminates registration fees and modifies training requirements. Businesses will benefit from the reduction in fee and training expenses. The rule will 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 registered annually with DATCP will be able to use a separately required EPA-approved training course to meet Wisconsin's training requirements. This cost savings is indeterminate but the proposed changes will save technicians and businesses training fees, registration fees, and time away from work.

This proposed rule makes a change to Wisconsin Administrative Code section ATCP 136.16 (4) 3., regarding refrigerant substitution labeling. Currently, a label naming the registered business that charged the equipment with substitute refrigerant must be affixed to the equipment. Businesses will no longer be registered and therefore, not required to be named on the label. The requirement that the name of the trained technician who performed the service be named on the label remains unchanged.

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This proposed rule makes a change to Wisconsin Administrative Code section ATCP 136.16 (5) (Intro), regarding repair or service records. Currently, a registered business is required to keep a record of each repair or service transaction under Wisconsin Administrative Code section ATCP 136.02 (1). Businesses will no longer be registered and therefore, are not required to keep the specified records. The proposed rule requires the technician that performed the service to keep a record of each repair or service transaction. There is no change to the required content of repair or service records.

This rule will have minimal impact on effected businesses, including small businesses. Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on small business, and is not subject to the delayed small business effective date provided in s. 227.22(2)(e), Stats.

Comments from Legislative Committees (Summary)

On August 17, 2015, DATCP transmitted the proposed rule for legislative committee review. The proposed rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Agriculture, Small Business, and Tourism. The Assembly Committee held a hearing on September 15, 2015. Neither committee took action following the hearing. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on October 14, 2015, and the Assembly referred it to JCRAR on November 4, 2015. JCRAR took no action on the proposed rule.