

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Mobile Air Conditioners, Reclaiming or Recycling Refrigerant
Adm. Code Reference: ATCP 136
Rules Clearinghouse#: CR 15-015
DATCP Docket #: 14-R-07

Rule Summary

This rule does all of the following:

- Updates the rule to harmonize with statutory changes made in 2013 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 Environmental Protection Agency (EPA).
- Removes references to obsolete Department of Safety and Professional Services (DSPS) licensing requirements.

Other changes

The proposed rule makes other clarifying and corrective changes needed to ensure uniformity between the statute and rule.

Small Business Affected

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 the department would be able to use their EPA-approved training course to meet Wisconsin's training requirements. This cost savings is indeterminate, but 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.

Recordkeeping requirements

This rule makes a minor change to s. ATCP 136.16 (4) 3., regarding refrigerant substitution records. Businesses will no longer be registered, and so are not required to be named on the documentation. The rule still requires the name of the trained technician who performed the service to be named on the documentation.

This rule makes a minor change to s. ATCP 136.16 (5) (intro), regarding repair or service records. Businesses will no longer be registered, and so are not required to keep repair or service records. Instead, the rule requires the trained technician who performed the service to keep the records. There is no change to the required content of repair or service records.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

Conclusion

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.