

Chapter ATCP 136

MOBILE AIR CONDITIONERS; RECLAIMING OR RECYCLING REFRIGERANT

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Note: This chapter is adopted under authority of ss. 93.07 (1), 100.20 (2), and 100.45 (5) and (5e), Stats. Violations of this chapter are subject to the penalties and remedies provided under ss. 93.06 (7) and (8), 100.26 (3) or (6), and 100.45 (6).

Note: Chapter Ag 136 was renumbered chapter ATCP 136 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 136 as it existed on February 29, 1996 was repealed and a new chapter ATCP 136 was created effective March 1, 1996.

ATCP 136.01 Definitions. In this chapter:

(1) "Approved refrigerant reclamation facility" means a reclamation facility certified by the United States environmental protection agency under 40 CFR 82.164.

Note: You may obtain a list of approved reclamation facilities by writing to Weights and Measures Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(5) "Buy" or "purchase" means to acquire ownership rights.

(6) "Consign" means to deliver to another's custody for sale.

(7) "Consignee" means a person who receives refrigerant from its owner on consignment.

(8) "Consignor" means an owner of refrigerant who consigns refrigerant to another's custody for sale on behalf of the owner.

(9) "Individual" means a natural person.

(10) "Mobile air conditioner" means mechanical vapor compression refrigeration equipment used to cool the driver, passenger or cargo compartment of a motor vehicle.

(11) "Motor vehicle" has the meaning given under s. 100.45 (1) (c), Stats.

(11m) "Ozone-depleting refrigerant" means a substance used in refrigeration that is or contains a class I substance, as defined in 42 USC 7671 (3) or a class II substance, as defined in 42 USC 7671 (4).

(12) "Person" means any of the following:

(a) An individual.

(b) A corporation, partnership, limited liability company, business trust, cooperative, association or other business entity.

(c) The state of Wisconsin or any agency of the state.

(d) A body corporate or politic.

(13) "Receive on consignment" means to receive for sale on behalf of another.

(14) "Reclaimed refrigerant" means used refrigerant that is purified at an approved refrigerant reclamation facility to meet applicable purity standards under s. ATCP 136.14 (2).

(15) "Recovered refrigerant" means used refrigerant, other than reclaimed or recycled refrigerant.

(16) "Recovery equipment" means equipment used to remove refrigerant from a mobile air conditioner or trailer refrigeration equipment without recycling that refrigerant.

(17) "Recycling equipment" means equipment used to recycle used refrigerant for sale or use as recycled refrigerant.

(18) "Recycled refrigerant" means used refrigerant that is recycled to meet applicable purity standards under s. ATCP 136.14 (1).

(19) "Refrigerant" means any substance used, sold for use, or designed or intended for use in a mobile air conditioner or trailer refrigeration equipment to transfer heat out of the space being cooled. "Refrigerant" includes a class I substance as defined in

42 USC 7671(3), a class II substance as defined in 42 USC 7671(4), and any substance used, sold for use, or designed or intended for use as a substitute for a refrigerant.

(20) "Sell" means to transfer ownership rights. "Sell" includes selling for another on consignment.

(21) "Technician" means an individual who is properly trained and certified in appropriate programs, as specified by the federal environmental protection agency under 42 USC 7671h.

(22) "Trailer refrigeration equipment" has the meaning given under s. 100.45 (1) (e), Stats.

(23) "Used refrigerant" means refrigerant that is removed from a mobile air conditioner or trailer refrigeration equipment.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. (2), am. (19), Register, January, 2001, No. 541, eff. 2-1-01; CR 13-043: cr. (11m) Register February 2014 No. 698, eff. 5-1-14; CR 15-015: r. (3), (4), am. (21) Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.08 Technician training. No person may perform motor vehicle repair that releases or may release refrigerant from a mobile air conditioner or trailer refrigeration equipment or may install or service a mobile air conditioner or trailer refrigeration equipment that contains refrigerant unless that person is properly trained and certified in appropriate programs, as specified by the federal environmental protection agency under 42 USC 7671h.

Note: A list of currently authorized Mobile Air Conditioning Technician Training and Certification programs can be found here: <https://www.epa.gov/section608/section-608-technician-certification-programs> and here: <https://www.epa.gov/mvac/section-609-technician-training-and-certification-programs>

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. (1), r. (4), am. (5), Register, January, 2001, No. 541, eff. 2-1-01; CR 15-015: r. and recr. Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.10 Buying and selling refrigerant.

(1) CONTAINER SIZE; GENERAL. No person may buy, sell or consign refrigerant in a container holding less than 15 pounds of ozone-depleting refrigerant.

(2) SELLING NEW OR RECLAIMED REFRIGERANT. No person may sell or consign new or reclaimed refrigerant, except to one of the following:

(a) A person who sells or resells that refrigerant in its original container, to persons identified under par. (b). A sale or consignment does not violate this paragraph if the seller or consignee relies in good faith on a written statement from the buyer or consignee that does all the following:

1. Contains the legal name and business address of the buyer or consignee.

2. Guarantees that the buyer or consignee will sell or resell the refrigerant only in its original container.

3. Guarantees that the buyer or consignee will sell or resell the refrigerant only to persons identified in par. (b).

(b) A technician.

(3) BUYING AND SELLING RECOVERED REFRIGERANT. (a) No person may sell or consign recovered refrigerant, except to one of the following:

1. A technician who sells or consigns the recovered refrigerant to the operator of an approved reclamation facility for reclamation at that facility, or who uses approved recycling equipment

under s. ATCP 136.12 (3) to recycle the refrigerant for reuse in mobile air conditioners.

3. An approved refrigerant reclamation facility.

(b) Only the following persons may sell or consign recovered refrigerant to a person in this state:

1. A technician.

3. A person registered with the state of Wisconsin, department of natural resources under ch. NR 488.

(c) No person may buy recovered refrigerant in this state, or receive recovered refrigerant on consignment in this state, from any person other than a person identified under par. (b).

(4) **SELLING RECYCLED REFRIGERANT.** (a) No person may sell or consign recycled refrigerant except to one of the following:

1. A technician who sells or consigns the recycled refrigerant to the operator of an approved reclamation facility for reclamation at that facility.

3. An approved refrigerant reclamation facility.

(5) **MISREPRESENTATIONS.** No person may represent any of the following, either directly or by implication:

(a) That used refrigerant is new refrigerant.

(b) That used refrigerant is recycled unless it meets applicable purity standards for recycled refrigerant under s. ATCP 136.14 (1).

(c) That used refrigerant is reclaimed unless it is reclaimed at an approved refrigerant reclamation facility and meets purity standards for reclaimed refrigerant under s. ATCP 136.14 (2).

(d) That a substitute refrigerant may be used as a replacement for a class I substance as defined in 42 USC 7671(3), or a class II substance as defined in 42 USC 7671(4), unless the person discloses the special repair and service requirements under s. ATCP 136.16 (4).

(6) **USED REFRIGERANT; CONTAINERS AND LABELING.** No person may hold, sell or consign used refrigerant except in a container that complies with standards adopted by the United States department of transportation under 49 CFR 173.304. The container shall be clearly labeled to indicate all of the following:

(a) The type of refrigerant.

(b) Whether the refrigerant is recovered, recycled or reclaimed.

(7) **PURCHASE RECORDS.** A person who buys refrigerant or receives refrigerant on consignment shall keep an accurate record of all the following:

(a) The legal name and complete address of the person from whom that person purchased or received that refrigerant.

(b) The type and amount of refrigerant purchased or received.

(c) Whether, at the time of purchase or receipt, the refrigerant was new, reclaimed, recycled or recovered.

Note: A purchaser or consignee may use purchase or consignment invoices to comply with sub. (7) if the invoices contain all of the information required under sub. (7).

(8) **SALES RECORDS.** A person who sells or consigns refrigerant to another person shall keep accurate records of all the following:

(a) The legal name and complete address of the person to whom the refrigerant was sold or consigned.

(b) The type and amount of refrigerant sold or consigned.

(c) Whether, at the time of sale or consignment, the refrigerant was new, reclaimed, recycled or recovered.

(d) A copy of any written guarantee received under sub. (2) (a) from the buyer or consignee.

Note: A seller or consignor may use sale or consignment invoices to comply with this subsection if the invoices contain all of the information required under this subsection.

(9) **AVAILABILITY OF RECORDS.** A person required to keep a record under sub. (7) or (8) shall retain that record for at least 2

years, and shall make the record available for inspection and copying by the department upon request.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; corrections in (2) (c) and (3) (b) 4. made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, April, 1999, No. 520; r. and recr. (2) (intro.), (a), (3) (a) 2., am. (3) (a) (intro.) and 1., (b) (intro.), (4) (a) (intro.), 1., (7) (a), (8) (a), r. (3) (b) 2., (4) (a) 2., (b), cr. (5) (d), Register, January, 2001, No. 541, eff. 2-1-01; corrections in (2) (c), (3) (a) 2. and (b) 4. made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673; CR 13-043; am. (1) Register February 2014 No. 698, eff. 5-1-14; CR 15-015; am. (2) (a) (intro.), 3., (b), r. (2) (c), (d), am. (3) (a) 1., r. (3) (a) 2., r. and recr. (3) (b) 1., r. (3) (b) 4., am. (4) (a) 1. Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.12 Recovery and recycling equipment; approval. (1) **APPROVAL REQUIRED.** No person may recover or recycle used refrigerant from a mobile air conditioner or trailer refrigeration equipment unless the department first approves the equipment used to recover or recycle that refrigerant. The department shall approve recovery or recycling equipment if one of the following conditions is met:

(a) An approved independent testing organization under sub. (2) tests the equipment and certifies that it complies with applicable standards under sub. (3).

(b) The equipment manufacturer demonstrates that the United States environmental protection agency has designated the equipment as substantially identical to equipment approved under par. (a).

Note: You may obtain a list of approved recovery and recycling equipment by writing to Weights and Measures Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(2) **INDEPENDENT TESTING ORGANIZATIONS; APPROVAL.** The department shall approve an independent testing organization to test and certify recovery and recycling equipment for compliance with sub. (3) if the organization provides evidence that the United States environmental protection agency has approved the organization under s. 40 CFR 82.38. If the United States environmental protection agency withdraws its approval, the department shall withdraw its approval.

Note: You may obtain a list of approved independent testing organizations by writing to Weights and Measures Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(3) **CERTIFICATION STANDARDS.** To be certified under sub. (1) (a), refrigerant recovery or recycling equipment shall meet all of the following standards which apply to that equipment:

(a) Equipment used to recover but not recycle R-12 refrigerant shall meet or exceed standards specified by the society of automotive engineers in "CFC-12 Extraction Equipment for Mobile Automotive Air-Conditioning Equipment," SAE J2209, August 2011, including the secondary standards incorporated by reference in SAE J2209.

(b) Equipment used to recover but not recycle R134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "HFC-134a (R134a) Extraction Equipment for Mobile Automotive Air Conditioning Systems," SAE J1732, November 2011, including the secondary standards incorporated by reference in SAE J1732.

(c) Equipment used to recycle R-12 refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems," SAE J1990, May 2011, including the secondary standards incorporated by reference in SAE J1990.

(d) Equipment manufactured prior to January 1, 2008 used to recycle R-134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "HFC-R134a Recycling Equipment for Mobile Air Conditioning Systems," SAE J2210, November 2010, including the secondary standards incorporated by reference in SAE J2210. Equipment manufactured on or after January 1, 2008 shall meet or exceed the standards specified in SAE J2788, January 2013.

(e) Equipment used to recover refrigerant other than R-12, R-134a, or HFO-1234yf shall meet or exceed the standards specified by the air conditioning heating and refrigeration institute in AHRI 740-1998: Refrigerant Recover/Recycling Equipment.

(f) Equipment used to recycle HFO-1234yf refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "R-1234fy (HFO-1234yf) Recovery/Recycling/Recharging Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems," SAE J2843-2013.

(g) Equipment used to recover but not recycle HFO-1234yf refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Recovery Equipment for Contaminated Refrigerant from Mobile Automotive Air-Conditioning Systems," SAE J2851-2012.

Note: Standards incorporated by reference under sub. (3) are on file with the department and the legislative reference bureau. You may obtain copies of the SAE standards by contacting the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001. You may obtain a copy of standard 740-1993 from the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Dr., Suite 425, Arlington, VA 22203.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; CR 08-075: am. (3) (d) Register April 2009 No. 640, eff. 5-1-09; CR 13-043: am. (3) (e), cr. (3) (f), (g) Register February 2014 No. 698, eff. 5-1-14; CR 15-015: am. (3) (a) to (d) Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.14 Recycled or reclaimed refrigerant; purity standards. (1) RECYCLED REFRIGERANT. Recycled refrigerant shall meet the following applicable standards of purity:

(a) R-12 refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Standard of Purity for Use in Mobile Air Conditioning Systems," SAE J1991, August 2011.

(b) R-134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Standard of Purity for Recycled HFC134a For Use in Mobile Air Conditioning Systems," SAE J2099, April 2012.

(c) HFO-1234yf refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "R1234fy (HFO-1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems," SAE J2844-2013.

Note: Standards incorporated by reference under sub. (1) are on file with the department and the legislative reference bureau. You may obtain copies by contacting the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001.

(2) RECLAIMED REFRIGERANT. Reclaimed refrigerant shall meet purity standards established by the air conditioning and refrigeration institute 700 specifications for fluorocarbon and other refrigerant.

Note: Copies of the air conditioning and refrigeration institute 700 specifications for fluorocarbon and other refrigerant are on file with the department and the legislative reference bureau. You may obtain copies from the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Dr., Suite 425, Arlington, VA 22203.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; CR 13-043: cr. (1) (c) Register February 2014 No. 698, eff. 5-1-14; CR 15-015: am. (1) (a), (b) Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.16 Repair and service practices. (1) DISCLOSURE REQUIRED. No person may repair or service a mobile air conditioner or trailer refrigeration equipment unless that person first discloses all of the following to the person requesting that repair or service:

(a) No refrigerant may be added to a leaking mobile air conditioner or leaking trailer refrigeration equipment.

(b) If a mobile air conditioner or trailer refrigeration equipment leaks refrigerant, that mobile air conditioner or trailer refrigeration equipment may not be recharged until the leak is repaired.

Note: Under ch. ATCP 132, Wis. Adm. Code, a motor vehicle repair shop may not diagnose a problem in a motor vehicle, or repair or service that motor vehicle, without the customer's prior authorization. This chapter does not change ch. ATCP 132.

(2) REFRIGERANT LEAKS; EXAMINATION. No person may repair or service a mobile air conditioner or trailer refrigeration equipment unless that person first examines that air conditioner or equipment using competent and reliable methods, generally accepted in the industry, to determine whether that air conditioner or equipment is leaking refrigerant. A person who introduces refrigerant into a mobile air conditioner or trailer refrigeration

equipment for the purpose of finding leaks in that air conditioner or equipment shall recover that refrigerant without leaking it into the atmosphere.

(3) RECOVERING REFRIGERANT. A person who removes refrigerant from a mobile air conditioner or trailer refrigeration equipment shall do both of the following using equipment approved by the department under s. ATCP 136.12:

(a) Reduce the system to a vacuum.

(b) Pump the refrigerant into a container that meets United States department of transportation standards under 49 CFR 173.304.

(4) SUBSTITUTING REFRIGERANT. A person who charges a mobile air conditioner or trailer refrigeration equipment with a type of refrigerant not originally used in that mobile air conditioner or trailer refrigeration equipment shall do all the following:

(a) Affix to the air conditioner or equipment a prominent label that identifies all the following:

1. The date on which the air conditioner or equipment was charged with the substitute refrigerant.

2. The name of the substitute refrigerant.

3. The name of the technician who charged the mobile air conditioner or trailer refrigeration equipment with the substitute refrigerant.

(b) Install service fittings that are specifically designed by the refrigerant manufacturer to mechanically prevent the refrigerant from cross-charging with another refrigerant. The fittings shall be installed on all refrigerant containers, charging and recovery equipment, and on all mobile air conditioner service ports.

(c) Comply with other applicable regulations of the United States environmental protection agency under s. 40 CFR Part 82 Subpart G.

(5) REPAIR OR SERVICE RECORDS. A technician shall keep a record of each repair or service transaction. The record shall include the name and address of the owner of the mobile air conditioner or trailer refrigeration equipment. The record shall indicate all of the following:

(a) Whether the mobile air conditioner or trailer refrigeration equipment was leaking refrigerant when it was received for repair or servicing.

(b) Whether the person receiving the mobile air conditioner or trailer refrigeration equipment for repair or servicing did any of the following:

1. Performed any repairs on the mobile air conditioner or trailer refrigeration equipment.

2. Removed refrigerant from the mobile air conditioner or trailer refrigeration equipment. The record need not indicate how much refrigerant was recovered.

3. Added refrigerant to the mobile air conditioner or trailer refrigeration equipment. The record shall indicate the quantity added, if any.

Note: A motor vehicle repair order or invoice prepared under ch. ATCP 132, complies with sub. (5) if it contains all of the information required under sub. (5).

(6) AVAILABILITY OF RECORDS. A person required to keep a record under sub. (5) shall keep that record for at least 2 years, and shall make that record available for inspection and copying by the department upon request.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (4) (intro.), r. and recr., (4) (a) to (c), Register, January, 2001, No. 541, eff. 2-1-01; CR 15-015: am. (4) (a) 3., (5) (intro.) Register January 2016 No. 721, eff. 2-1-16.

ATCP 136.20 Prohibited practices. No person may do any of the following:

(1) Add refrigerant to a mobile air conditioner or trailer refrigeration equipment which is leaking refrigerant. This does not prohibit the use of a test charge in compliance with s. ATCP 136.16 (2).

(2) Knowingly or negligently release refrigerant into the environment.

(3) Use refrigerant to clean mobile air conditioners or trailer refrigeration equipment, or for other cleaning purposes.

(4) Charge a mobile air conditioner or trailer refrigeration equipment with used refrigerant unless one of the following applies:

(a) The used refrigerant has been recycled to meet applicable purity standards under s. ATCP 136.14 (1) using equipment approved by the department under s. ATCP 136.12.

(b) The used refrigerant has been reclaimed at an approved refrigerant reclamation facility, and meets purity standards under

s. ATCP 136.14 (2).

(5) Employ any person, other than a technician, to remove refrigerant from a mobile air conditioner or trailer refrigeration equipment.

(6) Fail to use recovery or recycling equipment approved under s. ATCP 136.12 when removing refrigerant from a mobile air conditioner or trailer refrigeration equipment.

Note: Violations of this chapter may result in penalties provided in ss. 93.06 (7) and 100.45 (6), Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; CR 15-015: am. (5) Register January 2016 No. 721, eff. 2-1-16.