

**ADMINISTRATIVE RULES
FISCAL ESTIMATE
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 90, Fair Packaging and Labeling
Ch. ATCP 91, Selling Commodities by Weight, Measure or Count
Ch. ATCP 92, Weights and Measures
Ch. ATCP 113, Gasoline Advertising
Ch. ATCP 136, Mobil Air Conditioners; Reclaiming or Recycling Refrigerant

Subject

Various minor and technical updates to existing rules

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR FED PRO PRS SEG SEG-S

Fiscal Effect of Implementing the Rule

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

This rule simply updates references and makes other technical changes to existing rules and does not make significant changes to existing policies.

This rule updates existing rules in several ways:

- ATCP 90 – Fair Packaging and Labeling
 - Updates the existing rule's references to NIST Handbook 133 – Checking the Net Contents of Packaged Goods to the most recent edition of the standards.
- ATCP 91 – Selling Commodities by Weight, Measure or Count
 - Updates the existing rule's references to NIST Handbook 130 – Uniform Laws and Regulations in the Area of Legal Metrology and Engine Fuel Quality to the most recent edition of the standards.
 - Corrects certain references to specific sections of Handbook 130.
- ATCP 92 – Weights and Measures
 - Updates the existing rule's references to NIST Handbook 44 – Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices to the most recent edition of the standards.
 - Updates several "notes" in current rule regarding instructions on how to contact DATCP for additional information.
 - Clarifies existing regulations regarding vehicle scales and livestock scales
 - Clarifies that ch. ATCP 92 does not apply to vehicle scales that are not in commercial service.

- ATCP 113 – Gasoline Advertising
 - Updates the existing rule’s reference to ASTM standards for octane rating test methods.
- ATCP 136 – Mobile Air Conditioners; Reclaiming or Recycling Refrigerant
 - Revises the current rule’s prohibition on buying and selling containers of any refrigerant in containers holding less than 15 pounds in order to conform to 2011 Wisconsin Act 187. Under this rule (and Act 187), only ozone depleting refrigerants are prohibited from being sold in containers less than 15 pounds.
 - Updates rule to incorporate a new type of refrigerant (HFO-1234fy) that is now recognized by EPA.

Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule simply updates references and makes other technical changes to existing rules and does not make significant changes to existing policies. Therefore, this rule is not expected to have a material economic or fiscal impact on specific businesses, business sectors, utility rate payers, local governments, or the state’s economy as a whole.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Benefits

This rule keeps several chapters of the Wisconsin administrative code up-to-date with the latest editions of nationally recognized technical standards for package labeling, selling bulk commodities, technical specifications for scales and other measuring devices, and gasoline octane ratings.

This rule also brings Ch. ATCP 136 into conformity with the statutes. Specifically, 2011 Wisconsin Act 187 invalidated the existing prohibition against buying or selling any mobile air conditioner refrigerant in containers of less than 15 pounds. This rule conforms to Act 187 by prohibiting the buying or selling of only ozone-depleting refrigerant.

Alternatives

This rule helps maintain regulatory consistency between Wisconsin, its neighboring states, and other jurisdictions that rely on universal technical standards. If DATCP does not adopt this rule, some of this consistency would be lost.

Long Range Implications of Implementing the Rule

This rule makes minor technical updates to existing rules and does not represent any significant change in long range implications.

Compare With Approaches Being Used by Federal Government

This rule updates references to weights and measures technical standards published by the National Institute of Standards and Technology (“NIST”). By incorporating the latest NIST standards, this rule keeps Wisconsin standards consistent with applicable national standards.

The fuel octane standards incorporated by reference by this rule into ch. ATCP 113 are identical to standards used by the EPA to regulate fuel quality.

This rule update’s Wisconsin’s mobile air conditioner rules to conform to the most recent EPA

standards.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Generally, this rule updates standards incorporated by reference contained in several chapters of the Wisconsin Administrative Code. Most states, including all of Wisconsin's neighbors, recognize the same accepted standards in their statutes and rules.

This rule brings Wisconsin's rules relating to mobile air conditioning refrigerants into conformity with neighboring states' rules.