

NOTICE of Comment Period on Economic Impact

Department of Safety and Professional Services

Rule No.: Chapter Comm 5

Relating to: Thermal System Insulators

Notice is hereby given that the Department will accept public comment on the potential economic impact of this proposal revising the administrative rules under chapter Comm 5, Licenses, Certifications and Registrations, including how the proposed rule may affect businesses, local governmental units, and individuals. The comments will be considered when the department prepares an Economic Impact Analysis for the rule under s. 227.137, Stats.

The comment period on this proposed rulemaking will remain open until December 21, 2011. Comments should be submitted to Jim Quast, at the Department of Safety and Professional Services, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

The Wisconsin Department of Safety and Professional Services adopts an order to repeal Comm 5.02 Table 5.02 lines 50r. to 50t., Comm 5.06 Table 5.06 lines 45r. to 45t., Comm 5.74, Comm 5.741 to 5.743 relating to thermal insulator credentials.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: ss. 101.02 (1) and 227.10 (1), Stats.

2. Statutory Authority

Statutory Authority: ss. 101.02 (1) and 227.10 (1), Stats.

3. Related Statute or Rule

None

4. Explanation of Agency Authority

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on and after July 1, 2011, only individuals licensed as insulation mechanics or working under the supervision of licensed insulation mechanics may install or maintain thermal system insulation. Thermal insulation was statutorily defined as a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including a pipe, duct, valve, boiler, flue, or tank, or equipment on or in a building. 2011 Wisconsin Act 32 repealed s. 101.136, Stats.

5. Summary of Proposed Rules

The proposed rules repeal the credentialing procedures established for thermal system insulators under s. 101.136, Stats., as mandated under 2009 Wisconsin Act 16.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of thermal insulators.

7. Comparison with Rules in Adjacent States

An Internet-based search of thermal insulation mechanic licenses in the states of Illinois, Iowa, Michigan and Minnesota found that none of the states have specific rules or programs regarding these types of licenses.

8. Summary of Factual Data and Analytical Methodologies

The proposed rules were developed in light of 2011 Wisconsin Act 32 which repealed s. 101.136, Stats., and the mandate for the credentialing of thermal system insulators.

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

The proposed rule action follows the direction provided by 2011 Wisconsin Act 32. The department believes that this rule-making endeavor is procedural in nature and does not affect the economic impact in manner beyond that of 2011 Wisconsin Act 32.

10. Agency Contact.

James Quast, Program Manager, jim.quast@wi.gov, (608) 266-9292.

SECTION 1. Comm 5.02 Table 5.02 lines 50r. to 50t. are repealed.

SECTION 2. Comm 5.06 Table 5.06 lines 45r. to 45t. are repealed.

SECTION 3. Comm 5.74 and 5.741 to 5.743 are repealed.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
