

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-028

Rule No.: Chapters Comm 41 and 45

Relating to: Boilers and Pressure Vessels and Mechanical Refrigeration

Contact person for substantive questions:

Contact person for internal processing:

Name Joe Hertel

Name Joe Hertel

Title Program Manager

Title Program Manager

Telephone Number 266-5649

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1. Basis and purpose of the proposed rule.

The main purpose for the rule changes is to adopt the most current edition of the boiler and pressure code published by the American Society of Mechanical Engineers (ASME). The proposed revision to chapter Comm 41 brings the state boiler and pressure vessel code up-to-date with current technology and nationally recognized standards and modifies these standards, where necessary, to reflect any Wisconsin statutes or to improve clarity and usability of the code. The proposed rules also modify the scope of chapter 41 to include equipment covered by this code and installed at one-or 2-family dwelling units. Chapter Comm 45 has been clarified to require mechanical refrigeration discharge piping to be compatible with the refrigerant. The existing requirements relating to solid fuel-fired water-heating appliances has been reorganized, and modified to permit an automatic feed process and the use of other fuels.

2. How the proposed rule advances relevant statutory goals or purposes.

The proposed rule advances relevant statutory goals or purposes by adopting the most current national standards to ensure the safe installation, operation and repair of boilers and pressure vessels in public buildings, places of employment and one-and two-family dwellings.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes were made to the rule analysis or fiscal estimate that was prepared for public hearing.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the Department has determined that the proposed rules that update chapter Comm 41 by adopting the latest edition of the boiler and pressure vessel codes published by the American Society of Mechanical Engineers (ASME) and modifying these standards, where necessary, to reflect any Wisconsin statutes or to improve clarity will not have a significant impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Agency contact person for substantive questions.

Name: Joe Hertel

Title: Program Manager

Telephone No. 266-5649

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

5. Clarity, Grammar, Punctuation and Use of Plain Language

5.b. The cross-reference to s. Comm 2.04 is preferred because chapter Comm 2 does not specifically identify solid-fuel-fired water-heating appliances and the specific reference to the applicable section under chapter Comm 2. is needed.