

STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and 227.10 (1), Stats., the Department of Safety and Professional Services will hold a public hearing on proposed rules under chapter SPS 305 relating to thermal insulator credentials.

The public hearing will be held as follows:

**Date and Time:**

February 13, 2012  
10 a.m.

**Location:**

Conference Room 121A  
1400 East Washington Avenue  
Madison, WI

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until Monday, February 20, 2012, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Safety and Professional Services, P.O. Box 2689, Madison, WI 53701-2689, or Email at [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days before the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at <http://dsps.wi.gov/sb/SB-HomePage.html>. Paper copies may be obtained without cost from Norma McReynolds, at the Department of Safety and Professional Services, Board Services Division, P.O. Box 2689, Madison, WI 53701-2689, or Email [norma.mcreeynolds@wisconsin.gov](mailto:norma.mcreeynolds@wisconsin.gov), or at telephone (608) 267-7907 or TDD Relay dial 711 in Wisconsin or (800) 947-3529. Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Safety and Professional Services is Bill Wendle, who may be contacted at telephone (608) 266-8608, or Email at [bill.wendle@wisconsin.gov](mailto:bill.wendle@wisconsin.gov).



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1816  
TDD: Contact Through Relay

**Scott Walker, Governor**  
Dave Ross, Secretary

Bruce Hoesly, Code Editor  
Legislative Reference Bureau  
Suite 200  
1 East Main Street  
Madison, Wisconsin 53703

**TRANSMITTAL OF WRITTEN NOTICE  
OF HEARING AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter SPS 305

RELATING TO: Thermal Insulators

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED:  YES  NO

CONTACT PERSON: James Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: Jim.quast@wi.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the *Administrative Register*.

As required by s. 227.135 (2), the statement of scope for this rule was approved by the Governor on August 5, 2011, published in Register 668, on August 31, 2011, and approved by the Secretary of the Department of Safety and Professional Services on October 9, 2011.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate and Economic Impact Analysis.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.



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Madison, Wisconsin 53707  
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**Scott Walker, Governor**  
Dave Ross, Secretary

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Terry Anderson, Director  
Administrative Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401  
Madison, WI 53703

### **TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter SPS 305

RELATING TO Thermal Insulators

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

As required by s. 227.135 (2), the statement of scope for this rule was approved by the Governor on August 5, 2011, published in Register 668, on August 31, 2011, and approved by the Secretary of the Department of Safety and Professional Services on October 9, 2011.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Safety and Professional Services

RULE NO.: Chapter SPS 305

RELATING TO: Thermal Insulators

1. Types of small businesses that will be affected by the rules.

2011 Wisconsin Act 32 repealed the statutory mandate for thermal insulators previously enacted by 2009 Wisconsin Act 16, s. 101.136, Stats. 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. The repeal of the credential rules will most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

No new or additional reporting, bookkeeping and other procedures are required for compliance with the rules.

3. Types of professional skills necessary for compliance with the rules.

No new or additional types of professional skills are necessary for compliance with the rules.

# **NOTICE of ENVIRONMENTAL ANALYSIS**

## **Department of Safety and Professional Services**

Rule No.: Chapter SPS 305

Relating to: Thermal Insulators

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

## ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Chapter SPS 305, Licenses, Certifications and Registrations

Subject

Thermal System Insulators

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

Section 101.136, Stats., as created by 2009 Wisconsin Act 16, mandates as of July 1, 2011 only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation. The Department promulgated rules under chapter SPS 305 effective February 1, 2011 that implemented the licensing mandates of 2009 Wisconsin Act 16. Subsequently, 2011 Wisconsin Act 32, has repealed s. 101.136, Stats., and therein eliminated the licensing mandates for thermal system insulators.

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)

It was estimated that the credential rules implemented pursuant to 2009 Wisconsin Act 16 regarding thermal insulators would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors. Fees for the various credentials ranged from \$15 for apprentices and helpers to \$250 for mechanics. In light of the Act 32, the thermal insulator credentials were not implemented and the associated fees not collected.

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

The proposed repeal of the credential rules for thermal insulators will clarify and allow individuals to continue to install and maintain thermal system insulation without the necessity of acquiring a specific credential. An alternative of leaving the rules in place and requiring the credentials under the broad authority of chapter 101, Stats., would not reflect the latest direction provided by 2011 Wisconsin Act 32.

Long Range Implications of Implementing the Rule

No long range implications are anticipated.

Compare With Approaches Being Used by Federal Government

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

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

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.

Name and Phone Number of Contact Person

James Quast, program manager, (608) 266-9292