

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

Rule No.: Chapter Comm 5

Relating to: Thermal System Insulators

### 1. Description of the objective of the rule:

The objective of the rule is to revise the Administrative Code chapter Comm 5, Licenses, Certifications and Registrations, to reflect the direction provided by legislation under 2011 Wisconsin Act 32, state budget act, in repealing s. 101.136, Stats., relating to the licensing of thermal system insulators.

### 2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule:

Currently, under provisions of chapter Comm 5 the Department has established rules that implement the thermal system insulator licensing mandates of 2009 Wisconsin Act 16. Act 16 created s. 101.136, Stats., which mandates as of July 1, 2011 that only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation.

The alternative of not revising the code would result in the rules not reflecting the direction provided by the legislation under 2011 Wisconsin Act 32.

### 3. Statutory authority for the rule (including the statutory citation and language):

The statutory authority for the rule is contained in sections 101.02 (1) and 227.10 (1), Stats.

**101.02 Powers, duties and jurisdiction of department. (1)** The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.

**227.10 Statements of policy and interpretations of law; discrimination prohibited. (1)** Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute.

### 4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

The department estimates approximately 80 hours will be needed to perform the review and develop the needed rule changes. This time includes drafting the rule changes and processing the changes through public hearings, legislative review, and adoption. The department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

**5. Description of all entities that may be impacted by the rule:**

The current credentialing rules under chapter Comm 5 relating to thermal system insulators affects HVAC contractors, plumbing contractors and mechanical refrigeration contractors.

**6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:**

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

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Approved for publication in the Wisconsin  
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date: \_\_\_\_\_

DEPARTMENT OF SAFETY  
AND PROFESSIONAL SERVICES

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Dave Ross, Secretary

Approved for implementation at Madison,  
Wisconsin, this date: \_\_\_\_\_

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AND PROFESSIONAL SERVICES

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