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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

- Greg Hunt — Heat & Frost Insulators Local 19
- Jeff Selinske
- Garrett Collins — Heat & Frost Insulators Local 19
- Matthew Kowald — Heat & Frost Insulators Local 19
- Andy Reigel — Heat & Frost Insulators Local 19
- Rick Clayton
- Jake Jehowski — LNS Insulation
- Ray Wipperfurth — Insulation Industries Inc.
- Charlie Falkner — Ironworkers Local 8
- Joanne Ricca — AFL-CIO
- Scott Vaughn — Building Trades Council of South Central Wisconsin
- Jean Herrling — New Tech of Wisconsin
- Richard Van Roy — International Association of Heat & Frost Insulators Local 127
- Brad Peterson — Fibre Fab Insulation
- Bob Lipski
- Marge Chodara — Best Insulation, Inc.
- Lyle Balistreri — Building Trades
- Brett Large — Heat & Frost Insulators Local 19
- Noble Nygaard — Insolution, Inc.
- James Spink — Dirty Ducts Cleaning & Insulation
- Susan Nygaard — Insolution, Inc.
- Mike Williquette
- Rodney Chodara — Best Insulation, Inc.

Registrations Against

- Brian Mitchell — Mechanical Contractors Association of Wisconsin
- John Mielke — ABC of Wisconsin

Registrations for Information Only

- None.

December 4, 2007

EXECUTIVE SESSION HELD

Present: (5) Senators Coggs, Wirch, Lehman, Grothman and A. Lasee.

Absent: (0) None.

Moved by Senator A. Lasee, seconded by Senator Lehman that **Senate Substitute Amendment 2** be recommended for adoption.

Ayes: (5) Senators Coggs, Wirch, Lehman, Grothman and A. Lasee.

Noes: (0) None.

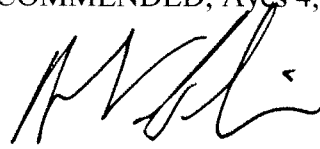
ADOPTION OF SENATE SUBSTITUTE AMENDMENT 2
RECOMMENDED, Ayes 5, Noes 0

Moved by Senator A. Lasee, seconded by Senator Lehman that
Senate Bill 194 be recommended for passage as amended.

Ayes: (4) Senators Coggs, Wirch, Lehman and A.
Lasee.

Noes: (1) Senator Grothman.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 1



Adam Plotkin
Committee Clerk



Vote Record

Committee on Labor, Elections and Urban Affairs

Date: Tue. Dec. 4, 2007

Moved by: Lasee Seconded by: Lehman

AB _____ SB 194 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 S Sub Amdt 2 _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Spencer Coggs, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator John Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alan Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



Plotkin, Adam

From: John G. George [jgeorge@jfahern.com]
Sent: Thursday, August 23, 2007 11:23 AM
To: Sen.Coggs; Sen.Wirch; Sen.Lehman; Sen.Grothman; Sen.Lasee
Subject: Senate Bill 194

Mr. Coggs, Mr. Wirch, Mr. Lehman, Mr. Grothman. and Mr. Lasee,

As a contractor representative for our Mechanical Company, I urge you to not support this bill as written. Currently our licensed Plumbers provide this scope of work as needed by project. I do not believe that the degree of training for these activities warrants a license to perform them. Under general conditions the need to install Heat/Frost (thermal systems) is designed only as specific conditions arise. The scope of work will define the conditions and then explicit manufacturer requirements provide the method of attachment and coverage required to match the conditions. This work is very selective and often used when weather or temperature (freeze) conditions can not be controlled.

Additionally fire penetrations are a function of the materials passing through the wall and/or floors to match the rating of the protection needed. This also is a design issue, and generally based on fire stop systems available from manufacturers for the appropriate condition that need to be met. Often times penetrations can be minimized or the location be rated differently by differing the materials of floor/walls assemblies at the time of construction.

Licensing the installer of these two concerns will generate a large impact in the ability to schedule construction as well as inflate costs. If a newly licensed installer can not control the penetrations or materials they are to insulate or fire stop, it will be a major interruption to the construction of buildings. If they are given the ability to control which materials can be fire stopped or insulated, then they would need to get licensed in Plumbing, Electrical and HVAC design and installation.

Currently the Authorities that have the credentials to inspect and require these types of installations, can best handle the design and installation on an individual construction site basis. Their need to be as educated as much as possible is probably more paramount than having an "installer license" to best provide for public health and owner protection. The insurance company's currently have a huge interest in all building facilities, and the building trades involved on installations can provide specific training to meet all the needs of this bill with out the need to solicit contractors licensed solely for these types of conditions.

Please take a moment to support the Construction Trades and their ability to minimize costs for buildings and safety. These activities take little time to address in the field during construction and who best to assist in the correct installation of them than those who will be liable and responsible for their trade installations.. Let's not create a License installer that doesn't even know the products or installation requirements of the penetrations or conditions of insulation (thermal protection needs).

Please note that these comments and concerns are my personal opinion and are not necessarily the opinion of my employer..

John G. George
Sales/Project Manager
Plumbing Department

J. F. Ahern Co.
4247 Argosy Ct.
Madison, WI 53714-3101

608-223-7939 Direct Office
608-216-0283 Madison Office
608-216-0284 Madison Office Fax
920-960-3746 Cell Phone
jgeorge@jfahern.com



Plotkin, Adam

From: Brad Hurckman [bradhurckman@hurckman.com]
Sent: Thursday, August 23, 2007 11:25 AM
To: Sen.Coggs; Sen.Wirch; Sen.Lehman; Sen.Grothman; Sen.Lasee
Cc: Jim Boullion (E-mail)
Subject: Senate Bill 194

Honorable Mr. Coggs, Mr. Wirch, Mr. Lehman, Mr. Grothman, Mr. Lasee,

As a contractor for Heat & Frost as well Fire Stopping, we currently are against licensing due to the fact that approved methods are already standards per the NFPA and Wisconsin Building Codes. It's over management and creation of redundant license. As contractors we already are qualified and licensed to perform such work.

Sincerely,

c. Jim Boullion - AGC of Wisconsin

Brad Hurckman - President
Hurckman Mechanical Industries, Inc.
Phone (920) 327-4240 Fax (920) 499-3758
bradhurckman@hurckman.com www.hurckman.com

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August 27, 2007

Representative Spencer Coggs
6th Senate District
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Senate Bill 194

Dear Representative Coggs:

I am writing to discourage your support for Heat Frost Insulation and Fire Stop Contractors and Mechanics Licensing Legislation (Senate Bill 194). Kraemer Brothers, LLC is not supportive of this bill. Our basis for non-support of this bill is of the following:

1. The current problem with fire stopping is ambiguous written specifications. With better clarity written into the specifications, and perhaps better expectations defined, fire caulking will then become a smoother process and ultimately a better finished product.
2. Regulation and licensing is unwarranted in our position. Again, better clarification with specifications will take care of this issue. We do not feel this is a major issue to require licensing and regulation.
3. Heat insulation quality control on our projects is excellent and further licensing and regulation is unwarranted.

As a state leader in construction safety we feel that there are current safe mandates in place and installation is not an issue.

If you have any questions feel free to call me at 608-546-2411.

Thank you for your time and for your anticipated support of our position.

Sincerely,

KRAEMER BROTHERS, LLC

Chad Ferguson
Safety Director

cc: Tom Kraemer



Senate Bill 194 Testimony on SSA 1
Heat & Frost Insulator Regulation
August 28, 2007

As a former City of Milwaukee Health Inspector, I am happy to join Representative Scott Newcomer, a former home inspector, to introduce Senate Bill 194 which will provide for the licensing and regulation of those who install thermal system insulation and fire stop products.

This bill will license heat and frost installers in Wisconsin to establish and enforce uniform industry standards and to provide consumers with the assurance of knowing that there are quality standards that exist for this important profession.

As a former health inspector, I know the health threat posed by mold and mildew, a common result of improper installation of heat and frost insulation. Aside from mold and mildew, improper installation of thermal insulation and fire stop products can result in structural damage, incomplete protection against fire, and system failure in heating and air conditioning systems.

The bill, as amended, would create a 7 voting member Thermal System Insulation and Fire-Stop Council within the Department of Commerce that would establish the standards for the installation

and maintenance of thermal system insulation and fire-stop products. The regulations will include the cost of obtaining a license, enforcement provisions for the State Thermal System Insulation and Fire-Stop Inspector position created by this bill, and set education and training guidelines to obtain the license.

The inspector position would serve as a non-voting member of the Council. This position would be authorized to inspect buildings to ensure compliance with the regulations established by this bill and the guidelines that will be recommended by the Council. It is important to note that this bill does not apply to residential buildings that contain 3 or fewer residential units. In other words, our intention is not to ask that individual homeowners be made to comply with these regulations.

The bill requires 160 hours of training or successful completion of apprenticeship standards to become a fully licensed thermal system insulation installer. Recognizing that certain trades, such as plumbers, also deal with heat and frost insulation and fire stop products, we have included an exception for these trades that would allow them to install fire stop products after 40 hours of training or upon completion of an apprenticeship program in their particular trade.

I would also like to let the committee know that this bill has received review from many different groups that would be affected by the regulation. In many instances, changes were made to the original bill to reflect the operation of these regulations in a world where there is often crossover between different trades in the installation of heat and frost insulation. Our intent with this bill is not to burden contractors and mechanics with regulation, and we feel we have attempted to take that into account while providing standards that will protect the health of the public. We can't afford not to establish these standards at the expense of the health of Wisconsin's citizens.

Thank you for your consideration. The Assembly sponsor, Representative Newcomer, is also here to provide testimony and answer any questions.





Wisconsin Chapter

Senate Bill 194
Licensing of Heat and Frost Insulators
Senate Committee on Labor, Elections and Urban Affairs
Chairman: Senator Coggs
August 28, 2007

Construction in Wisconsin is a highly regulated activity. Proponents of SB 194 cite safety concerns related to mold and structural damage as the primary motivation for offering this proposal. While we applaud the supporters of this bill for their commitment to safety we would like to point out that the most probable source of moisture (and therefore mold and structural) problems on construction sites result from non-code compliant plumbing, fire-sprinkling (trades that are already licensed and inspected) and the improper balancing of HVAC systems.

① While inappropriate insulation can exacerbate moisture problems caused by faulty plumbing and HVAC installations, their absence or existence is typically independent of the "quality of the insulation work" done on the project.

② Likewise, we are unaware of any "consumer demand" for the regulation of heat and frost insulators. Are the incidents of improper heat and frost installation more frequent, severe, or serious than any other service offered in the marketplace?

In short, we do not feel these isolated instances (which are only tangentially related to the insulation work) call for a legislative remedy.

At the same time unnecessary regulation will result in increased expenses for consumers and contractors and will create a barrier for heat and frost contractors and those wishing to enter the trade.



Testimony
Senate Committee on Labor, Elections and Urban Affairs

Senate Bill 194
Insulation & Fire Stop Licensing
August 28, 2007

Jeffrey J. Beiriger, CAE
Plumbing Heating Cooling Contractors Association of Wisconsin

Good morning. My name is Jeffrey J. Beiriger and I serve as Executive Director of the Plumbing Heating Cooling Contractors Association of Wisconsin (PHCC-WI). I am testifying today in opposition to SB 194.

Let me start by saying that PHCC-WI supports the licensing of construction trades and other professions where the public's health and safety is at risk. Our opposition to SB 194 is, therefore, not philosophical, but specific to language in the bill.

First, we are concerned with the language regarding contractor exceptions to licensing. On page 9, beginning on line 7, the bill says, "Except as provided in sub. (9) (b)... no person may contract to install or maintain thermal system insulation or fire-stop products in any building unless that person is a contractor licensed by the department under this subsection."

The exception in sub. (9) (b) is found beginning on page 10, line 24. The two exceptions appear to relate to the licensing of installers and not to contractors. In fact, the only exception that appears to apply to contractors is found in sub. (9) (a) where a contractor may be licensed in another state.

While “contractor” may be defined in the bill, the idea that, “...no person may ~~contract...~~” suggests that a plumbing contractor could no longer contract with an end-user for services that they have historically contracted for – work that is often subcontracted to an insulation contractor but work that is also frequently self-performed.

With regard to licensing exceptions for mechanics installing fire-stop products, we ask for clarification regarding the retroactive nature of the apprenticeship exception in sub. (9) (b) (2) found on page 11, beginning on line 4. It must be clear that this language would provide an exception to any mechanic who has, at any time, completed an apprenticeship program that included the requisite training in fire-stop products.

In the absence of this clarification, only those currently enrolled in an apprenticeship program would meet this requirement. All others, the vast majority of our workforce, would need to attend 40 hours of approved training. We feel that this is excessive.

For someone without apprenticeship training, the 40 hour requirement may be more appropriate, but for someone with apprenticeship training (and assuming the apprenticeship exception is not applied retroactively), we would ask for far less training.

In this section of the bill, it may also be useful to specifically call out which apprenticeship programs should be evaluated for inclusion of relevant training – steamfitting, HVAC, sheet metal, refrigeration, plumbing, etc. Familiarity with both the fire-stop product and the trades in which they are used is useful. And to that end, it may also be useful to include a contactor from the affected industries on the Insulation and Fire-Stop Council.

Finally, we note that the bill does not provide for any licensing exceptions for the installation of thermal insulation. Plumbing contactors do not want to be in the business of installing thermal insulation, electrical work, carpentry or any number of other trades. They want to provide plumbing services for their customers. There have always been and will always be instances where it is necessary, in order to serve that customer, for us to provide these services as incidental to the project. It just doesn't make sense to stop the project in order to bring in another contractor/mechanic when the work can be performed by the contractor/mechanic already on the site.

While we don't hold ourselves out as having the same degree of skill or ability as those who provide that same service as their principal business, neither do we profess to lacking the skills necessary to do this work from time to time. Many of the mechanics have done this work for years and many of our contractors have accepted the risk – both from the perspective of labor productivity and business liability - that comes with self-performing this work.

We appreciate the opportunity to testify today. If you have any questions, I will be happy to answer them.

Jeffrey J. Beiriger, CAE
Executive Director
PHCC – Wisconsin
660 East Mason Street
Milwaukee, WI 53202
(414) 227-1230
Beiriger@cf-law.com



**Comments of Bruce Coleman, Heat & Frost Insulators Local 19
Concerning SB 194
Before the
Senate Labor, Elections and Urban Affairs Committee
August 28, 2007**

I am Bruce Coleman, and I am a member of Heat and Frost Insulators Local #19. Heat and Frost Insulators Local #19 represents the southern half of our state and has approximately 300 members. At the present time, all of our apprentices serve a state approved four-year apprenticeship.

I want to take this opportunity to thank Senator Coggs and Representative Newcomer for their support and leadership with this bill. I would also like to thank Senators Lasee, Lehman, and Wirsch for their co-sponsorship of this legislation.

The Thermal Insulation and Firestop Act legislation is a preventative measure of great importance to the citizens of Wisconsin. It will help to protect their health and safety by establishing a training standard for the craftsmen that install thermal insulation and firestop material in and around mechanical systems in buildings throughout our state.

In the fall of 2004 I began my work on mold issues related to my trade after I read an article in the Daily Reporter, about the licensing of mold remediators. At that time, Representative Berceau had drafted a bill to license mold remediators, and I called Representative Berceau and we discussed ways to prevent mold from growing in our buildings here in Wisconsin. In February of 2005, representative Berceau hosted a Mold Roundtable Discussion, here at the capitol. There were approximately 40 to 50

professionals from the construction industry and construction groups, industrial and building science, and health agencies, and what became very clear that day was a strong desire to do what we could to eliminate the chance that mold might grow, and to work together to achieve that end.

Because the methods and materials used today in the building trades have changed dramatically from 30 or 40 or 50 years ago, we now have mechanical systems that can both heat and cool a building. We now have central air-conditioning with controls that allow us to command cool air where and when we want it. This is accomplished through the inclusion of water or some other liquid into the HVAC system. Because there is a liquid in the system, there is the risk of condensation forming on the pipes or support structures.

All mechanical systems, whether it is plumbing, heating or air-conditioning, can produce condensation. No different than a can of cold soda on a warm day... improperly insulated pipes and valves will sweat. Because the majority of the pipes used in mechanical systems are concealed, (hidden in the walls or above the ceilings), mold problems develop long before they become apparent. When mold actually becomes noticeable, many mold spores have already been drawn into the ductwork to be distributed throughout the building, for the building's occupants to inhale.

So what do professionally trained Heat and Frost Insulators do to protect people from these risks? Please let me explain:

Because Heat & Frost Insulators are required to insulate a variety of heating, cooling and refrigeration systems, a comprehensive four-year apprenticeship training in our trade is essential. Presently there are many different types of materials, and the type of system will determine what type of insulation is used. Most pipe insulation comes from the manufacturer, preformed, and with a vapor barrier

jacket applied to the insulation; insulation comes in sheets, rolls, and sectional lengths, and also is finish covered with a variety of metal and PVC jacketing systems, for protection from the weather. All insulation is cut to fit, secured and sealed. Critical systems include chilled water systems, refrigeration systems, and all systems used in nuclear energy generating plants. What properly installed mechanical insulation does is, saves energy dollars for the consumer, creates an envelope around the systems with the material that is applied, and uses the theory of 'still air' to insulate the system from the ambient conditions that surround the systems and the insulation. The mechanical insulation is a continuous system that follows the pipes through a building wherever they go. Through walls, floors and any structural material, properly applied insulation system should not have breaks in it, and this is how the the continuous insulation seal prevents the risks that moisture might develop. This is also the reason that the installers of the insulation systems be properly trained. All of us in the Heat & Frost insulation trade respect the fact that the plumbers are licensed by trade, as people's health and safety depend upon the fact that all plumbing systems are installed properly and according to code. Because the insulation work on the 'critical sub-ambient temperature systems' when properly installed have the effect of eliminating condensation, we believe our trade needs to be licensed also, for the health and safety of the citizens of the state of Wisconsin.

The National Insulation Association has stated on public record that, "the single most effective means of managing condensation in the building envelope that stems from mechanical systems is properly installed mechanical insulation".

Right now in Wisconsin there is nothing in place to protect Wisconsin's citizens in this area. The Thermal Insulation and Firestop Act would create and establish the training requirements

for Heat and Frost Insulation and Firestop work in Wisconsin which would result in a safety standard for all our citizens.

Scientists and Industrial Hygienists have stated on the record that the only thing that mold needs to grow is moisture. Industrial Hygienists have stated as an association that we will 'most likely' never see a 'pel' (permissible exposure limit) for mold spores, like we did with asbestos fibers.

Mold spores can lay dormant in a person's lungs for up to 25 years, with little or no health trouble appearing, until a malignant tumor or other life threatening disease like blastomycosis develops. Therefore, it will take until 2032 to begin to see the health problems related to exposure to mold spores and fungal growth resulting from improperly or poorly insulated mechanical systems being installed today.

I have been a construction professional since 1975 and I understand the mindset that can develop that allows us to do what we do without question. I have personally witnessed too many of my close friends suffer a painful death as a result of exposure to asbestos that they installed during a time in this country when the use of asbestos was taken for granted. During my apprenticeship, from 1978 to 1982, my local Union buried 7 very fine men that had applied asbestos for more than 25 years of their careers; all the while not being told of the dangers inherent in asbestos. Similarly, there was a time in this country when we believed it was acceptable to drink water from pipes made from lead.

I feel fortunate to live in a state where we have recognized that the state has an important role in helping to protect its citizens' safety and health. This state passed its plumbing code and plumbing licensing regulations in 1914 because of that commitment to public health and safety.

In keeping with that legacy, we have a terrific opportunity to further protect Wisconsin citizens' health and safety by enacting this legislation. Therefore, I ask for your support of SB 194. Thank you for your attention. I would be happy to answer any questions.

Bruce A. Coleman
414-507-6774



To: Interested Parties
From: Senator Spencer Coggs and Rep. Scott Newcomer
Re: Modifications to SB 194 and AB 388
Date: November 29, 2007

We introduced SB 194 and AB 388 earlier this year so that Wisconsinites will be assured that when thermal system insulation is installed on or around mechanical systems, there will not be any mold or other health hazards resulting from the negligent installation of the product.

The first hearing on this legislation was held on August 28th in the Senate Labor Committee. While we had already made some changes to our original legislation prior to that Senate Committee hearing, we have *made several significant changes* since that hearing because of the articulate testimony submitted at that hearing, and because of conversations with interested parties since that hearing. Following is a summary of the changes made since our bills were introduced. These changes are now incorporated in the Senate Substitute Amendment.

1. **Elimination of licensing of installers of Fire Stop Products.** The legislation is now totally focused on installers of *thermal system insulation* and does *not* regulate installers of *Fire Stop Products* in any manner.
2. **Elimination of licensing of Thermal System Insulation *contractors*.** The legislation calls for licensing the *installers* of thermal system insulation (the mechanics), but would *not* require the licensing of the *contractors* who employ those mechanics.
3. **Deletion of licensing requirement for those simply *removing* Thermal System Insulation and for those making *minor repairs* to thermal system insulation.** Licensing is only required if someone is *installing* thermal system insulation and is *not* required if someone is making *minor repairs* to thermal system insulation.
4. **Fire Stop Council Changes.**
 - **Number on Council reduced from 9 to 7**
 - **State Thermal System Insulation Inspector is not the chair of the Council, but the secretary**
 - **The inspector is no longer a voting member of the Council**
 - **Industrial hygienist position has been removed from the Council**
 - **A general contractor has been specified as a member of the Council**

- **The expiration dates for the terms of the members of the Council were extended by one year.**
5. **Definition of Thermal System Insulation narrowed.** The definition of Thermal System Insulation was narrowed by noting that it is a product that *is used in a heating , ventilating, cooling, plumbing , or refrigeration system* (a mechanical system).
 6. **State Thermal System Insulation Inspector's powers limited.** The state Inspector could only inspect buildings which have been *newly constructed* or in which the mechanical systems have been *altered* after the bill takes effect.
 7. **Changes in Options for Securing License for Installing Thermal System Insulation.** The legislation allows someone to obtain a Thermal System Insulation installer's license (a mechanic's license) by:
 - Completing a thermal system insulation apprenticeship program approved by the department and ch. 106 of the state statutes., or
 - Working for at least 1000 hours per year, for 4 or more consecutive years, installing thermal system insulation, under the supervision of a licensed mechanic, and then passing a state-approved exam. (note: this legislation will *not* preclude anyone *without* a license from working as an installer of thermal system insulation as long as they are working under the supervision of a licensed installer).
 8. **Change in time before license requirement and inspection provisions take effect.** To give the Department of Commerce more time to develop the exam and the Rules for implementing this new licensing requirement; and to allow those interested in obtaining a license to prepare for the licensing requirement, the date for the license requirement taking effect has been changed from 18 months after passage of the legislation to 48 months after the legislation takes effect, while the effective date for the inspection provisions in the bill has been changed so that inspections will not begin until 18 months after the effective date of the legislation.



Plotkin, Adam

From: Tim Elverman [tje@broydrick.com]
Sent: Monday, December 03, 2007 2:53 PM
To: Plotkin, Adam
Subject: Memo with Changes Made to SB 194 Since Senate Hearing

Attachments: Changes made since August 28th.doc



Changes made
since August 28th...

Adam,

Here is the memo we discussed this morning.

As you will note, all of these changes are ALSO reflected in the Nov. 29th memo from Sen. Coggs and Rep. Newcomer addressed to "interested parties". This memo is, therefore, a subset of the memo dated Nov. 29th.

When looking at that memo, you will note that the changes outlined in that memo include changes made since the bill was introduced (and not just those made since August 28th.).

I will help you and Sen. Coggs separate the changes made BEFORE the Aug. 28th Committee hearing from those made AFTER the hearing, by noting that on the Nov. 29th memo, the NEW changes (those made since Aug. 28th) are:

Number 1. (Fire Stop Products)

Number 2. (Contractor Licenses)

Number 3. (Minor Repairs exemption) the requirement for having a license to simply "remove" insulation had already been deleted in the Substitute discussed at the Aug. 28th hearing.

Number 6. (Inspector's powers were limited so he or she could not just enter a building whenever they wished to do so).

Number 7. (Work experience option for obtaining a license (in contrast to completing an approved Apprenticeship) was changed from 160 hours to 1000 hours per year for 4 years.

Number 8. The effective dates for Rule-writing, inspections, and licensing were all extended following the August 28th hearing.

Please review and let me know if you have any questions.

Tim
Tim Elverman
Broydrick & Associates, Inc.
tje@broydrick.com
(414)224-9393

Below are the changes made to Senate Substitute Amendment LRBs0119/4 (SB 194) *following* the Senate Labor Committee hearing on August 28, 2007. All the changes are reflected in Senate Substitute Amendment LRBs0144/3 (the Senate Substitute Amendment being presented to the Labor Committee on December 4, 2007).

1. **We totally removed all references to Fire Stop Products.** While the Senate Substitute Amendment presented on Aug. 28th had attempted to more narrowly define the Fire Stop Product installations which we would be regulating and licensing, there was concern expressed at the hearing (and following the hearing) that attempting to license ANY installation of Fire Stop Products would make other installers and contractors uncomfortable.
2. **We totally removed the licensing requirement for Thermal System Insulation or Fire Stop Product *contractors*.** There is *no* requirement that contractors who employ Thermal System Insulation mechanics obtain a separate license. Under the new Substitute Amendment, only the *installers* (the mechanics) must be licensed.
3. **We allow *minor repairs* to be made to Thermal System Insulation.** There will be no need to call in a licensed mechanic to make only minor repairs (to be defined by Dept. of Commerce in Rule-making process) to Thermal System Insulation.
4. **We took away the power of the Thermal System Insulator Inspector to enter buildings on his or her own volition.** By deleting that provision in the bill, the Inspector will simply have the same power to enter buildings which other Inspectors in the Dept. of Commerce have.
5. **We changed the training option for obtaining a mechanic's license to more accurately reflect training requirements for other trade licenses.** After reviewing the training options for licensing of plumbers and the option being considered for licensing electricians, it was determined that a 4 year work experience in installing Thermal System Insulation (working at least 1000 hours per year) would provide better training and would be more consistent with other trades than the 160 hours originally called for in the legislation.
6. **We changed the *effective dates* for various provisions in the legislation to allow the Dept. of Commerce to write Rules, develop an examination, and for mechanics to prepare for the licensing requirement.** The new Substitute Amendment will give the Dept. of Commerce 18 months to write Rules. It will also postpone the power to inspect buildings for 18 months so that the Inspector can be hired and the Rule-making process can be completed. It will also postpone the requirement to have a mechanics (installer's) license for 4 years, making that requirement effective 4 years after the legislation is published.



Plotkin, Adam

From: Annie Early [annie@martinschreiber.com]
Sent: Monday, December 03, 2007 6:13 PM
To: Sen.Coggs; Plotkin, Adam; Rep.Newcomer; Knight, Eric
Cc: tje@broydrick.com
Subject: SB 194 letter of support
Attachments: SB 194 letter support WPTA.doc

For your reference... a letter of support for the Substitute Amendment to SB 194. Thank you for all your efforts on this one.

Feel free to call with any questions – my mobile is 414-405-1050 – or if the letter needs any modifications.

Thanks,
Annie

Annie M. Early
Public Affairs Consultant
Martin Schreiber & Associates, Inc.
608.259.1212 x 3
www.martinschreiber.com



Wisconsin Pipe Trades Association

11175 West Parkland Avenue, Milwaukee, WI 53224

414.359.1310

To: Senator Spencer Coggs
Representative Scott Newcomer

Fr: Kevin La Mere, President
Wisconsin Pipe Trades Association

Da: December 3, 2007

Re: Support for Senate Substitute Amendment to SB 194

I am writing on behalf of the 8,000 working men and women of the Wisconsin Pipe Trades Association (WPTA), which includes plumbers, steamfitters and sprinkler fitters, to support the modified SB 194 relating to thermal system licensing and regulation.

Our organization is generally supportive of licensing and regulation in the construction trades industry. It helps ensure a quality work product and good wages. We appreciate your leadership and insight on this topic.

As you recall, we raised some concerns with the original bill draft. Following several stakeholder meetings, listening sessions and modifications, we believe you have addressed all of the concerns our organization had with this legislation.

We are grateful for your efforts to craft a responsible, practical bill that will ultimately provide consumers with a better quality work product. Thank you for willing to work with us and other groups to create a better bill. Should you have any further questions about our position, feel free to contact Annie Early at 414-405-1050.

Thank you and we look forward to working with you in the future.



Date ?

Significant Changes to SB 194 and AB 388 in Substitute Amendment

1. Fire Stop Council

- The number of members of the Council was reduced from 9 to 7
- The state Thermal System Insulation and Fire-Stop *Inspector* has been changed from the Chair of the council to the Secretary for the Council (similar to role of Inspectors on other Councils in Dept. of Commerce)
- The Inspector is no longer a voting member of the Council
- The industrial hygienist position has been removed from the Council
- A General Contractor was specified as a member (rather than an adult resident).
- The expiration dates for the terms of the members on the Council were extended by one year (2010 instead of 2009 etc.)

2. Definitions of Thermal System Insulation, Fire-Stop Products, and Contractor

- The definition of *Thermal System Insulation* was dramatically narrowed by noting that it is a product that *is used in a heating, ventilating, cooling, plumbing, or refrigeration system* (a mechanical system)
- The definition of *Fire-Stop Product* was also dramatically narrowed by noting that it is a product *used in a heating, ventilating, cooling, plumbing, or refrigeration system* (a mechanical system).
- The definition of Contractor was changed significantly to coincide with the two definitions above. In addition, it was changed so that a contractor is only covered by the licensing requirement if his business derives its *principal source of income* from providing these services.

3. Deletion of licensing Requirement for Those Simply Removing Thermal System Insulation or Fire Stop Products

- The bill was changed, *at all locations*, so that those involved in simply *removing* insulation or fire stop products do *not* have to be licensed or trained.

4. State Thermal System Insulation and Fire Stop Product Inspector's Powers

- As a result of the changes in the Substitute Amendment, the state inspector could only inspect buildings which have been *newly constructed*, or in which the mechanical systems had been *altered* after the bill takes effect. (No inspection of work done *before* the bill is enacted)

(over)

5. Licensing Requirement *Exceptions* Added So That Those *Already* Installing Fire Stop Product can *Continue* To Do So Without Getting a License

- No need to get a license if the person has successfully completed at least 40 hours of training in installing and maintaining fire stop products, or
- No need to get a license if the person has successfully completed an apprenticeship that includes *relevant training* in installing and maintaining fire stop products.

6. Effective Date for Legislation and for Rulemaking Extended to Give Department of Commerce More Time to Implement Law

- The basic effective date for the legislation is still the day after publication. *However*, the licensing requirements do not *take effect* until *18 months after* the effective date of the legislation. Therefore, people will be allowed to continue to install these products during that period of time without licenses.
- The Department of Commerce is now given 18 months to write Rules to implement the law, rather than 12 months.



SB 194
2

Date ?

Fact Sheet Concerning Heat & Frost Insulators' Legislation LRB 2046/2564 (Sen. Coggs and Rep. Newcomer)

What do Heat & Frost Insulators do? Professional heat & frost insulators install, remove, and maintain thermal system insulation and fire-stop products in buildings. Basically, they install insulation around mechanical systems (air conditioning systems and heating systems). They do *not* install insulation products in the walls of buildings.

What is thermal system insulation? Thermal system insulation is used to insulate any hot or cold surface, including a pipe, duct, valve, boiler, flue, tank, or equipment on (or in) a building.

What is a fire-stop product? A fire-stop product is used to prevent the spread of fire or smoke and is installed on or around a pipe, duct, wire, or any other penetration or hole in a floor, ceiling, or wall of a building.

Are heat & frost insulators professionally trained? While heat and frost insulators are *not* currently licensed or regulated by the State of Wisconsin, the Wisconsin Department of Workforce Development (DWD) has approved Apprenticeship Standards for the Heat and Frost Insulation Industry. Many of the state's heat & frost insulators have completed this apprenticeship program. However, many other people who install heat and frost insulation products have not been professionally trained or have not completed the state-approved apprenticeship program.

What are some of the problems that can result from improper installation of Heat & Frost products? The most widely publicized and most commonly occurring consequence from improperly installing heat and frost insulation products is the occurrence of *mold*. Another common (and dangerous) consequence of the improper installation of these products is *structural damage* to buildings. A third obvious consequence of improper installation of fire-stop products is the rapid and deadly spread of *fire*. A fourth common consequence is *system failure* (heat or air conditioning systems shutting down). And a fifth consequence is overall *health problems* affecting the people who work or live in such buildings.

Approximately how many workers in Wisconsin identify themselves as heat and frost insulators? It is estimated that there are approximately 600 workers who hold themselves out as professional heat and frost insulators.

What would be the benefit of licensing and regulating these heat and frost insulators? Wisconsin consumers would have some way of knowing who is qualified to install these important items in buildings in the state. More importantly, Wisconsin consumers would be protected from the consequences resulting from the improper installation of these products; namely: mold, fires, structural damage, and overall health problems.

(over)

Who would administer the licensing and regulation of these professionally trained heat and frost insulators? Since the Wisconsin Dept. of Commerce has a Safety and Buildings Division, which oversees the licensing and regulation of other trades such as plumbing, pipefitting, electricians, fire sprinklers, and elevators, it would be logical to house the licensing and regulation in the Dept. of Commerce.

What professional experience would be required under this proposed legislation for a person to be licensed as a professional heat & frost insulator? A person could not obtain a heat and frost insulator's license unless he or she had completed at least 160 hours of training and had passed a written examination approved by Commerce, or had successfully completed a state-approved apprenticeship program.

Would heat and frost insulation contractors also be licensed? Yes, the heat and frost insulator contractors would also be licensed by the Department of Commerce, with experience requirements similar to those currently required for other contractors under Chap. 145 of the Wisconsin Statutes.

Would owners of private residences in Wisconsin have to hire licensed heat and frost insulators to perform heat and frost installation services in their private residences? No. The proposed legislation specifically states that the licensing requirements *would not* apply to any residential building, structure, or facility that contains fewer than 4 residential units. Private citizens would not have to use licensed heat and frost insulators in their single-family home or duplex.

Would this licensing requirement lead to increased costs for the State and the Department of Commerce? While the legislation calls for Commerce to employ a person who has experience in the installation of heat and frost insulation as a state inspector, it is anticipated that the costs for employing this person would be fully paid by the fees imposed on those seeking to be licensed as heat and frost insulators and heat and frost insulation contractors. Therefore, the new licensing requirement would be self-funded.

Would the licensing requirement impede the entry of anyone who wants to be a heat and frost insulator from entering the profession? There would be no restrictions on the number of people who want to be heat and frost insulators. As long as the interested party completed the training called for in the legislation, they could be licensed as a heat and frost insulator in the state. This legislation is meant to protect the residents of the state from faulty installation of heat and frost insulation products. It would *not* restrict people from becoming qualified heat and frost insulators.

SB 194

Date?

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WRITE OR
NOTE
→ *
ON
FILE

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(over)

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DWP?

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40?

DIFF

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ENOUGH?

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~~agitation?~~
other opposition?



Date?

SB 194?

①

Inappropriate insulation does not simply "exacerbate moisture problems caused by faulty plumbing and HVAC installations". Inappropriate installation of insulation products actually causes mold and other health and safety issues. The plumbing installation could have been done correctly. It is not looking plumbing which causes the problem. It is the condensation on the pipes which can cause the mold problems if the insulation around these pipes has not been properly installed.

②

The public "demand" for this legislation can be traced to legislative hearings on the mold issue which were held during the 2005-06 legislative cycle. Rep. Theresa Barcega & others hosted a "Mold Roundtable" in 2005 which highlighted the need for legislation to require qualified people to install insulation to stop the spread of mold in our buildings.



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Boycks, Brad
 Director of Government Affairs
 Wisconsin Builders Association
 4868 High Crossing Blvd
 Madison, WI 53704

Phone: (608) 242-5151
 E-mail: bboycks@wisbuild.org

License Issue Date: 1/11/2007

made changes for

Fax: (608) 242-5150

Organization(s) represented:

Date authorized to lobby

Date authorization withdrawn

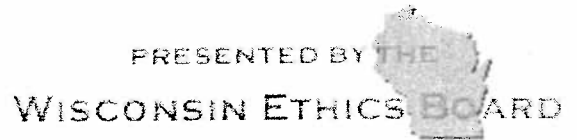
Wisconsin Builders Association

1/11/2007

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Deschane, Gerard
 Senior Government Relations Advisor
 Axley Brynelson Government Relations LLC
 P.O. Box 1767
 Madison, WI 53701-1767

Phone: (608) 283-6799

Fax: (608) 257-5444

E-mail: jdeschane@axley.com

License Issue Date: 1/11/2007

Organization(s) represented:

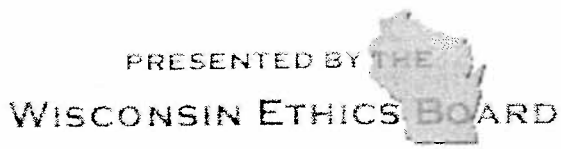
Organization(s) represented:	Date authorized to lobby	Date authorization withdrawn
Bicycle Federation of Wisconsin	5/30/2007	
Steve Brown Apartments	6/14/2007	
The Villa Tap	7/12/2007	
Transit Mutual Insurance Corporation of Wisconsin	8/8/2007	
Wisconsin Builders Association	1/11/2007	

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Mielke, John
 Director of Government Relations
 Associated Builders and Contractors of Wisconsin Inc
 5330 Wall Street
 Madison, WI 53718

Phone: (608) 244-5883

Fax: (608) 244-2401

E-mail: jmielke@abcwi.org

License Issue Date: 1/1/2007

*talked to
 similar concerns to
 Builders + had made
 changes for them*

Organization(s) represented:

Associated Builders and Contractors of Wisconsin Inc

**Date authorized
to lobby**

1/1/2007

**Date
authorization
withdrawn**

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Beiriger, Jeffrey J
 Contract Lobbyist
 Cook & Franke, SC
 660 East Mason Street
 Milwaukee, WI 53202

Phone: (414) 227-1202

Fax: (414) 227-1290

E-mail: beiriger@cf-law.com

License Issue Date: 1/1/2007

Doesn't like licensing

*shared with
 made suggestions &
 made changes to
 accommodate*

Organization(s) represented:

	Date authorized to lobby	Date authorization withdrawn
American Subcontractors Association of Wisconsin	2/6/2007	
*Plumbing Heating Cooling Contractors - Wisconsin	2/12/2007	
Southeastern Wisconsin Drywall & Plastering Contractors Association	3/6/2007	
Wisconsin Girl Scouts Legislative Monitoring Committee	3/9/2007	
Wisconsin Illinois Senior Housing	2/8/2007	
Wisconsin Roofing Contractors Association	2/8/2007	
Wisconsin Water Well Association Inc	5/14/2007	

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Select another lobbyist

*shared with
 didn't make suggestions
 just opposes b/c it's
 more regulation*



Boullion, James
 Director of Government Affairs
 Associated General Contractors of Wisconsin Inc
 4814 E Broadway
 Madison, WI 53716

Phone: (608) 221-3821

Fax: (608) 221-4446

E-mail: jboullion@agcwi.org

License Issue Date: 1/8/2007

Organization(s) represented:

**Date authorized
 to lobby**

**Date
 authorization
 withdrawn**

Associated General Contractors of Wisconsin Inc

1/8/2007

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