State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2011 LRB–3555/1 (For: Rep. Knilans)

has been copied/added to the drafting file for

2011 LRB–4194 (For: Rep. Knilans)

☞ Are These "Companion Bills" ?? ... No

RESEARCH APPENDIX -

PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 02/27/2012 (Per: RNK)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 DRAFTING REQUEST

Bill

Received: **11/29/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Knilans (608) 266-7503**

By/Representing: **Kristy Curry**

May Contact:

Drafter: **rkite**

Subject: **Buildings/Safety - bldg stndrds**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Knilans@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulating residential water treatment devices

Lost jacket - redrafted to -4194

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rkite 01/19/2012	kfollett 01/20/2012		_____ _____			S&L
/P1	rkite 01/30/2012	mduchek 02/06/2012	rschluet 02/06/2012	_____ _____	lparisi 02/06/2012		S&L
/1	rkite 02/08/2012	mduchek 02/08/2012	jfrantze 02/08/2012	_____ _____	mbarman 02/08/2012	lparisi 02/17/2012	

FE Sent For:

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/P1	rkite 01/30/2012	mduchek 02/06/2012	rschluet 02/06/2012	_____ _____	lparisi 02/06/2012		

FE Sent For: 2/8/12 2/8

<END>

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Pre Topic:

No specific pre topic given

Topic:

Regulating residential water treatment devices

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rkite	NO 2/6/12 1P/					

FE Sent For:

<END>

Sold 1/19/12

Xed 01-20-2010

Kite, Robin

From: Gallagher, Michael
Sent: Monday, November 28, 2011 1:02 PM
To: Kite, Robin
Subject: FW: Easy Water, etc.
Attachments: image001.jpg; SKMBT_C55011042812120.pdf; MA Board Decision.doc

Robin: I believe this belongs to you or Mary. Can one of you contact Kristy directly to let her know who is handling it?

Thanks.

Mike

From: Curry, Kristy
Sent: Mon 11/28/2011 11:55 AM
To: Gallagher, Michael
Subject: FW: Easy Water, etc.

Hello Mike,

I hope you had a relaxing Thanksgiving weekend. Rep.Knilans is looking to draft another bill about Easy Water. Please see the e-mail from Larry below and the attachments. Please let me know if you have questions on what the Representative is looking for. Thank you in advance.

Best,

Kristy Curry
Office of Representative Joe Knilans
608-266-7503
7W State Capitol

From: Konopacki, Larry
Sent: Monday, November 28, 2011 11:44 AM
To: Curry, Kristy; Knilans, Joe
Subject: Easy Water, etc.

Hi Joe, per your voicemail message, the attached documents should be enough to get the LRB drafter started drafting a bill for you. Specifically, what I understand that you are looking for is a bill to exempt this type of water system product from the requirement that it be approved by the state prior to use in residential applications. The person who you can contact at LRB is Mike Gallagher - his e-mail address is: Michael.Gallagher@legis.wisconsin.gov and his phone number is: 267-7511.

Let me know if there is anything else that I can do.

Larry

Larry A. Konopacki

Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: Konopacki, Larry
Sent: Tuesday, October 18, 2011 1:45 PM
To: Knilans, Joe
Subject: FW:

Hi Joe, I was able to contact Mr. Freije at Easy Water, and he sent me his earlier e-mail to you (below) and these attachments, which clearly explain the issue. This also explains why I couldn't find any prohibition against his products in our laws - the easy water and similar systems are not prohibited; instead, the approval process required is something that Mr. Freije has determined to be too burdensome.

Please call if you have any questions, or if you would like to discuss options for legislation related to this topic.

Thanks!

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: Bill Freije [mailto:BFreije@EasyWater.com]
Sent: Tuesday, October 18, 2011 12:33 PM
To: Konopacki, Larry
Subject: FW:

Wm. F. Freije, III, P.E., *President/CEO*
bfreije@easywater.com

FREIJE Treatment Systems, Inc.
(317) 336-3300 x201 Direct
www.easywater.com

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.
easywater_logo.jpg

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From: Bill Freije
Sent: Monday, October 10, 2011 6:31 PM
To: 'rep.knilans@legis.wi.gov'
Subject:

Representative Knilans,

Thank you for your call today to our office. The only reason we do not sell in WI (which is the only state we do not sell in) is because of the plumbing code referenced in the attached PDF letter mailed to us in 2005.

WI must approve every plumbing product and they include water treatment products with the plumbing products. If a water treatment product has approval from a large testing agency like NSF, WI will recognize that and typically approve the product. For our type of newer technology, NSF and others do not have any standard testing protocols. Therefore, we would need to work with the state of WI, agree on a testing protocol, pay to have the testing done, etc. We are unwilling to do that, especially for several products when the plumbing code just needs to be changed. MA had a similar law until 2009 which is why I attached the other document.

Thank you for your interest in this problem. It has been a frustration to us, many other water treatment companies and countless (we get calls every week) WI homeowners for many years.

If there is any way we can help in the process or you need more info from me, below is my direct line.

Just for the record, several other representative's offices have called over the past several years, but it seemed that it was just to give an answer to the complaining residents and not really to change the plumbing code and fix the problem.

Sincerely,

Bill

Wm. F. Freije, III, P.E., *President/CEO*
bfreije@easywater.com

FREIJE Treatment Systems, Inc.
(317) 336-3300 x201 Direct
www.easywater.com

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.
easywater_logo.jpg

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commerce.wi.gov
Wisconsin
Department of Commerce

SAFETY AND BUILDINGS DIVISION
Plumbing Product Review
P. O. Box 7162
Madison, Wisconsin 53701-7162
TDD #: (608) 264-8777

Jim Doyle, Governor
Mary P. Burke, Secretary

March 23, 2005

FINAL NOTIFICATION

VIA FACSIMILE (no enclosures), ELECTRONIC MAIL (no enclosures) AND REGULAR U.S. MAIL

William F. Freije, III
FREIJE Engineered Treatment Systems
7435 E. 86th Street
Indianapolis IN 46256

RE: Unapproved Residential Water Treatment Devices being sold and Offered for Sale in Wisconsin

Dear Mr. Freije:

Chapter Comm 84, of the Wisconsin Administrative Code (Wis. Adm. Code), requires that all residential water treatment devices be approved by this department prior to being sold for use in a residential plumbing system, offered for sale in a residential plumbing system or installed in a residential plumbing system. Presently, we do not regulate commercial/industrial water treatment devices. We have been notified that Mr. Joseph Wojnarowski, a FREIJE distributor/dealer active in and around Milwaukee Wisconsin, continues to sell and offer for sale various unapproved residential water treatment devices despite our letter sent directly to him on December 3, 2003.

Sale or installation of unapproved residential water devices is a violation of Section 145.132 of Wisconsin State Statute, in addition to being a code violation. Violations of Section 145.132, Wisconsin State Statute, may be subject to fines of not less than $10.00 and not more than $1,000.00 for each violation. Each violation constitutes a separate offense, and each day of continued violation is a separate offense. Installations of unapproved residential water treatment devices may be ordered removed.

Enclosed is the third Plumbing Product Review Application and list of "Required Information for the Review of Water Treatment Devices" in case the first two sets of documents we've provided to FREIJE were misplaced.

This is the final effort on behalf of this department to rectify this ongoing situation outside the scope of enforcement. Further violations of State Statute 145.132 and/or ch. Comm 84 of the Wis. Adm. Code by FREIJE will be promptly referred directly to our departmental council, the Wisconsin Department of Agriculture, Trade and Consumer Protection, and the Wisconsin Department of Justice, along with all the supporting documentation we've amassed over the last two years, without further notice to FREIJE. Understand that our departmental philosophy is education first, enforcement secondly. Enforcement is a last resort that we would prefer not to use, however, to date; the actions of FREIJE in Wisconsin limit our future options.

If there are any questions about making an application for plumbing product approval, then please feel free to contact us. We look forward to receiving your submittal for review.

Sincerely,

Glen W. Schlueter
Engineering Consultant – Plumbing Product Reviewer
Bureau of Integrated Services
Safety and Buildings Division
Department of Commerce
(608) 267-1401 **Phone**
(608) 267-9566 **Fax**
gschlueter@commerce.state.wi.us **E-mail**
8:00AM – 4:30PM CT **Work Hours**

Enc.: Plumbing Product Review Application (SBD-7966)
List of Required Information for the Review of Water Treatment Devices
FREIJE promotional literature, featuring residential devices, being distributed in Wisconsin
Magnetizer Judgement
NSA Judgement

cc.: Wisconsin Department of Agriculture, Trade and Consumer Protection III (no enclosures)
Wisconsin Department of Justice, Office of Consumer Protection III (no enclosures)
Joseph Wojnarowski, FREIJE Sales Engineer (no enclosures)

bcc: (no enclosures)

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

GREGORY BIALECKI
SECRETARY OF HOUSING
AND ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Plumbers and Gas Fitters
239 Causeway Street • Boston • Massachusetts • 02114

BARBARA ANTHONY
UNDERSECRETARY, OFFICE OF
CONSUMER AFFAIRS & BUSINESS
REGULATION

GEORGE K. WEBER
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

October 2, 2009

Water Filtration Systems

The Board of State Examiners of Plumbers and Gas Fitters on September 30, 2009, at a regularly scheduled meeting voted to no longer require approval for the following products:

- in-line refrigerator water filters
- reverse osmosis systems
- water softeners
- faucets mounted water filter
- point of entry water filters
- household filtration units

and similar products as listed above.

The Board only has jurisdiction over the inlet and outlet connections and all associated piping from the source and to the fixture/equipment must be installed by the licensed Massachusetts Plumber.

The board asks that all manufacturers of the products listed above, send in a list of all models that would fall into these categories. That will assist the Board in eliminating only these types of product from their accepted list.

Kite, Robin

From: Kite, Robin
Sent: Monday, December 05, 2011 1:56 PM
To: Curry, Kristy
Subject: "Easy water" drafting request

Kristy:

You recently submitted a drafting request to exempt "easy water" and similar systems from the requirement that all residential water treatment devices be approved by DSPS (formerly the Department of Commerce). Do you have more information about these systems? I do not know how to describe these systems for the purpose of drafting language that would exempt them. If you prefer that I speak directly with someone who may have more information, I would be happy to do that as well.

Thanks.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291

No response as of 1/19/12 - RNK

Kite, Robin

From: Curry, Kristy
Sent: Tuesday, January 24, 2012 4:03 PM
To: Kite, Robin
Subject: RE: "Easy water" drafting request

Thank you. That e-mail was sent while I was on the phone. I wanted to include if you have any questions feel free to contact our office as well.

Kristy Curry
Office of Representative Joe Knilans
608-266-7503
7W State Capitol

From: Kite, Robin
Sent: Tuesday, January 24, 2012 4:01 PM
To: Curry, Kristy
Subject: RE: "Easy water" drafting request

Thank you. I will call him.

Robin

From: Curry, Kristy
Sent: Tuesday, January 24, 2012 3:40 PM
To: Kite, Robin
Subject: RE: "Easy water" drafting request

Hello Robin,

I would like you to contact Bill Freije. He is our point man on this project. He will be able to provide you will specific language. Bill owns Freiji Treatment Systems.

Contact Information:
bfreije@easywater.com
(317) 336-3300 x201 Direct

Representative Joe Knilans
44th Assembly District
608-266-7503

From: Kite, Robin
Sent: Tuesday, January 24, 2012 1:23 PM
To: Curry, Kristy
Subject: FW: "Easy water" drafting request

Kristy,

This is the email that I sent you in on December 5th.

Robin

From: Kite, Robin
Sent: Monday, December 05, 2011 1:56 PM
To: Curry, Kristy
Subject: "Easy water" drafting request

Kristy:

You recently submitted a drafting request to exempt "easy water" and similar systems from the requirement that all residential water treatment devices be approved by DSPS (formerly the Department of Commerce). Do you have more information about these systems? I do not know how to describe these systems for the purpose of drafting language that would exempt them. If you prefer that I speak directly with someone who may have more information, I would be happy to do that as well.

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STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU**

LRB Research (608-266-0341) Library (608-266-7040) Legal (608-266-3561) **LRB**

1-25-12

Bill Freye called -

I explained that I needed a better description of the water systems that he wants to exempt from DSPS approval

he will send me an email w/ a description + relevant links to trade group sites

Kite, Robin

From: Bill Freije [BFreije@EasyWater.com]
Sent: Friday, January 27, 2012 8:08 AM
To: Kite, Robin
Subject: Water Treatment

Robin,

In my opinion, the description of the water treatment equipment for what you are drafting should be "all water treatment devices, both Point-of-Entry (POE) and Point-of-Use (POU)". This will include everything. It's like saying all people, both men and woman.

As you can see in the NSF link below under "Styles of Water Treatment Devices", there are many types of water treatment devices, but they all fall into 2 categories, POE and POU. You either treat water when it first enters a home or building in which case you are treating all of it, or you treat somewhere in the building, where some portion of the water is being used (like at your sink or refrigerator etc).

http://www.nsf.org/consumer/drinking_water/dw_treatment.asp?program=WaterTre

Wm. F. Freije, III, P.E., *President/CEO*
bfreije@easywater.com

FREIJE Treatment Systems, Inc.
(317) 336-3300 x201 Direct
www.easywater.com

No-Salt Water Conditioning System
EASYWATER®

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Soon

State of Wisconsin
2011 - 2012 LEGISLATURE

Rm pur

P1

LRB-3555/1

RNK:1:...

Mon (cont)

Med

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

In 1/30

Gen

AN ACT ...; **relating to:** nonresidential water treatment devices.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services (DSPS) regulates the construction, installation, and maintenance of plumbing. Plumbing includes piping, appliances, and equipment in connection with water systems, including water distribution systems, wastewater drainage systems, and stormwater use systems. The definition also includes water treatment devices connected with these systems. This bill excludes residential water treatment devices from the definition of plumbing.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 145.01 (10) (a) 1. of the statutes is amended to read:

145.01 **(10)** (a) 1. All piping, fixtures, appliances, equipment, devices, and appurtenances in connection with water supply systems, water distribution systems, wastewater drainage systems, reclaimed water systems, and stormwater use systems, including hot water storage tanks, nonresidential water treatment

1 devices, and water heaters connected with these systems and also includes the
2 installation thereof.

History: 1971 c. 255; 1977 c. 314; 1979 c. 34, 221; 1981 c. 20; 1983 a. 189, 410, 538; 1991 a. 39; 1993 a. 213, 322; 1995 a. 27 ss. 4355 and 9116 (5); 1995 a. 227; 2009 a. 200, 291; 2011 a. 32.

3 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3555/P1dn
RNK:.....
med

Date

This bill excludes all residential water treatment devices from the definition of plumbing under ch. 145.01 (10), stats. One of the difficulties with this draft is determining how to describe the water treatment devices that you want to exempt from regulation by the Department of Safety and Professional Services (DSPS). At your request, I spoke with Bill Freije from Freije Treatment Systems and he told me that all water treatment devices should be exempt from regulation. Based on the other information you supplied, I have assumed that the exemption should apply only to residential water treatment devices. Without additional information, however, it is difficult to know whether this draft is broader than necessary to address the problem. I suggest that you have this draft reviewed by the appropriate expert at DSPS to ensure that the draft does not have unintended consequences. The draft is in preliminary form to facilitate any necessary redrafting. Please contact me if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3555/P1dn
RNK:med:rs

February 6, 2012

This bill excludes all residential water treatment devices from the definition of plumbing under ch. 145.01 (10), stats. One of the difficulties with this draft is determining how to describe the water treatment devices that you want to exempt from regulation by the Department of Safety and Professional Services (DSPS). At your request, I spoke with Bill Freije from Freije Treatment Systems and he told me that all water treatment devices should be exempt from regulation. Based on the other information you supplied, I have assumed that the exemption should apply only to residential water treatment devices. Without additional information, however, it is difficult to know whether this draft is broader than necessary to address the problem. I suggest that you have this draft reviewed by the appropriate expert at DSPS to ensure that the draft does not have unintended consequences. The draft is in preliminary form to facilitate any necessary redrafting. Please contact me if you have any questions.

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E-mail: robin.kite@legis.wisconsin.gov

STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU**

LRB Research (608–266–0341) Library (608–266–7040) Legal (608–266–3561) **LRB**

2/8/12

Rep Knudsen called & asked that the /P version be put in final form

State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-3555/P1
RNK:med:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 BILL

AN ACT *to amend* 145.01 (10) (a) 1. of the statutes; **relating to:** nonresidential water treatment devices.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services (DSPS) regulates the construction, installation, and maintenance of plumbing. Plumbing includes piping, appliances, and equipment in connection with water systems, including water distribution systems, wastewater drainage systems, and stormwater use systems. The definition also includes water treatment devices connected with these systems. This bill excludes residential water treatment devices from the definition of plumbing.

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1 use systems, including hot water storage tanks, nonresidential water treatment
2 devices, and water heaters connected with these systems and also includes the
3 installation thereof.

4 **(END)**

Basford, Sarah

From: Knilans, Joe
Sent: Friday, February 17, 2012 10:15 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3555/1 Topic: Regulating residential water treatment devices

Please Jacket LRB 11-3555/1 for the ASSEMBLY.

Parisi, Lori

From: Knilans, Joe
Sent: Monday, February 27, 2012 1:31 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3555/1 Topic: Regulating residential water treatment devices

Please Jacket LRB 11-3555/1 for the ASSEMBLY.

Lost jacket -
will need
new #

State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-3555/1
RNK:med:jf

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3 installation thereof.
4 (END)