

CR 86-134

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Intermittent Ignition Devices and Associated Fees were duly approved and adopted by this department on 10/16/86.
(Subject) (Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:00 pm in the city of Madison, this 16th day of October A.D. 1986.

Robert Nelson, Acting
Secretary

received
10.20.86
2:00 pm

1-1-89

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1), 101.02(15)(h) to (j), 101.64(6), 101.655 & 101.63(9), Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. <u>69 and ILHR 72</u>	<u>Fee Schedule and Intermittent Ignition Devices for New Residential Gas Appliances</u>
(Number)	(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to section 227.026, Stats.

Adopted at Madison, Wisconsin, this 16 day of October, A.D., 1986.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Aileen Nelson, Acting
Secretary

*received
10.20.86*



RULES in FINAL DRAFT FORM

Rule: Chs. ILHR 72 and Ind. 69

Relating to: Intermittent Ignition Devices and Associated Fees

Clearinghouse Rule No.: 86-134

AN ORDER to create ch. ILHR 72 and Ind 69.091 relating to Intermittent Ignition devices and Associated Fees.

ANALYSIS OF RULES

The proposed rules establish standards for the certification of intermittent ignition devices (IIDs) and prohibit the use of pilot lights on new residential gas appliances in accordance with s. 101.655, Stats.

Certification Standards.

Under the proposed rules, IIDs may be certified by one of two methods:

1) Any IID which is certified by the American Gas Association (AGA) as complying with the American National Standard for Automatic Gas Ignition Systems and Components, (ANSI Z21.20-1985) and is included in the AGA Laboratories Design Certification program, will be considered to be automatically certified and will not require a written certification from the department; or

(2) Applications for certification may be submitted to the department. The department will issue a written certification if it is shown that the IID has been tested by a nationally recognized testing facility and has been found to comply with the American National Standard for Automatic Gas Ignition Systems and Components (ANSI Z21.20-1985).

Prohibition of Pilot Lights.

Pursuant to s. 101.655, Stats. Beginning 24 months after the certification of an IID for any class of gas appliance, no new residential gas appliance of that class may be sold, distributed or installed unless it is equipped with a certified IID. Used gas appliances with pilots may still be resold, however.

Application.

The provisions of the proposed rules will apply to new residential gas appliances which are used in one-and-two family dwellings, condominiums, manufactured dwellings, apartment buildings or other public buildings, or places of employment.

Residential appliances are defined as appliances which are designed and sized for use in a private residence or dwelling.

Exceptions are made for heaters and furnaces which do not require an electrical supply of energy, and stoves which do not have electrical supply cords and air conditioners, refrigerators, freezers and furnaces which are too large to be residential appliances. Definitions from the U.S. Department of Energy and from California appliance efficiency standards were used to identify the larger commercial appliances.

Rule Development.

The proposed chapter was developed in conjunction with an advisory committee. The members of the committee are as follows:

David Hewitt	Public Sector
Paul Newman	Public Service Commission
Howard F. Schneider	American Gas Association
Don Wichert	Department of Administration
Gordon E. Willert	Gas Appliance Manufacturers Association, Inc.

* * * * *

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by sections 101.02(1), 101.02(15)(h) to (j), 101.63(9), 101.64 (6), and 101.655 Stats., the department hereby, creates rules interpreting section 101.655, Stats., as follows:

SECTION 1. Ch. ILHR 72 is created to read:

CHAPTER ILHR 72

Intermittent Ignition Devices for New Residential Gas Appliances.

Subchapter I - Purpose, Scope, and Application

- ILHR 72.01 - Purpose
- ILHR 72.02 - Scope
- ILHR 72.03 - Application

Subchapter II - Definitions

- ILHR 72.04 - Definitions

Subchapter III - Standards

- ILHR 72.05 - Adoption of Standards by Reference
- ILHR 72.06 - Prohibition of Pilot Lights

Subchapter IV - Administration and Enforcement

- ILHR 72.07 - Certification of Devices
- ILHR 72.08 - Revocation of Certification
- ILHR 72.09 - Notification of Manufacturers
- ILHR 72.10 - Fees
- ILHR 72.11 - Penalties
- ILHR 72.12 - Complaints

Chapter ILHR 72

Intermittent Ignition Devices for New Residential Gas Appliances

Subchapter I - Purpose, Scope and Application

ILHR 72.01 PURPOSE. The purpose of this chapter is to establish standards for the certification of intermittent ignition devices and to prohibit the use of pilot lights on new residential gas appliances in accordance with s. 101.655, Stats.

ILHR 72.02 SCOPE. The provisions of this chapter shall apply to the distribution, sale and installation of new residential gas appliances which are used in one-and-2 family dwellings, public buildings or places of employment.

ILHR 72.03 APPLICATION. (1) GENERAL. The provisions of this chapter apply to any new residential gas appliance, including but not limited to:

- (a) Furnaces or heaters which require electrical supply for operation;
- (b) Air conditioners;
- (c) Refrigerators, refrigerator-freezers, and freezers;
- (d) Stoves which have electrical supply cords;
- (e) Dishwashers;
- (f) Dryers; and
- (g) Swimming pool heaters.

(2) EXEMPTIONS. The provisions of this chapter do not apply to the following appliances:

- (a) Any furnace or heater which does not require electrical supply for operation;
- (b) Any stove which does not have an electrical supply cord;
- (c) Gas water heaters;
- (d) Air conditioners which have an input capacity of 65,000 BTU's per hour or greater; and

(e) Furnaces of the following types:

1. Low pressure steam or hot water boilers which have an input capacity of 300,000 BTU's per hour or greater; and
2. Forced air central furnaces and gravity central furnaces which have an input capacity of 225,000 BTU's per hour or greater.

(f) Refrigerators, refrigerator-freezers and freezers of the following types:

1. Those refrigerators and refrigerator-freezers with a total refrigerated volume exceeding 39 cubic feet;
2. Those freezers with a total refrigerated volume exceeding 30 cubic feet; and
3. Those refrigerators, refrigerator-freezers and freezers designed to be used without doors.

Subchapter II - Definitions

ILHR 72.04 DEFINITIONS. (1) "British Thermal Unit or BTU" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit at or near 39.2° F.

(2) "Class of gas appliances" means a group of gas appliances, all of which perform a similar function.

(3) "Department" means the department of industry, labor and human relations.

(4) "Dwelling" means any building which contains one or 2 dwelling units.

(5) "Dwelling unit" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(6) "Gas appliance" means an appliance or device which uses a gaseous fuel for operation and is automatically ignited for operation by means of a pilot light or other ignition device.

(7) "Intermittent ignition device" means an ignition device which is actuated only when a gas appliance is in operation.

(8) "Pilot light" means any gas-operated device which remains continually lighted in order to ignite a gas appliance to begin normal operation.

(9) "Place of employment" means any place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in a) private domestic service which does not involve the use of mechanical power or b) farming.

(10) "Public building" means and includes any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

(11) "Residential gas appliance" means a gas appliance which is designed and sized for use in a private residence or private dwelling and which is not to any significant extent, distributed for industrial or commercial use.

(12) "State" means the state of Wisconsin.

(13) "Stove" means a major household cooking appliance, which includes a kitchen range or oven.

Subchapter III - Standards

ILHR 72.05 ADOPTION OF STANDARDS BY REFERENCE. (1) CONSENT TO INCORPORATE. Pursuant to s. 227.21 (2), Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the American National Standard for Automatic Gas Ignition Systems and Components, ANSI Z21.20 - 1985.

(2) INTERIM AMENDMENTS. Interim amendments of the standard shall have no effect in the state until such time as this chapter is correspondingly revised to reflect those changes.

(3) AVAILABILITY OF STANDARD. Standards of the American National Standards Institute may be obtained by writing to: Publications Sales Department, American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(4) FILING OF STANDARD. Copies of the standard in reference are on file in the offices of the department, the secretary of state and the revisor of statutes.

ILHR 72.06 PROHIBITION OF PILOT LIGHTS. (1) General. Except as provided in sub. (2), no person may sell, distribute, install or cause to be sold, distributed or installed any residential gas appliance which is not equipped with a certified intermittent ignition device. The prohibition of pilot lights shall:

- (a) Apply only to those appliances belonging to a class for which an intermittent ignition device has been certified as specified in s. ILHR 72.07.
- (b) Begin 24 months after the certification of an intermittent ignition device for that class of appliance.

(2) EXEMPTION FOR USED RESIDENTIAL GAS APPLIANCES. Used residential gas appliances may be resold without certified intermittent ignition devices provided that the original sale of the appliance, when new, occurred before the pilot light prohibition went into effect for that class of appliance.

- 6 -

Subchapter IV - Administration and Enforcement

ILHR 72.07 INTERMITTENT IGNITION DEVICE CERTIFICATION REQUIREMENTS: Any intermittent ignition device which complies with requirements of either sub. (1) or (2) shall be considered certified by the department.

(1) AUTOMATIC CERTIFICATION. (a) Requirements for automatic certification. Any intermittent ignition device complying with the following conditions shall be automatically certified and will not require written certification from the department:

1. The intermittent ignition device is certified by the American Gas Association (AGA) as complying with the American National Standard for Automatic Gas Ignition Systems and Components, ANSI Z21.20-1985, and
2. The intermittent ignition device is included in the AGA Laboratories Design Certification Program.

(b) Date of certification. Intermittent Ignition devices which comply with the requirements for automatic certification as specified in this subsection prior to the effective date of this chapter shall be considered to be certified on the effective date of this chapter.

(2) ALTERNATE CERTIFICATION. If an intermittent ignition device does not comply with the requirements for automatic certification, an application for certification may be submitted to the department. Tests, data and other evidence to prove that the device complies with the standards required in this chapter shall be submitted to the department for review.

(a) Application for certification. An application for certification shall be submitted to the department in writing along with the specifications and information listed in par. (b) and the fees established in s. ILHR 72.09.

(b) Specifications and Information: Information submitted to the department for review and certification shall contain the following:

1. The name of the manufacturer of the device and the address of all facilities where the device is manufactured;
2. The trade name and model number of the device;
3. The type of fuel which may be used with the device;
4. The inlet and outlet sizes of the device, in inches, and the BTU per hour capacity of the device.
5. Written documentation stating that the device has been tested by a nationally recognized testing facility and complies with the American National Standard for Automatic Gas Ignition Systems and Components, ANSI Z21.20 - 1985.

NOTE: The department accepts the American Gas Association Laboratories and Underwriter Laboratories as nationally recognized testing facilities.

6. A written description of the manufacturer's compliance assurance program, designed to assure that the IID units which are manufactured will be equivalent to the device which is tested and certified.

(c) Application processing time. Upon receipt of all the required information and appropriate fees, the department shall review the application and certify or deny certification of the device. The department shall notify the applicant of its finding in writing within 30 business days of receipt of all forms, fees, and documents required to complete the review.

(3) EXPIRATION OF CERTIFICATION. (a) Automatic certifications obtained in accordance with sub. (1) shall remain valid as long as the provisions of sub. (1) are met.

(b) Certifications issued by the department as specified in sub. (2) shall be valid for a period of one year. Applications for recertification of intermittent ignition devices may be made by submitting a new application for certification to the department.

(4) INVALIDATION OF CERTIFICATION. The certification of an individual intermittent ignition device shall be invalid if the device is installed in an appliance which is unsuitable for the specified range of application of the device.

ILHR 72.08 REVOCATION OF CERTIFICATION. The department may revoke any certification issued under the provisions of this chapter for any false statements or misrepresentation of facts upon which the certification was based.

ILHR 72.09 NOTIFICATION OF MANUFACTURERS. Within 90 days after an intermittent ignition device has been certified as specified in s. ILHR 72.07, the department shall notify gas appliance manufacturers doing business in the state of the prohibition of affected pilot lights. The department shall inform manufacturers of the effective date of the prohibition and inform manufacturers of intermittent ignition devices which have been certified.

ILHR 72.10 FEES. Fees shall be submitted to the department as specified in s. Ind 69.091. Fees shall be submitted at the time the application for certification is submitted under s. ILHR 72.07 (2). Applications will not be processed until fees are received.

ILHR 72.11 PENALTIES. Penalties for violations shall be assessed in accordance with s. 101.655, Stats.

(1) The department may seek a forfeiture or initiate a civil action for a temporary or permanent injunction for any violation of rules of this chapter.

(2) Any person who violates rules of this chapter shall be subject to a forfeiture of not more than \$400 for each day of violation.

ILHR 72.12 COMPLAINTS. (1) Any written complaint received by the department which alleges violation of the provisions of this chapter may be forwarded to the seller, installer, or distributor involved who shall, within 5 business days after receipt of the complaint notice, report to the department in writing on the disposition of the complaint.

(2) Failure to correct legitimate violations of the provisions of this chapter may result in a department investigation and assessment of the appropriate penalties.

SECTION 2. Ind 69.091 is created to read:

Ind 69.091 INTERMITTENT IGNITION DEVICE CERTIFICATION. The fees for the certifications issued in writing by the department for intermittent ignition devices shall be determined in accordance with Table 69.091.

Table 69.091

Type of certification	Fee per certification
(a) New certification	\$540.00
(b) Renewal of certification	\$270.00

(END)

* * * * *

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

* * * * *



State of Wisconsin \ Department of Industry, Labor and Human Relations

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

October 17, 1986

Gary Poulson
Assistant Revisor of Statutes
Suite 904
30 West Mifflin Street
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-134
RULE NO. Ch. ILHR 72 and Ind 69
RELATING TO Intermittent Ignition Devices and Associated Fees

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

- 1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

Howard S. Bellman

Howard S. Bellman
Secretary

received
10.20.86

cc: Agency Contact Person