



JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

Testimony on Senate Bill 820: Building and Plumbing Plan Review Changes
Senate Committee on Economic Development, Commerce and Trade
Wednesday, February 19, 2020

Good morning Chairman Feyen and members of the committee,

Thank you for giving me the opportunity to testify on Senate Bill 820 (SB 820), legislation that will update the procedures surrounding the review of commercial building plans.

Under current law, most commercial building plans are reviewed by the Department of Safety and Professional Services (DSPS) before construction may start. Unfortunately, contractors have recently been seeing an increase in the timeline for their plans to be reviewed. DSPS data has shown that generally timelines under this administration have been longer than they were under the Walker Administration. Contractors have come to expect a six to eight week approval process, but unfortunately ten to twelve weeks has become standard more recently. At times, the review process has taken even longer than that.

With the 2020 construction season approaching, our Wisconsin contractors cannot afford to have another season with these long delays due to DSPS backlog. That is why Sen. Roth and I have introduced this legislation, which will reform our laws surrounding this review process.

SB 820 will make three key changes:

1. Require that fees paid for plan reviews be submitted by the time a review is scheduled, and provide that 50% of the fee is non-refundable.
2. Determine what projects need to be reviewed by DSPS based on the size and general purpose of the building. The bill will exempt certain single story commercial buildings from the DSPS building plan review process based on the volume of that building. Because public safety is paramount, buildings intended for certain occupancies and uses would not be eligible for the exemption, including schools, healthcare facilities, churches and event venues.
3. Change the plumbing plan review requirements to require that only projects with 26 or more planned plumbing fixtures need review by DSPS (an increase from 16 or more fixtures).

If a building plan is exempted because of size and purpose, the building plan will need to be supervised by a registered engineer, architect or designer. If a plumbing plan is exempted, the project will need to be supervised by a licensed master plumber. These provisions will ensure



JESSIE RODRIGUEZ

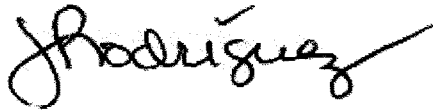
STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

commercial building plans are safe while reducing the amount of projects DSPS needs to review in hopes of reducing the delays in plan review and overall backlog at the agency.

This legislation will allow our builders to get to work this summer by eliminating red tape. I encourage your support for this legislation.

Thank you again for your time and consideration.

Sincerely,



Jessie Rodriguez
State Representative
21st Assembly District



Alliance for Regulatory Coordination

Testimony in Opposition to 2019 Senate Bill 820

To the Senate Committee on Economic Development, Commerce and Trade

February 19, 2020

Hello; thank you for the opportunity to provide testimony today. I am Bob DuPont, founder of the Alliance for Regulatory Coordination. The ARC is a consortium of 21 business, professional, and trade organizations involved in building design, construction and regulatory services.

The Alliance for Regulatory Coordination is opposed to Senate Bill 820. We believe this bill will place Wisconsin citizens and visitors at greater risk to their health and safety by negatively affecting building occupants, the waters of the state, and municipal sewer and water utilities in Wisconsin. We believe that code changes regarding triggers for state level plan review should be researched and considered by the Commercial Building Code Council and the Plumbing Code Advisory Committee in coordination with the Department of Safety and Professional Services.

Regarding commercial buildings, under this bill, state level plan review would not be required for single story buildings containing less than 200,000 cubic feet of volume that fall entirely in the following occupancy groups: Business Group B; Factory Industrial Group F; Mercantile Group M; Storage Group S; and Utility and Miscellaneous Group U. Municipalities would maintain their authority to require local plan review, permits and inspections of any sized commercial building. To get a sense of the scope of this plan review exemption, consider this.

A 200,000 cubic foot mercantile establishment with a 20-foot ceiling would have a footprint of 10,000 square feet. That equates to a strip mall 200 feet in width by 50 in depth; a significant building, with an allowable occupancy load of over 300 men, women and children.



Alliance for Regulatory Coordination

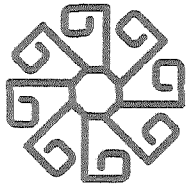
This bill removes a significant safety net from the state's building safety program and shifts the burden of plan review to communities throughout the state. Many communities lack the financial and staff resources to pick up the plan review workload abandoned by the state under this bill. And we can't rely on field inspections to catch problems not caught by plan review because building inspections are not required for commercial buildings under state law or code.

Regarding plumbing systems, under this bill, state level plan review would not be required for plumbing installations, additions or alterations involving fewer than 25 plumbing fixtures within any sized building that falls entirely in the above listed occupancy groups. Municipalities would maintain their authority to require local plan review, permits and inspections of any sized plumbing project.

This bill removes a significant safety net from the state's plumbing safety program and shifts the burden of plumbing plan review to communities throughout the state. Many communities lack the financial and staff resources to pick up the plumbing plan review workload abandoned by the state under this bill. And, just as for building plans, we can't rely on field inspections to catch problems not caught by plumbing plan review because plumbing inspections are not required for commercial buildings under state law or code.

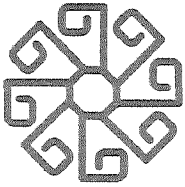
In addition, by focusing solely on the trigger of 25 plumbing fixtures, this bill removes many important plumbing components from state level plan review. These plumbing components protect municipal water supply systems, sewerage systems, wastewater treatment plants, and the waters of the state, in addition to protecting building occupants from harm.

Following is a table showing plumbing components that would no longer require state level plan review under this bill. For each plumbing component listed, the table shows the purpose of the component as well as other elements and systems impacted by the plumbing component. These primary and secondary impacts are at the heart of systems designed to protect the health, safety and welfare of building occupants and entire communities.



Alliance for Regulatory Coordination

| Plumbing Component | Purpose of Component | Other Elements & Systems Impacted |
|--|--|--|
| Cross connection control devices in dental and outpatient health clinics | Protect drinking water for building occupants and the entire community. | Protects groundwater, water wells, and the water quality in municipal waterworks systems. |
| Private interceptor main sewers | Safely convey domestic wastewater, from multiple buildings, to the municipal sewerage system; installed on private property. | Current approval coordination between the DSPS and local officials prevents overloading of municipal sewerage systems and municipal wastewater treatment plants. |
| Grease/oil interceptors, garage catch basins, car wash interceptors | Remove materials that clog sewers and negatively affect wastewater treatment. | Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants. |
| Chemical waste drainage and treatment systems | Convey and treat caustic waste from laboratories, and neutralize such waste before discharge to municipal sewerage system. | Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants. |
| Mixed wastewater holding devices | Holds wastewater from industrial processes for removal and transport to specialized treatment facilities. | Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants. |
| Stormwater systems | Convey stormwater from buildings and grounds to safe place of disposal. | Protects waters of the state and municipal stormwater systems. |
| Stormwater/clearwater infiltration systems | Disperse stormwater and clearwater to surface or subsurface soils. | Protects waters of the state and municipal stormwater systems; and recharges groundwater. |
| Water treatment systems other than privately owned wastewater treatment systems, POWTS | Treat wastewater for reuse within buildings or on the property; for toilet flush water, turf irrigation, etc. | Protects groundwater and reduces loads on municipal waterworks, municipal sewerage systems, and wastewater treatment plants. |
| Alternate and experimental plumbing systems | Facilitate the use of new or innovative materials, products and methods within plumbing systems. | May reduce loads on municipal waterworks, sewerage systems, and wastewater treatment plants. |



Alliance for Regulatory Coordination

Avoiding overloads on municipal wastewater treatment plants is an important aspect of DSPS plumbing plan review. Before the DSPS approves a plan for a new private interceptor main sewer, which is to discharge to a municipal treatment facility, the designated planning or management agency must indicate conformance with the locally developed areawide water quality management plan meant to protect the waters of the State. Such efforts to avoid wastewater treatment plant overloads would be ended under this bill.

The state plan review program for individual plumbing components began forty-five years ago. In 1975, the impact of plumbing systems, not only on building occupants, but on entire communities, was recognized by public health and safety officials, as well as the State Legislature. Those impacts are just as important today as they were forty-five years ago.

The Alliance for Regulatory Coordination agrees that the problem is real; it takes too long to get plans reviewed by the Department of Safety and Professional Services. However, we believe the problem is primarily caused by a cumbersome appointment process, not by an overabundance of plan submittals. We see the Department making progress by reducing the number of duplicate plan review appointments and engaging in more outreach and communications with their customers. We applaud those efforts and encourage more.

We believe that the best way forward is for the DSPS to engage the Commercial Building Code Council and the Plumbing Code Committee in a project focused on solely on plan review. That project would include many industry practitioners and stakeholders from throughout the State. It would provide an opportunity to more thoroughly consider both process and policy changes.

Thank you for this opportunity to offer testimony on this Bill.

I would be happy to answer any questions you may have.

ARC members are listed on the following page.

Alliance for Regulatory Coordination

418 Blue Moon Drive, Verona, WI 53593

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Alliance for Regulatory Coordination

Classic Members

International Association of Electrical Inspectors, Wisconsin Chapter
International Brotherhood of Electrical Workers, Wis. State Conf.
National Electrical Contractors Association, Wisconsin Chapter
Northwest Wisconsin Building Inspectors Association
Plumbers Union Local 75
Plumbing-Heating-Cooling Contractors, Wisconsin Association
Plumbing Mechanical Sheet Metal Contractors Alliance
Sheet Metal Air Rail Transportation Local 18
Water Quality Association of Wisconsin
Wisconsin Code Officials Alliance
Wisconsin Electrical Trades Council
Wisconsin Fire Protection Coalition
Wisconsin State Fire Chief's Association
Wisconsin State Fire Inspectors Association

Associate Members

National Association of the Remodeling Industry, Milw. Chapter
Professional Fire Fighters of Wisconsin
Southwestern Wisconsin Building Inspectors Association
Wisconsin Electric Cooperative Association
Wisconsin Propane Gas Association
Wisconsin State Firefighters Association

Supporting Members

International Code Council

(h) All plumbing fixtures shall be installed so as to provide adequate spacing and accessibility for the intended use and cleaning.

(2) **BASIC REQUIREMENTS.** (a) Every building intended for human occupancy shall be provided with an adequate, safe and potable water supply.

(b) To fulfill the basic needs of sanitation and personal hygiene, each dwelling connected to a POWTS or public sewer shall be provided with at least the following plumbing fixtures: one water closet, one wash basin, one kitchen sink and one bathtub or shower, except a system or device recognized under ch. SPS 391 may be substituted for the water closet. All other structures for human occupancy shall be equipped with sanitary facilities in sufficient numbers as specified in chs. SPS 361 to 366.

(c) Hot or tempered water shall be supplied to all plumbing fixtures that normally require hot or tempered water for proper use and function.

(d) Where plumbing fixtures exist in a building that is not connected to a public sewer system, suitable provision shall be made for treating, recycling, dispersing or holding the wastewater.

(e) Plumbing fixtures shall be made of durable, smooth, non-absorbent and corrosion resistant material, and shall be free from concealed fouling surfaces.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85; correction in (3) made under s. 13.93 (2m) (b) 7., Stats; am. (2), Register, August, 1991, No. 428, eff. 9-1-91; am. (3), Register, March, 1992, No. 435, eff. 4-1-92; r. (7) and renun. (8) to (15) to be (7) to (14), Register, February, 2000, No. 530, eff. 3-1-00; am. (2), (7) and (12), r. and recr. (3) and r. (14), Register, April, 2000, No. 532, eff. 7-1-00; CR 01-139; am. (3) Register June 2002 No. 558, eff. 7-1-02; CR 02-002; r. and recr. Register April 2003 No. 568, eff. 5-1-03; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter II — Administration and Enforcement

SPS 382.20 Plan review and cross connection control assembly registration. (1) **GENERAL.** Plans and specifications shall be submitted to the department or to an approved agent municipality for review in accordance with pars. (a) and (b).

Note: The Department forms required in this chapter are available from the Division of Industry Services at P.O. Box 7162, Madison, WI 53707-7162; or at telephone (608) 266-2112 or (877) 617-1565 or 711 (Telecommunications Relay); or at the Division's Web site at <http://dps.wi.gov/programs/industry-services>.

(a) **Department review.** Plumbing plans and specifications for the types of plumbing installations, except direct replacements, listed in Table 382.20-1 shall be submitted to the department for review, regardless of where the installation is to be located. A municipality shall be designated as an agent municipality in accordance with sub. (2). Written approval for the plumbing plans shall be obtained prior to installation of the plumbing.

(b) **Department or agent municipality review.** 1. Plumbing plans and specifications for the types of plumbing installations, except direct replacements, listed in Table 382.20-2 shall be submitted for review to an agent municipality, if the installation is to be located within the agent municipality or to the department, if the installation is not to be located within an agent municipality. A municipality shall be designated as an agent municipality in accordance with sub. (2). Written approval for the plumbing plans shall be obtained prior to installation of the plumbing.

Note: For a listing of agent municipalities, see ch. SPS 382 Appendix A-382.20 (2).

Note: The number of plumbing fixtures to be submitted and reviewed by an agent municipality is a subject of local ordinances.

2. Plan review and approval of one- and 2-family dwellings. Review and approval of plumbing plans for one- and 2-family dwellings shall be in accordance with the provisions specified in s. SPS 320.09.

(c) **Cross connection control assembly registration.** The installation of each reduced pressure principle backflow preventer, reduced pressure fire protection principle backflow preventer, spill resistant vacuum breaker, reduced pressure detector fire protection backflow prevention assembly or pressure vacuum

breaker shall be registered with the department no later than 7 days after installation of the assembly.

Table 382.20-1

Submittals To Department

| Type of Plumbing Installation |
|--|
| 1. All plumbing, new installations, additions and alterations, regardless of the number of plumbing fixtures involved, serving hospitals, nursing homes and ambulatory surgery centers. ^a |
| 2. Plumbing, new installations, additions and alterations involving 16 or more plumbing fixtures, serving buildings owned by a metropolitan or sanitary sewer district. ^b |
| 3. Plumbing, new installations, additions and alterations involving 16 or more plumbing fixtures, serving buildings owned by the state. ^b |
| 4. Alternate and experimental plumbing systems. |
| 5. Reduced pressure principle backflow preventers, reduced pressure fire protection principle backflow preventers, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, and spill resistant vacuum breakers serving health care and related facilities. |
| 6. Stormwater and clearwater infiltration plumbing systems serving a public building or facility. ^c |
| 7. Treatment systems, other than POWTS, designed to treat water for compliance with Table 382.70-1. ^c |

^a The registration of cross connection control devices as required under s. SPS 382.20 (1) (c) is included as a part of plan review and approval.

^b For the purpose of plan review submittal, water heaters, floor drains, storm inlets, roof drains, multi-purpose piping (mpp) fire sprinklers and hose bibbs are to be included in the count.

^c Agent municipalities may perform this review when so authorized by the department.

Table 382.20-2

Submittals To Department Or Agent Municipality

| Type of Plumbing Installation |
|--|
| 1. New installations, additions and alterations to drain systems, vent systems, water service systems, and water distribution systems involving 16 or more plumbing fixtures to be installed in connection with public buildings. ^{a,b} |
| 2. Grease interceptors to be installed for public buildings. |
| 3. Garage catch basins, carwash interceptors and oil interceptors to be installed for public buildings and facilities. |
| 4. Sanitary dump stations. |
| 5. Piping designed to serve as private water mains. |
| 6. Water supply systems and drain systems to be installed for manufactured home communities and campgrounds. ^c |
| 7. Piping designed to serve as private interceptor main sewers greater than 4 inches in diameter when sized for gravity flow. |
| 8. Chemical waste systems regardless of the number of plumbing fixtures. ^c |
| 9. Stormwater systems, not including infiltration plumbing systems, serving a public building or facility where the drainage area is one acre or more. ^d |
| 10. Mixed wastewater holding device. |

^a For the purposes of plan review submittal, water heaters, floor drains, storm inlets, roof drains, multi-purpose piping (MPP) fire sprinklers and hose bibbs are to be included in the count. For a phased project such as a mall or office complex fixture count includes all proposed fixtures connected to a common building sanitary sewer, a common water service and all storm sewers serving the building.

^b For the purpose of plan submittal, public buildings do not include zero-lot-line row houses where each living unit is served by an individual water service and an individual building sewer.



**2019 Senate Bill 820
February 19, 2020**

**Jeffrey J. Beiriger
Executive Director**

Plumbing Heating Cooling Contractors – Wisconsin Association

My name is Jeff Beiriger and I am the Executive Director of the Plumbing Heating Cooling Contractors – Wisconsin Association and the Master Plumbers Association of Wisconsin.

The simple fact is that plumbing plan review times are too long. They've been that way for too long. The industry is looking for review times in the 4-6 week range. More recently, we've been out 10-12 weeks. The net effect is a bottleneck on the construction industry and the state's economy.

A few years back, we also experienced something like this. When that happened, the Department of Safety & Professional Services announced that plumbing contractors could proceed with underground plumbing before plans were approved. It was an option, but one that came with great risk to plumbing contractors who might avail themselves of this option. What if the plan wasn't ultimately approved? Who would be responsible for having to break a concrete floor to move a section of pipe?

This time, the DSPS has done a better job of reaching out and working with the industry. When we came to the table, the plumbing industry offered several suggestions as to how to solve the plan review problem. We didn't have any strong investment in any

one suggestion, nor did we think we should limit our thinking to a one-at-a-time approach to solving the problem.

When we brought up fixture counts as one possible solution, what we knew is that we weren't going to be able to solve the problem by getting more people to handle the workload. The only choice would be to look for ways to reduce the amount of work being done by the people who are already there. Changing the fixture counts isn't something we really want to do. But neither is waiting 12 weeks for a plan.

At the time we presented this option, we didn't know, and still don't know, what effect a change in plumbing plan review requirements will have. Will it reduce plan review waiting times by a week? Two weeks? Four weeks? And what effect will a change have on public health and safety? It's hard to see how it might make things better, so the question is how much might be compromised by making a change?

We've had a couple of robust years in the industry and 2020 is looking to be another one. The Department probably could use another person and the industry would be supportive of that, particularly because plan review is funded by program revenue, not general revenue. Ask one of our contractors if they would pay a little more to get plans reviewed more quickly and the answer would be "yes."

When a plumbing plan review is delayed, the entire project backs up. Even if other trades continue to work, the installation of plumbing when sheet rock has been installed or electrical wires have been run will cause the project budget to swell. If developers see long lead times for construction or higher prices for their projects, they may choose to not move forward. That's a significant negative effect resulting from extended times for plan reviews. This is a very real, very important issue.

So, despite so many questions about SB 820, there is also a need for action. There's a way to address those questions, but we are in a time when legislation has become the more expeditious way to change a rule. In a perfect world, our Plumbing Code Advisory Committee would be asked to weigh in on this issue and tailor a thoughtful response. In a few months, we could discuss and craft language that would work and the rule could be changed. But we can't have that process drag out for possibly as much as another 30 months. That's three full building seasons and that's too long.

The DSPS has some ideas. Maybe they'll work. Maybe delegation of plan review will work. Maybe privatization will work. Maybe there's another idea out there yet that will work better than anything we've thought of yet.

And maybe increasing fixture counts will work. It's an option. And everything should be on the table.

For more information:

Jeffrey J. Beiriger
Executive Director

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February 19, 2020

TO: Senate Committee on Economic Development, Commerce and Trade

FR: Mike Tierney, Legislative Liaison

RE: Senate Bill 820 Relating to: examination of building plans for public buildings, public structures, and places of employment; examination of plumbing plans; and requiring the exercise of rule-making authority.

Mr. Chairman and Committee members,

Thank you for the opportunity to testify on Senate Bill 820.

We are just a month into Secretary-designee Crim's comprehensive overhaul of the agency's longstanding plan review process and the Department of Safety and Professional Services is making progress on shortening wait times for customers. While this represents a culture shift for both our customers and our staff, tangible, positive results are already being realized.

Secretary-designee Crim worked closely with staff as well as legislative and industry partners to identify the biggest barriers to faster plan review, and we were deliberate about the changes we implemented. The changes have already resulted in improved plan review turn around particularly in plumbing plan review.

- Since Feb 1st over 140 complete plans with current request dates have been advanced from one week to two months depending on contractor need.
- The Department shifted plan readiness evaluation from the plan reviewers themselves to plan schedulers, who work closely with customers to identify and procure required information and materials. This move is enabling plan reviewers to spend more of their time on plan review itself instead of related administrative tasks, and it enables schedulers to better identify project readiness prior to scheduling.
- Initial process changes included promoting plan completeness, working with contractors farther in advance to ensure complete submissions and removing projects from the schedule if they indicated that they would not be able to provide a complete submission in time for their appointment. When plan scheduling staff members thoroughly evaluated the projects already in the calendar, they were able to identify and remove cancelled projects, duplicate bookings, and slots held without complete plan submission. In plumbing plan review alone, the team cleared more than 1,000 hours off the schedule. This enabled staff to move up the review for projects with complete plans on file. Additionally, staff contacted every submitter with a scheduled plan and provided them the opportunity for an earlier review.
- We started this process in December 2019 with appointments scheduled out 5 months. While some submitters choose to schedule in advance for their own convenience, I am pleased to share that

customers with complete plumbing plans can expect decisions within four to five weeks from the time of initial contact. This is a marked improvement from last year. Complete plans will result in faster review.

While the information above pertains to gains being made in the plumbing plan review process, we expect similar results to be seen with commercial plan reviews as well.

While the Department supports the conversation that is taking place around what is appropriate, we cannot support the current proposal. We are excited to continue conversations that lead to sustainable process improvements. That is why Secretary Crim has directed the Commercial Building Code Council and the Plumbing Code Advisory Committee to review submission thresholds using a risk-based approach that prioritizes public safety and to make recommendations. The building codes are complex and by utilizing the statutorily created code councils the department believes government and industry can come to a consensus that ensures timely review while prioritizing public safety. We anticipate that the Commercial Building Code Council will next meet in March.

Thank you for the opportunity to testify on this proposal.



Department of Neighborhood Services

Erica Lewandowski
Commissioner

Thomas Mishefske
Operations Director

Michael Mazmanian
Operations Director

February 19, 2020

Senator Dan Feyen (Chair)
Senate Committee on Economic Development, Commerce and Trade

Dear Senator Feyen,

On October 15, 1914, the Industrial Commission of Wisconsin established a statewide code for construction of places of employment or public buildings. Building codes and have evolved over the past century, and this evolution often results from the examination of a loss of life event.

The International Code Council develops codes through a consensus process. With modifications, Wisconsin currently adopts the 2015 International Building Code, 2015 International Energy Conservation Code, 2015 International Mechanical Code, 2015 International Fuel Gas Code, and the 2015 International Existing Building Code.

Senate Bill 820 has the effect of moving backwards with respect to protecting the health, safety, and welfare of the public and employees. The plan review process is an essential element to ensure structures are designed to protect the health, safety, and welfare of the public and employees.

The City of Milwaukee conducts plan reviews of designs submitted by many licensed architects and registered professional engineers. Issues of non-compliance with the code are identified through this review process. While still lines on paper, as opposed to identifying the issues of non-compliance at the time of field inspection, these issues of non-compliance take significantly less time to correct and at a lower cost. The savings in both time and expense to construct a compliant structure provides a direct benefit to the designer, builder, owner, public and employees.

Senate Bill 820 is designing a repair to a process issue. Exempting structures from plan review to address a process issue is a lasting change for a temporary problem.

Senate Bill 820 addresses one issue while failing another.

The benefits gained through the plan review process would be lost to those exempted by Senate Bill 820.

Therefore, the City of Milwaukee opposes Senate Bill 820.

Sincerely,

Erica Lewandowski
Commissioner of Building Inspection



Thank you. My name is John Eagon. I have been a registered architect in the State of Wisconsin since 1980.

During the period of 1979 to 1995 I was an employee of the State of Wisconsin in what is now the Department of Safety and Professional Services, Industry Services Division. When I left the State in 1995 I was a Bureau Director classified, by the Wisconsin Personnel Commission: over the objection of the Wisconsin Department of Personnel, at the State's highest architect/engineer manager level. This is the same classification as the top architect and engineer in the Wisconsin Departments of Administration and Transportation.

EXAMPLE of profession: size of cell vs bedroom

I am appearing here today in support of the concept that DSPS should not be required to review all building plans for projects in the State. I also support the concept that reducing the number of plans required to be reviewed will free up staff time to perform other needed functions such as quicker turnaround time for plan review, preliminary plan reviews, training and monitoring of programs. I do not support the approach that the size of a building should be used to determine whether or not plans should be reviewed. The plan review function is a quality control function, DSPS is essentially checking the quality of work product that a designer produces: not the size of the product. Issues relating to energy conservation and accessibility are often found on small projects.

Building code regulations are enforced by public building code officials after a building design has been completed by the design professional. This is the opposite of the currently accepted method used to assure quality. An acceptable quality control program will assure a building design meets standards before it leaves the office where it is created. Once a signed and sealed plan set leaves a designer's office, the plan should not have to be reviewed again for code compliance. Plans that are submitted from design offices with a record of code compliant plans should be the basis of determining whether or not a plan review is warranted; not size of plans. My experience has been that many designers consistently submit code compliant plans, and while in preliminary design ask questions if unsure of how a code is to be applied.

EXAMPLE: Original switch to signing plans to reviewer.

The designer quality control process could be through a recognized independent private organization that does not have any actual or potential conflict of interest (and is not affiliated with or influenced or controlled by any producer, supplier, designer, owner or vendor of plans in any manner which might affect its capacity to review; plans, specifications, and calculations; and prepare reports of findings objectively and without bias). The independent reviewer should be a Wisconsin registered design professional as well as a certified commercial building inspector. Many municipalities currently use such organizations to perform the plan reviews for their municipality. I work with some of them.

EXAMPLE working relationship with municipalities

Most building regulatory processes have two separate programs; plan review and inspection. The plan review program assures the quality of design and the inspection program assures the quality of construction. Inspections are conducted in Wisconsin by individuals with a commercial building inspection certification, a quality check on the building design will automatically take place as the building is constructed.

Over the past few decades Wisconsin has developed a high number of qualified commercial building inspectors working with certified municipalities. When DSPS develops a method of accepting drawings from qualified design professionals without DSPS review, those permitting plans should be able to be submitted directly to certified municipalities, further freeing up DSPS staff time. This may require that the current upper limitation on cubic footage, now 50,000 cu. ft. for new buildings and 100,000 cu. ft for alterations be raised for certified municipalities.

I would suggest that rather than using cubic feet, that the statute be changed to square footage, as all building code requirements are expressed in square footage. Using the 200,000 cu ft stated in this bill as a benchmark I would recommend changing to 20,000 sq. ft. for both new and alterations.

The 50,000 cu. ft. established for when a design professional is needed should remain as cubic feet as building height should be considered for structural and multi-level buildings

EXTRA STAFF TIME:

With the reduction of number of plans required to be reviewed, the DSPS staff time could be shifted to improve related enforcement programs. I would recommend

Position to coordinate; training, monitoring, complaint investigation; of certified municipalities.

Position to coordinate with regulation and licensing to improve problem designers through education and monitoring.

Position to work with Commercial Building Code Council to improve problem inspectors through education and monitoring.

SPECIFIC SECTION EVALUATION of SB 820:

SECTION 1: Acceptable

Section 2: Acceptable

Section 3: Modify to allow department to accept plans without review from a design professional firm with an acceptable quality assurance program. (this could be done through regulation and licensing if needed)

Modify section to allow DSPS or certified municipalities to accept independent review of plans for permitting purposes.

Increase certified municipality limits to 20,000 sq. ft. in s 101.12(3)(b)

Section 4: on fee should be eliminated; chronic violators should be referred to Regulation and Licensing. Fees have not been a deterrent in the past; they are passed on and are a cost of doing business.

Don't know if "appointment" is defined or referred to in statute

Section 5: rework plumbing so it's similar to section 3 above.

Section 6: No position

WISCONSIN PIPE TRADES ASSOCIATION

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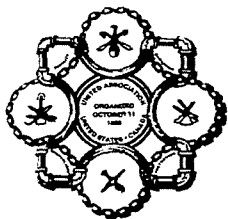
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To: Chairman Feyen and member of the Senate Committee on Economic Development, Commerce and Trade

RE: Opposing passage of SB-820, relating to the examination of building plans for public buildings, public structures, and places of employment; examination of plumbing plans; and requiring the exercise of rule-making authority.

Thank you Chairman Feyen and members of the Senate Committee on Economic Development, Commerce and Trade for the opportunity to provide our comments on SB-820. At this time, we oppose the passage of this bill.

SB-820 greatly increases the cubic foot and plumbing fixture thresholds that trigger a DSPS review of building plans for commercial buildings. We understand that there is lead time associated with DSPS plan reviews and support the investigation of ways to reduce that lead time. However, we would rather see a dialogue and process through the Commercial Building Code Council at DSPS to determine what threshold makes sense. It will also be easier to adjust in the future through the code process rather than legislation.

Generally speaking, we support policy changes that are grounded in discussion and consultation with industry stakeholders. There could be very specific building types and intended applications that might warrant a different plan review threshold, but we cannot support such a large blanket increase that doesn't take the construction materials or building's use into account.

Thank you again for the opportunity to provide comment on this bill. We look forward to working with the authors, DSPS and other stakeholder groups on the best solution.

Terry Hayden

President, Wisconsin Pipe Trades Association