



July 19, 2022

TO: Legislative Council Study Committee on the Commercial Building Permitting Process

FR: Michael Tierney, Legislative Liaison Department of Safety and Professional Services

Dear Study Committee members,

My name is Mike Tierney. I am the Legislative Liaison for the department. I am joined here today by Division of Industry Services Administrator Branden Piper.

I would like to start out with a general overview and then have DA Piper provide more details regarding the plan review process, plan volume, and timelines.

When Vince Lombardi took the helm of the Green Bay Packers in 1959, he inherited a team that posted losing records for more than a decade and, in the 1958 season, posted the worst record in team history. Yet, the team with the worst record had all-pro talent – Starr, Hornung, Ringo, Nitschke, Dillon, Ford, McGee and others.

When Secretary Crim was appointed, there was all-pro talent in the Division of Industry Services, but we inherited a plan review system that was broken and had been broken for some time. She walked in the door to find that 15-week turnarounds for plan review had been occurring under the prior administration.

Submitters were blocking out multiple plan review dates without knowing for certain when, or even if, they would have actual plans ready for review. Because of this, other submitters looked at the department website for the next available plan review date and were misled into believing the next available date for a plan review could be 12 weeks or more away. Submitters, for smaller firms especially, would believe the calendar and schedule reviews further out than necessary. Submitters would also call individual plan reviewers to schedule plans. This resulted in further delays for other customers who had been waiting for a review date to open.

In 2019, I attended a meeting regarding plan review timelines with Senator LeMahieu and Mr. Klessig who serves on this committee. In that meeting Mr. Klessig spoke about the need to have more plan reviewers on staff. Unfortunately, it became clear that staff approvals, in the volume necessary to make the old system work, would not be approved.

During a subsequent meeting held in Senator Roth's office in 2019 with Department staff and industry leaders, Secretary Crim asked those industry leaders what, to them, were acceptable timelines for plan review completion. The answer was 4 to 6 weeks.

We very much appreciated that during that meeting Senator Roth acknowledged that commercial plan review issues had existed for a long time. After that meeting the Department stopped attempting to

defend and fix a system that was inherently flawed – it was time to institute a new plan that would consistently meet or exceed customer expectations.

Secretary Crim ordered a comprehensive review of plan review procedures in 2019 and again asked industry stakeholders for their ideal timeframe for plan reviews to be completed. The response was consistently 4 to 6 weeks. She attended multiple meetings with industry representatives and our Division of Industry Services staff and approved substantive changes that were made effective at the start of calendar year 2020.

We got rid of the scheduling calendar, we now triage plans, and plan reviewers no longer self-schedule or are picked by submitters. Today, our customers routinely and consistently receive a level of service that, as recently as 2019, they had to pay extra to receive.

As a result of the changes put into place by Secretary Crim at the beginning of 2020, review of complete plans took 3 to just over 5 weeks over the course of 2020. Notably, requiring electronic submission of plans was a vital component in keeping the construction industry going during the pandemic and resulted in substantial cost savings for submitters during a stressful time. We now have a dashboard that shows the number of days required for a complete plan to be review once submitted.

Since implementing these changes, we have heard from some stakeholders who want to go back to a process where they could pick their own reviewer. We have heard the argument that they have developed relationships with reviewers in the past and would like for that to continue.

We need to be clear that plan reviewers are regulators and should have professional, not personal, relations with persons who submit plans for review. It should not matter who is reviewing a plan. If a reviewer is going beyond code requirements, then we need to know about it and take corrective measures. Likewise, if a reviewer were to be lax, we need to take corrective measures as well.

Ethically, we must recognize that plan reviewers are members of a regulatory agency. The relationships that they have with customers must be professional and detached. Pick your reviewer is simply not a best practice.

It is true the Department does receive contacts from legislative offices regarding plan review issues, but those issues now rarely involve the plan review timelines provided by the Department. Instead, contacts now focus on providing emergency reviews, submittal of incomplete plans, variance and equivalency issues, and frustrated building/property owners seeking confirmation on when plans were truly submitted by firms they hired for their project. For commercial building plans, this is where the assigned DIS number is critical.

Just as an area code tells you where a phone number is located, or was issued, and the first three digits of a social security number tell you in which state a person was born, the DIS number gives you vital information immediately. The first two digits are the month the plan was submitted, and the second two digits are the year. I would stress for anyone that is being told by a submitter that there are “DSPP delays” that they first insist on being provided the DIS number by the submitter.

I have appeared before three legislative committees where testimony was offered regarding plan review delays and subsequently debunked. One gentleman said a plan was delayed for the better part of a year largely due to a plumbing plan approval. There was not a plumbing plan approval involved with his

project. As it turned out when submission was made and approved within timelines, the building use changed, and a revision was submitted and approved within timelines. In another hearing, a plumbing company said their plan reviews were taking longer than ever, but upon review that was not borne out by the facts. In another hearing, testimony was provided saying plans should be done in 6 to 8 weeks but were more often taking 10 to 12 – contrary to all available data.

Prior to this hearing, we were asked to provide information on submissions made by the Keller Company. In the last year, the company submitted 21 plans. Sixteen of those have been completed with 15 being within 30 days. Of the sixteen, 6 required additional information and of those, 4 went beyond 30 days. On average the plans submitted for the Keller Company over the last year averaged 24.60 business days.

When addressing substantive changes to codes and plans that must be subject to review, the Department feels such changes are best addressed by the respective code councils that are affiliated with the Department. Most recently, the code council met to go through the most recent version of the International Building Code for commercial structures to determine which portions to adopt by reference and which portions to modify with Wisconsin specific standards. Unlike some other states which essentially automatically adopt new codes shortly after they are released, Wisconsin has had a process in place that gives stakeholders a voice and substantial influence on the process.

It is also vital to remember, for the safety of residents who work-in and otherwise spend time in commercial buildings, that the designers and architects who design the structures and create the plans are human and make mistakes. These mistakes are made much more often than most people realize and are ideally caught when there is a fresh set of eyes at the Department looking at the plans submitted for review rather than when construction is underway, and inspections discover flaws that must be corrected at a high cost.

Our Division of Industry Services does track the respective types of plans that are submitted with errors and omissions. Roughly 30 to 35% of plans will require additional information. Of the plans that pass the triage process and go to a reviewer, there are significant numbers of plans that are found to be flawed. For elevators, roughly 40% of the plans submitted are faulty and require intervention by plan reviewers, for commercial buildings the figure is 50%, and for plumbing the figure is 60%.

In conclusion, today we have a system in place that allows submitters to have confidence. If you have plans to break ground and build a commercial structure in our state, all you need to do is focus on getting your plans done and submitted. You no longer need to look at a dysfunctional calendar on the Department website and stress over how you may fit into the que. You simply focus on getting your plans submitted to the Department.

Lombardi often spoke of the pursuit of perfection. He knew perfection was not attainable, but he knew if you pursued perfection then you could achieve excellence. Our Department and Division of Industry Services pursues perfection every day. By any reasonable standard when you look at plan submittals made since we revamped our system, a standard of excellence is being achieved.

Thank you. I will now turn things over to DA Piper.

Division of Industry Services Plan Review

Current Plan Submittal Volume

See the below plan review submission data to help estimate the timeline for your DSPS plan review. Data is updated monthly.

	No. of Plan Reviews Submitted			Elevators
	Commercial Building	Plumbing	POWTS	
January	605	188	218	81
February	686	227	192	70
March	834	323	279	59
April	707	285	292	48
May	742	268	427	64
June	741	276	425	65

Estimated Review Response Time		
	Plumbing	POWTS
No. of Business Days	29	7
		Elevators
		20

<https://dps.wi.gov/Pages/Programs/PlanReview/Default.aspx>

Month	Commercial Buildings											
	Total Plans 2011	Total Plans 2012	Total Plans 2013	Total Plans 2014	Total Plans 2015	Total Plans 2016	Total Plans 2017	Total Plans 2018	Total Plans 2019	Total Plans 2020	Total Plans 2021	Total Plans 2022
January	452	504	520	503	541	691	703	641	663	623	775	605
February	372	465	428	514	552	567	662	512	483	542	861	686
March	522	533	541	496	691	708	728	742	672	598	783	834
April	541	523	606	706	785	728	759	615	720	689	651	742
May	496	830	698	702	735	724	872	796	652	620	651	742
June	658	689	612	663	723	748	915	702	585	654	628	0
July	658	689	690	821	839	731	763	649	584	766	589	0
August	657	581	681	697	705	821	811	766	623	371	575	0
September	621	572	624	707	730	735	637	566	626	371	656	0
October	571	721	737	751	754	780	754	691	750	666	604	0
November	512	582	578	648	584	685	728	663	622	831	567	0
December	401	440	398	426	499	471	513	550	418	845	547	0
year end total	6441	7129	7113	7634	8118	8389	8845	8103	7408	7828	7851	3574
Plumbing												
Month	Total Plans 2011	Total Plans 2012	Total Plans 2013	Total Plans 2014	Total Plans 2015	Total Plans 2016	Total Plans 2017	Total Plans 2018	Total Plans 2019	Total Plans 2020	Total Plans 2021	Total Plans 2022
January	152	169	138	158	180	212	276	292	238	346	187	188
February	120	162	141	147	163	224	221	278	229	275	198	227
March	160	168	152	181	212	243	256	325	243	334	286	323
April	165	167	188	249	253	271	231	345	326	307	307	285
May	184	245	261	275	275	284	266	308	283	293	320	268
June	258	257	226	264	317	273	269	306	192	270	259	0
July	183	233	230	292	284	260	232	322	184	241	239	0
August	217	202	184	200	314	364	300	348	166	244	282	0
September	185	174	180	268	261	270	268	293	161	259	296	0
October	206	228	299	274	284	320	320	281	254	238	198	0
November	176	186	174	156	279	345	292	241	163	154	156	0
December	127	126	133	116	177	195	209	208	184	199	183	0
year end total	2133	2317	2306	2580	2999	3301	3140	3547	2623	3189	2911	1291