

CR 12-007

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY
DEPARTMENT OF SAFETY AND : AND PROFESSIONAL SERVICES
PROFESSIONAL SERVICE : ADOPTING RULES
:(CLEARINGHOUSE RULE NUMBER 12-007)

The Wisconsin Department of Safety and Professional Services proposes an order to repeal SPS 305.02 Table 305.02 lines 50r. to 50t., SPS 305.06 Table 305.06 lines 45r. to 45t., SPS 305.125 (3m), SPS 305.74 to 305.743 relating to thermal insulator credentials.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: ss. 101.02 (1), 227.10 (1) and 227.11 (2) (a), Stats.

2. Statutory Authority

Statutory Authority: ss. 101.02 (1), 227.10 (1) and 227.11 (2) (a), Stats.

3. Related Statute or Rule

None

4. Explanation of Agency Authority

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on and after July 1, 2011, only individuals licensed as insulation mechanics or working under the supervision of licensed insulation mechanics may install or maintain thermal system insulation. Thermal insulation was statutorily defined as a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including a pipe, duct, valve, boiler, flue, or tank, or equipment on or in a building. Act 16 direct the department (then, the Department of Commerce) to implement these credentialing rules which the department did under Clearinghouse Rule number 11-090. Subsequently, 2011 Wisconsin Act 32 repealed s. 101.136, Stats.

5. Plain Language Analysis

The proposed rules repeal the credentialing procedures established for thermal system insulators under s. 101.136, Stats., as mandated under 2009 Wisconsin Act 16. The proposed rules eliminate the credentials for thermal insulation mechanics, thermal insulation apprentices and thermal insulator helpers, under section SPS 305.741, 305.742 and 305.743.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An internet search on U.S. federal regulations and U.S. federal register yielded no results regarding the licensing of thermal insulators.

7. Comparison with Rules in Adjacent States

An Internet-based search of thermal insulation mechanic licenses in the states of Illinois, Iowa, Michigan and Minnesota found that none of the states have specific rules or programs regarding these types of licenses.

8. Summary of Factual Data and Analytical Methodologies

The proposed rules were developed in light of 2011 Wisconsin Act 32 which repealed s. 101.136, Stats.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Analysis

The proposed rule action follows the direction provided by 2011 Wisconsin Act 32 in repealing s. 101.136, Stats., and therein, eliminating the mandate for thermal insulator credentials.

10. Effect on Small Business

Originally, it was estimated that the credential rules implemented pursuant to 2009 Wisconsin Act 16 regarding thermal insulators would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors. Fees for the various credentials ranged from \$15 for apprentices and helpers to \$250 for mechanics. In light of the 2011 Wisconsin Act 32, the thermal insulator credentials were not implemented and the associated fees not collected.

11. Agency Contact

James Quast, Program Manager, jim.quast@wi.gov, (608) 266-9292

12. Public Hearing Comments

The hearing record on this rule will remain open until February 20, 2012. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wi.gov.

SECTION 1. SPS 305.02 Table 305.02 lines 50r. to 50t. are repealed.

SECTION 2. SPS 305.06 Table 305.06 lines 45r. to 45t. are repealed.

SECTION 3. SPS 305.125 (3m) is repealed.

SECTION 4. SPS 305.74 to 305.743 are repealed.

SECTION 5. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Secretary

DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES