



**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Joint**

(Assembly, Senate or Joint)

**Committee for Review of Administrative Rules ...**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD: Contact through relay

Jim Doyle, Governor  
Aaron Olver, Secretary

August 31, 2010

Robert Marchant  
Senate Chief Clerk  
B20 Southeast, State Capitol  
P.O. Box 7882  
Madison, Wisconsin 53707-7882

Patrick Fuller  
Assembly Chief Clerk  
Room 401  
17 West Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 10-090

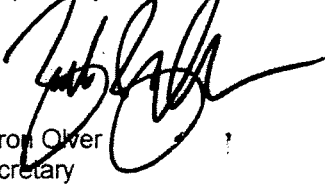
RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

  
for Aaron Olver  
Secretary

August 31, 2010

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53707

Representative Michael Sheridan  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53708

Dear Senator Risser and Representative Sheridan:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 10-090

RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

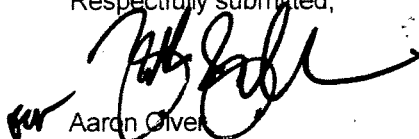
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

  
for Aaron Olver  
Secretary



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD: Contact through relay

Jim Doyle, Governor  
Aaron Oliver, Secretary

August 31, 2010

Bruce Hoesly, Code Editor  
1 East Main Street, Suite 200  
Madison, Wisconsin 53703

Dear Mr. Hoesly:

## NOTIFICATION OF RULE REFERRAL

This letter is to notify you that pursuant to section 227.19, Stats., the Department of Commerce has referred:

CLEARINGHOUSE RULE NO.: 10-090

RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

to the presiding officers of the Senate and Assembly of the Legislature for referral to the appropriate standing committees for Legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron Oliver". The signature is written in a cursive style and is positioned above the printed name and title.

Aaron Oliver  
Secretary

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 10-090

RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules to amend Chapter Comm 5 will not have a significant impact on a substantial number of small businesses. The proposed rules implement the mandates imposed by 2009 Wisconsin Act 16 regarding the credentialing of thermal insulators. The Act affects individuals involved in the installation, alteration and maintenance of thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The Department does not believe the rules will increase the effect on small businesses more than that imposed by the Act.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

*(Continued on reverse side)*



# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 10-090

Rule No.: Chapter Comm 5

Relating to: Thermal Insulator Credentials

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Jim Quast

Name Jim Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

Telephone Number (608) 266-9292

1. Basis and purpose of the proposed rule.

The basis of the proposed rules is ss. 101.02 (1) and 101.136, Stats., as created by 2009 Wisconsin Act 16. The proposed rules implement the licensing mandates imposed by 2009 Wisconsin Act 16 relating to persons installing, altering or maintaining thermal system insulation used in a heating, ventilating, cooling, plumbing or refrigeration system. The Act requires licensure by July 1, 2011.

2. How the proposed rule advances relevant statutory goals or purposes.

Sections 101.02 (1) and 101.136, Stats., grants the Department of Commerce authority to promulgate rules to establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. For consistency, the proposed rules are modeled after other credentialing requirements for other construction trades. In addition, the proposed rules reflect the statutory provisions of s. 101.136, Stats.

Also, the Department has broad statutory authority to protect public health, safety and welfare with respect to public buildings, places of employment and mechanical devices. These statutory references include ss. 101.02 (1) and (15), 101.1, and 101.17, Stats.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

The rules analysis and fiscal estimate materials have been revised to reflect a lowering of the fee for the thermal insulator mechanic's license from \$500 to \$250 in anticipation of the more people obtaining the credential under the provisions of s. Comm 5.741 (1) (c).

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chapter Comm 5 DATE: August 11, 2010  
 RELATING TO: Thermal Insulator Credentials TIME: 1 p.m.  
 LOCATION: 3rd Floor Conference Room, #3B CITY: Madison, WI  
 Thompson Commerce Center

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Tommy Walker	HEAT + FAST INSUL. LOCAL #19	Pewaukee, WI	✓		
Jim Spinks	Dido	Dido	✓		
[Signature]	" " " "	" "	✓		
[Signature]	" " " "	" "	✓		
Erwin Popper	Dido	Dido	✓		
John [Signature]	" " " "	" "	X		
Dennis Nygaard	Insulation, Inc.	River Falls, WI	X		
Steve A. Coleman	Heat + Fast Insulators	Pewaukee, WI	✓		
Rick Styton	Heat + Fast Insulators	Oregon, WI	✓		
Max Gies	Local 19	Pewaukee, WI	X		
[Signature]	Insulators 19	" "	✓		
[Signature]	IFAW 19	Pewaukee	X		
[Signature]	Insulators 19	" "	X		
MARK WELBY	INSULATOR INT'L	WASH. D.C.	✓		
Speth Large	Insulators 19	West Bend, WI	✓		
[Signature]	Local 19	Fredonia, WI	X		
[Signature]	Insulators Local 19	Pewaukee, WI	✓		





**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1, Exhibit 1	Peter Lentz Plumbing Mechanical Sheet Metal Contractors Alliance 10427 W Lincoln Ave. Milwaukee, WI 53227	<p>a. Concerned with the rule making process as it relates to the Thermal System Insulation Council: 1) Only 3 of the members have been appointed; 2) the council has not met; and 3) the council has not been involved in the discussion of the rules.</p> <p>b. Opposes limiting the licensure to persons who have completed a heat and frost insulator apprenticeship. Requests Comm 5.741 (1) (b) and Comm 5.741 (5) (b) 2. be modified to include the sheet metal worker, the environmental service technician, the steamfitter/refrigeration fitter and the plumber apprenticeship programs recognized by the Department of Workforce Development.</p> <p>c. Believes the sunset provision of Comm 5.741 (1)(c) 2. is inconsistent with the statute.</p> <p>d. Requests the rules clarify what constitutes a "minor repair." Recommends that when a component of an existing heating, ventilating, cooling, plumbing and refrigeration system is repaired the insulation affected by the repair to that component is exempt as a minor repair.</p> <p>e. Requests the rules provide standards, criteria or guidance relating to the issuance of waivers for the license requirements and also address temporary emergency licenses.</p> <p>f. Objects to the license fee for insulation mechanics because it is high and would constitute a burden on the industry. If the license was expanded to include other trades as mentioned in b., the result would be more revenue at a lower fee to meet the projected cost of the licensing program.</p> <p>g. Opposes the penalty amounts because they are extraordinarily high. Recommends \$100 for first offense, \$500 for second and \$1,000 for third. Believes Comm 5.125 (3m) is unenforceable and probably unconstitutional.</p>	<p>a. By the statutes the 3 appointments do not constitute a quorum of the council. A working draft had been previously shared with the 3 appointed members. The department will schedule a meeting once a council quorum is established.</p> <p>b. Although the cited apprenticeships contain some training on insulating, the primary focus of these apprenticeships is on other aspects of their respective trades.</p> <p>c. The provision is based upon the Department's interpretation of s. 101.136 (6) (d), Stats.</p> <p>d. The proposed definition of "minor repair" covers this situation; the proposed definition does not identify the cause or the purpose of the repair, therein allowing flexibility for the various maintenance repair scenarios.</p> <p>e. The only "waivers" recognized by the rules are those proposed under s. Comm 5.741 (1) (c) 1. Temporary licenses are to be handled under the petition for variance process as for other credential types.</p> <p>f. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade. At this time, the fees were established to offset Department cost based upon an estimate of the number of individuals who may obtain the credentials.</p> <p>g. The forfeitures have been revised to reflect the statutory minimum of \$2,000.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
<b>Comments: Oral or Exhibit No.</b>	<b>Presenter, Group Represented, City and State</b>	<b>Comments/Recommendations</b>	<b>Agency Response</b>
Speaker 2, Exhibit 2	Jeffrey J. Beiriger Plumbing-Heating-Cooling Contractors - Wisconsin Association (PHCC—WI) 660 E. Mason Street Milwaukee, WI 53202	<p>a. Concerned with the lapsing of funds generated by licensing fees from the department to the state's general fund. Believes the fees should be high enough so the program is self supporting. Recommends increasing the helper fee from \$15 to about \$50, and not hiring the state thermal insulation inspector for at least a year.</p> <p>b. Considers the definition of "minor repair" as inadequate. Believes the intention of the language was to allow other trades to continue to perform repairs of the underlying mechanical system and to remove and replace the thermal system insulation as part of that repair. Indicates that the rule may create a situation where every call to a plumber would require a call to a thermal insulation mechanic as well, thus placing a burden on customers. Recommends adopting a dollar value standard for the value of the insulation work associated with the repair to the underlying mechanical system. In determining an appropriate dollar volume for "minor repair," suggests a contract dollar value in excess of \$5,000.</p> <p>c. Supports the broad "grandfathering" provisions in the rules and the continuing education requirements for those who are "grandfathered."</p> <p>d. Objects to the rule limiting the licensure to persons who have completed a heat and frost insulator apprenticeship. Believes the rule does not accurately reflect the language of 2009 Wisconsin Act 16 which allows any apprenticeship program that includes instruction in thermal system insulation.</p> <p>e. Concerned that the Thermal Systems Insulation Council has not been fully appointed nor has never met. Although the department can reject the council's recommendations, believes it is a violation of the spirit of 2009 Wisconsin Act 16 to not even seek the council's recommendations.</p>	<p>a. The proposed fees reflect the Department's estimate to offset its costs of administering the licensing aspects for thermal insulation as well as the thermal insulation inspector position created under the Act. The proposed fees are consistent with credentials of other programs.</p> <p>b. The Department believes that the proposed definition will allow repair or replacement of thermal insulation in various situations. Establishing a rigid dollar amount would be arbitrary and capricious from an administration and enforcement perspective.</p> <p>c. Support noted.</p> <p>d. See response under Lentz, speaker #1, b.</p> <p>e. See response under Lentz, speaker #1, a.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 3, Exhibit 3	Bruce Coleman Heat and Frost Insulators, Local 19 10728 South 92 <sup>nd</sup> Franklin, WI 53132	<p>Supports the ruling package with the following changes:</p> <p>a. Recommends the application fee should be at least \$50, the examination fee increased to \$100 and the apprentice and helper registration raised to \$50.</p> <p>b. Requests the forfeiture amounts be changed to reflect the statutory requirements in s. 101.136 (10), Stats., of not less than \$2,000 nor more than \$5,000 for each violation.</p> <p>c. Believes the definition for "minor repairs" is too broad. Requests that the definition be clarified to limit the repair to 1) a 3-foot section or less of thermal system insulation on a linear surface; 2) one piece of rigid duct board insulation measuring 2 feet by 4 feet (8 square feet total) on flat surfaces, ducts and breeching; and 3) a piece of blanket insulation measuring nor more than 4 feet in width by a maximum length of 2 feet (8 square feet total).</p> <p>d. Considers the hours of experience qualification for the thermal system insulation mechanic's license is too lax. Requests adding "has been primarily" instead of "includes" in Comm 5.741 (1) (c) 1. to ensure that only people with significant and substantial experience installing and altering thermal system insulation qualify for mechanic license.</p> <p>e. Requests deleting the antiquated word "indentured" to describe apprentice contracts in ss. Comm 5.742 (3) and (4) to reflect the changes made with the enactment of 2009 Wisconsin Act 291.</p>	<p>a. The proposed fees reflect consistency with other existing credentials under ch. Comm 5 and the Department's processing costs.</p> <p>b. The forfeitures have been revised to reflect the statutory minimum of \$2,000.</p> <p>c. See response under Beiriger, speaker #2, b.</p> <p>d. Comm 5.741 (1) (c) 1. is intended to recognize thermal insulation experience which may be acquired through a variety of avenues over time.</p> <p>e. The Department will be initiating another rule-making project shortly to address the references to "indentured" used throughout ch. Comm 5 so as to provide consistency.</p>
Speaker 4, Exhibit 4	Josh Garner Sheet Metal Workers, Local 18 2201 Springdale Road Waukesha, WI 53186	<p>a. Opposes the proposed rules because they would bar the work currently being done by sheet metal journeymen and apprentices. Points to insulating of the inside walls of ductwork for sound attenuation and thermal barrier and lagging work on industrial boilers, industrial piping and industrial duct in large commercial powerhouses.</p>	<p>a. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>b. Opposes the rules because the sheet metal workers apprentice program is not included. Believes the training is more than adequate for sheet metal workers to insulate and lag the work that they install and repair.</p> <p>c. Requests the appointments to the Thermal System Insulation Council be completed so the council can meet to develop language to protect the other trades, including sheet metal workers, who are performing thermal insulation work.</p> <p>d. Asks that the definition of thermal insulation be clarified and the grandfathering requirement be expanded to include all of the trades currently doing thermal insulation work.</p> <p>e. Concerned with how the rules, as written, would apply to a composite crew – a thermal insulator and a sheet metal worker – working together on a job.</p> <p>f. Believes the goal of the rule should be safety and energy conservation rather than precluding workers from earning a living at their given trade.</p>	<p>b. See response under Lentz, speaker #1, b.</p> <p>c. The Council is a statutory council with appointments made by the Governor. The Department will schedule a meeting with the council once enough appointments are made to constitute a quorum.</p> <p>d. It is unclear what problem exists with the statutory definition. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.</p> <p>e. The rules do not dictate the work of the various trades, but only whether a credential is needed for the installation of thermal insulation.</p> <p>f. This phase of the rule-making is focused on the credentialing aspects mandated by 2009 Wisconsin Act 16; energy conservation standards are covered by other codes such as the Commercial Building Code, chs. Comm 61-66.</p>
Speaker 5	Scott Olsen 544 Gately Terrace Madison, WI 53711	Supports improved quality control in insulation systems for buildings, HVAC and refrigeration systems.	Support noted.
Speaker 6	Brett Large Heat and Frost Insulators, Local 19 4577 Pleasant Valley Road West Bend, WI 53095	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Speaker 7	Roger LeClaire Heat and Frost Insulators, Local 34 P.O. Box 65093 St. Paul, MN 55165	Supports the rules with changes. Points to the 4-year heat and frost insulators apprenticeship program that trains mechanics in the proper application of thermal insulation to minimize mold and other problems. Comments similar to Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.

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Speaker 8, Exhibit 5	Richard Webber Heat and Frost Insulators, Local 49 2002 London Road Duluth, MN 55812	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman, and Speaker 7, Roger LeClaire. Distributed maps and photos.	See response under Coleman, speaker #3.
Speaker 9	Tim Elverman Heat and Frost Insulators, Local 19 1029 N. Jackson St. Milwaukee, WI 53202	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman, and Speaker 7, Roger LeClaire.	See response under Coleman, speaker #3.
Speaker 10	Mark P. Selby Insulators International Union 2431 Pro Tour Drive Belleville, IL 52220	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman, and Speaker 7, Roger LeClaire.	See response under Coleman, speaker #3.
Exhibit 6	Noble Nygaard Heat and Frost Insulators, Local 19 1067 Coulee Trail Roberts, WI 54023	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 7	Thomas Henling New Tech of Wisconsin 8214 Highway 14 Cross Plains, WI 53562	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 8	Roger Peot Insulation Industries Inc. W332 Delafield Road Oconomowoc, WI 53066	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 9	Rick Clayton Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.

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Exhibit 10	Tony Walter Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 11	Jake Johraski Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 12	Jim Spinks Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 13	Jimmy Mediano Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 14	Susan Nygaard Insolution, Inc. 1067 Coulee Trail Roberts, WI 54023	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 15	Rick Erickson Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 16	John Grodwiaker Heat and Frost Insulators, Local 19 Pewaukee, WI	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 17	Penny A. Coltal Heat and Frost Insulators, Local 19 207 Amory Street Fond du Lac, WI 54935	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.

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Exhibit 18	Craig Stevens Heat and Frost Insulators, Local 19 163 Franklin Place West Bend, WI 53095	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 19	Teresa Adkins Heat and Frost Insulators, Local 19 33 E. 3 <sup>rd</sup> Street Clintonville, WI 54929	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 20	Richard Van Roy Heat and Frost Insulators, Local 127 315 Swiss Hill Drive Green Bay, WI 54302	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 21	Ray Wipperfurth Firestop Plus 4852 Hwy DM DeForest, WI 53532	Supports the rules with the changes listed by Speaker 3, Bruce Coleman.	See response under Coleman, speaker #3.
Exhibit 22	Boyd A. Beranek Beranek Electric 1830 South Main Street Rice Lake, WI 54868 Via email	Opposes the rules because of the economic hardship that they put on small HVAC businesses. Points to the \$500 mechanic's credentialing fee that is 5 times the present HVAC contractor's license. Explains his business would need to have six employees obtain the thermal insulator mechanic license at a cost of \$3,000. Believes the proposed penalty is too high. Recommends the state inspector position be funded by those who benefit (building owners, public, etc.) from the inspection.	See response under Lentz, speaker #1, f.
Exhibit 23	William S Monfre Quality Insulators, Inc. 3142 S. Ridge Road Green Bay, WI 54307-0393	Supports the rules with changes. Believes the proposed fees for licensing and registration of persons installing or maintaining thermal systems insulation are grossly inflated. Requests the fees be reduced from \$500 to \$350.	See response under Lentz, speaker #1, f.



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Exhibit 24	Peter J Gauchel L&C Insulation, Inc. 3120 Airport Road La Crosse, WI 54602-2412	Supports the rules with changes. Comments similar to Boyd A. Beranek, Exhibit 22, and William S Monfre, Exhibit 23. Discusses the stress that the recession has put on the industry. Recommends the insulation mechanic registration be \$250 for the first 2 years of the program.	See response under Lentz, speaker #1, f.
Exhibit 25	Jack Miller Department of Commerce Division of Integrated Services 3824 N. Creekside Lane Holmen, WI 54636 Via email	Requests clarification be included in proposed Comm 5.74 (1) (2) (b) relating to the applicability of the rules when a building contains 1) one owner-occupied residence and two or more commercial uses; 2) one commercial use and two residential uses; or 3) three residential uses and no commercial occupancies.	Under the statutory definition, except for the last example, the first two examples would be mix-use buildings that would not constitute a "residential" building; the last example is clearly excluded under the definition.
Exhibit 26	Randall R. Dahmen Department of Commerce Division of Integrated Services 200 Kensington Lane Waunakee, WI 53597 Via email	a. Comments similar to Jack Miller, Exhibit 25, relating to residential facilities with 3 or fewer units. Requests, for ease of enforcement, that the rules be modified to exempt only one and 2-family dwellings. b. Opposes the rules, and requests the thermal insulation licensing be dropped by the department. Believes the license is not needed, and will create additional costs that will be passed onto consumers.	a. The rules cannot supersede the statutory definition or exclusion. See response under Miller, exhibit #25.  b. The proposed credentialing rules implement the mandates of 2009 Wisconsin Act 16.
Exhibit 27	Jim Boullion Associated General Contractors (AGC) of Wisconsin 4814 East Broadway Madison, WI 53716	a. Opposes the department moving forward with any administrative rules relating to 2009 Wisconsin Act 16 because the Thermal System Insulation Council has not been formed nor has it not met. b. Opposes filling the state Thermal Insulation Inspector position as directed by 2009 Wisconsin Act 16. Recommends meeting first with the Thermal System Insulation Council, and waiting at least a year to determine if the proposed licensing fee schedule is adequate to fully fund the position. c. Concerned with the definition of "minor repairs." Requests the Thermal System Insulation Council have input in developing the definition. Believes rule should be clarified to allow tradespersons to remove and replace thermal insulation as part of the repair of any underlying equipment. Comments similar to Peter Lentz, Speaker 1, d.	a. See response under Lentz, speaker #1, a.  b. At this time, the Department is not in a financial situation to fill the inspector position created by the Act. Adjustments to the credentialing fee can be made in future by subsequent rule-making actions.  c. See response under Lentz, speaker #1, d.

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Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 28	Michael F. Mamayek Illingworth-Kilgust Mechanical, Inc. 615 South 89 <sup>th</sup> Street Milwaukee, WI 53214-1302	<p>d. Requests the rules be expanded to recognize other approved apprenticeship trades such as plumbing and HVAC who train in the installation and maintenance of thermal insulation as it relates to their craft. Comments similar to Jeffrey J. Beiriger, Speaker 2, d.</p> <p>a. Opposes proceeding with rules for the licensure of thermal insulation mechanics without the participation of the Thermal System Insulation Council. Comments similar to Jim Boullion, Exhibit 27, a.</p> <p>b. Believes the department needs to take into account the practical realities of the heating, ventilating, cooling, plumbing and refrigeration industries, and develop rules that will not disrupt the various businesses that are working in a safe and efficient way.</p>	<p>d. See response under Beiriger, speaker #2, d.</p> <p>a. See response under Lentz, speaker #1, a.</p> <p>b. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.</p>
Exhibit 29	Craig Kobylski BTU Management Inc. 534 Lacrosse Street Mauston, WI 53948 Via email	<p>Requests refrigeration, heating and cooling service companies currently installing and maintaining insulation systems be grandfathered into the licensing rules.</p>	Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum qualifications no matter the trade or business.
Exhibit 30	John Mielke Associated Builders and Contractors (ABC) of Wisconsin 5330 Wall Street Madison, WI 53718	<p>a. Believes the rulemaking should be delayed until the Thermal System Insulation Council can be convened. Comments similar to Jim Boullion, Exhibit 27, a.</p> <p>b. Requests the following changes if the rulemaking proceeds without input from the Thermal System Insulation Council: 1) set the mechanic fee at \$250 instead of \$500; 2) reduce the forfeitures from \$500, \$1,000 and \$2,000 to \$100, \$500 and \$1,000; 3) include other apprenticeships such as sheet metal and HVAC with training in installing and maintaining thermal system insulation; 4) delete the sunset provision; and 5) modify the "minor repair" definition. Comments similar to Peter Lentz, Speaker 1.</p>	<p>a. The 2009 Wisconsin Act 16 requires licensure as of July 1, 2011. The Department believes it is prudent to move ahead with the rulemaking procedure to give potential thermal insulator mechanics ample time to their licenses.</p> <p>b. See response under Lentz, speaker #1.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 31	Curtis Tychoika Heat and Frost Insulators, Local 19 2234 W. Alvina Ave. Milwaukee, WI 53221	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman	See response under Coleman, speaker #3.
Exhibit 32	John Walker Heat and Frost Insulators, Local 19 W175S7037 Hiawatha Muskego, WI 53150	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman	See response under Coleman, speaker #3.
Exhibit 33	Eric Dahl Heat and Frost Insulators, Local 19 N81W15272 Hilltop Drive Menomonee Falls, WI 53051	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman	See response under Coleman, speaker #3.
Exhibit 34	Zoran Deagisic Heat and Frost Insulators, Local 19 2202 Pineview Lane Janesville, WI 53548	Supports the rules with changes. Comments similar to Speaker 3, Bruce Coleman	See response under Coleman, speaker #3.
Exhibit 35	Bryon Walters Walters Gas Service N6326 Hwy 151 South Beaver Dam, WI 63916	Opposes the rules. Requests 1) companies currently installing and maintaining insulation systems be grandfathered into the licensing rules; 2) other apprenticeship and training programs be allowed; and 3) the definition of "minor repair" be clarified. Comments similar to Josh Garner, Speaker 4, d. and Peter Lentz, Speaker 1, b. and d.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 36	Dave Stockland Via email	Opposes the rules. Concerns include 1) grandfathering companies currently installing and maintaining insulation systems; 2) allowing other apprenticeship and training programs; and 3) economic ramifications for businesses and their customers. Comments similar to Josh Garner, Speaker 4, d.; Peter Lentz, Speaker 1, b.; and Boyd A. Beranek, Exhibit 22.	See responses under Garner, speaker #4, and Lentz, speaker #1.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 37	Rich Buchner Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 38	Diane Lemanczyk Roth Heating Company Inc. 400 West Drexel Ave. Oak Creek, WI 53154 Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 39	James A Hurtis Hurtis Heating & Air P.O. Box 188 Marathon, WI 54448 Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 40	Jerry Fettes Electro-Kold Corp. 100 Industrial Drive Burlington, WI 53105 Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 41	Terry Dykstra Dykstra Refrigeration Via email	Opposes the rules because it will destroy his and other small businesses and create unemployment.	Opposition noted.
Exhibit 42	Terry Gotter Advantage Refrigeration, LLC Marshfield Branch Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 43	Jim Casper Casper Plumbing & Heating Inc. Decorah, IA Via email	Opposes the rules. Believes the proposed rules will force HVAC contractors to join the Heat and Frost Insulators Union, and expresses concern about grandfathering provisions for companies currently doing thermal insulation work.	Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 44	Dale E. Nelson Nelson's Vegetable Storage Systems, Inc. N7158 6 <sup>th</sup> Drive Plainfield, WI 54966 Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 45	Dean Hammes Ron Hammes Refrigeration 2424 South Avenue La Crosse, WI 54601 Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 46	Mark Szolwinski N1661 Lakeshore Drive Campbellsport, WI 53010 Via email	Opposes the rules. Does not understand the need for government involvement in the private sector of business operations.	Opposition noted.
Exhibit 47	Scott Ponath Hennes Services Inc. Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, Dave Stockland, Exhibit 36, and Mark Szolwinski, Exhibit 46.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 48	Jerry Antoine Antoine Refrigeration S3058 Northwoods Drive Reedsburg, WI 53959 Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 49	Tim Mancil Ron's Refrigeration 2431 49 <sup>th</sup> Street South Wisconsin Rapids, WI 54494 Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Dave Stockland, Exhibit 36. Asks what alternatives a non-union mechanical contractor would have to a union apprenticeship for licensure.	See responses under Garner, speaker #4, and Lentz, speaker #1.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 50	Donald L. Tuescher Tuescher Electric & Refrig Inc 17401 Hy 81 W Darlington, WI 53530 Via email	Opposes the rules. Believes there needs to be time for the changes to occur. Points at how the electrical licensure will be changing and the background work done for several years to make that transition a reality. Suggests 1) grandfather installers that have been doing this for 4 to 5 years; 2) provide training sessions and continuing education on a 4-year basis; and 3) allow for additional apprenticeship training other than on a union basis.	The July 1, 2011 is the implementation established under 2009 Wisconsin Act 16. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade. See response under Lentz, speaker #1 b., regarding apprenticeships.
Exhibit 51	S.C.F., Inc. Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 52	Kevin T. Macke Gustave A. Larson Company Madison/Rockford Territories Via email	Opposes the rules. Comments similar to David Stockland, Exhibit 36. Expresses concern for refrigeration companies working in rural areas. Points out that only 6 of the 60 accounts he services are union-operated shops.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 53	Kelly Warwick Roth Heating Company Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Jim Casper, Exhibit 43.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 54	John Mackesey and Lyle Hach Action Heating & A/C, Inc. 6120 Cottonwood Drive Fitchburg, WI 53719 Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 55	David C. Seitz Mechanical Contractors Association of Wisconsin 3315 N. Ballard Road, Suite D Appleton, WI 54911 Via email	Opposes the rules. Comments similar to Peter Lentz, Speaker 1, a., b. and d. Concerned with the unnecessary speed of these proposed rules that will change the industry, and asks for exemptions for duct lining and air handlers which are manufactured with insulation and are completed by sheetmetal workers.	The Act and the rules would not require a license for the "fabrication" of ducts and components.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
<b>Comments: Oral or Exhibit No.</b>	<b>Presenter, Group Represented, City and State</b>	<b>Comments/Recommendations</b>	<b>Agency Response</b>
Exhibit 56	George Sromek All Equipment Specialists, LLC 7909 Hamilton Meadows Road Verona, WI 53593 Via email	Opposes the rules. Requests his 30-year-old business be grandfathered in.	a. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications.
Exhibit 57	Mark Madigan and Dave Esser Madigan Refrigeration & Energy Systems, Inc. W9257 Old Highway 60 Lodi, WI 53555-9489 Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36, and Jim Casper, Exhibit 43.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 58	Stephen R. Niles Gustave A. Larson Company Great Lakes Region 6736 W. Washington St. West Allis, WI 53214 Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, Dave Stockland, Exhibit 36, and Donald L. Tuescher, Exhibit 50. Asks how regulating the installation of insulation on refrigeration piping is going to ensure protecting against mold. Requests the department hold more hearings or meetings to ensure fairness and assurance that the regulation of thermal systems insulation not be detrimental to the state, trade and individual's right to work.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 59	Kevin La Mere Wisconsin Pipe Trades Association (WPTA) 11175 W. Parkland Ave. Milwaukee, WI 53224 Via email	Opposes the rules. Comments similar to Peter Lentz, Speaker 1, a. b., and d. Concerned that the proposed rules do not reflect input from the WPTA.	See responses under Lentz, speaker #1.
Exhibit 60	Michael Frank Advance Climate Control LLC Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, Dave Stockland, Exhibit 36, and Donald L. Tuescher, Exhibit 50.	See responses under Garner, speaker #4, and Lentz, speaker #1.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 61	Donn Trieloff Energy Design Concepts, LLC 501 Blue Jay Way Cambridge, WI 5323 Via email	Opposes the rules. Believes the proposed rules prohibit free trade.	Opposition noted.
Exhibit 62	Mark Steward and Steven M. Boelter Dick's Refrigeration, Inc. Via email	Opposes the rules. Comments similar to Donald L. Tuescher, Exhibit 50.	See response under Tuescher, exhibit #50.
Exhibit 63	Brian Heid Absolute Refrigeration, Inc. Via email	Opposes the rules. Comments similar to Terry Dykstra, Exhibit 41. Concerned about working with heat and frost insulators who "run at their schedule, not ours." Requests flexibility for service work and emergency calls.	The Act and the rules include a credentialing exemption for minor repairs. See response under Dykstra, Exhibit #41.
Exhibit 64	Justin Boid Just In Time Refrigeration, LLC P.O. Box 61 Cottage Grove, WI 53527 Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36. Provides examples of how the proposed rules will adversely affect his commercial refrigeration and HVAC company.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 65	Jim Schaub Hussmann Ingersoll Rand 4801 Voges Road Madison, WI 53718 Via email	Opposes the rules. Requests his 25-year-old business be grandfathered in.	a. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications.
Exhibit 66	Nicholas H. May Refrigeration Installation Specialists 1585 Greenway Cross, Suite 3 Madison, WI 53713 Via email	Opposes the rules. Against any forced "unionism" by the government. Requests that contractors be allowed to train, by a merit shop apprenticeship program or through years of experience, their own people as certified insulators to do the particular type of insulating that is tied to their trade.	a. Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.



**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 10-090		Hearing Location: Madison, WI	
Rule Number: Chapter Comm 5		Hearing Date: August 11, 2010	
Relating to: Thermal Insulator Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 67	Rick M. Reinhart, Robert Koszewski, Sam Vallone, Geoffrey Vogel and Richard L. Reinhart Real Refrigeration, Inc. Via email	Opposes the rules. Comments similar to Bryon Walters, Exhibit 35, and Dave Stockland, Exhibit 36. Believes the proposed rules do not have economic, functional or qualitative plausibility. Insulating refrigeration piping is installed with seamless flexible elastomeric thermal foam, and the added costs to have another person "install" the insulation "tubes" 6 feet at a time would be astronomical and not justifiable.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 68	Chuck Pontiac Menehan Refrigeration & Heating Via email	Opposes the rules. Comments similar to Jim Casper, Exhibit 43.	Under proposed s. Comm 5.741 (1) (c) 1., the license is available to any individual who meets the minimum experience qualifications no matter the trade.
Exhibit 69	Fred Fischer Advantage Refrigeration, LLC Marshfield Branch Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 70	Mike Hubbard Rufer Refrigeration Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36, and Jim Casper, Exhibit 43.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 71	Todd Hiebing Hiebing's Refrigeration, Inc. Via email	Opposes the rules. Comments similar to Dave Stockland, Exhibit 36, and Jim Casper, Exhibit 43.	See responses under Garner, speaker #4, and Lentz, speaker #1.
Exhibit 72	Donald Sampson and Diane Aldach Sampson Heating & AC Inc. 126 W. Main Street Hixton, WI 54635	Opposes the rules. Believes this is all about creating a government job at the expense of small businesses. Instead of raising taxes, the state raises fees.	The thermal installation inspector position was created under 2009 Wisconsin Act 16 and not at the request of the Department.

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Ch. Comm 5  
Amendment No. if Applicable

Subject  
Thermal Insulator Credentials

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation  
 Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities  
 Counties  Others \_\_\_\_\_  
 School Districts  WTCS Districts

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Fund Sources Affected  
 GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

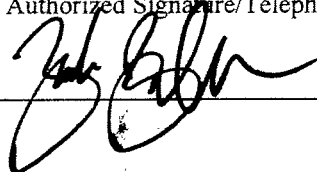
The proposed rules establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The proposed rules reflect the statutory provisions of 2009 Wisconsin Act 16, s. 101.136, Stats. The Act requires credentialed individuals to perform thermal insulation work as of July 1, 2011. The rules create credentials for thermal insulation mechanics, apprentices and helpers. The department anticipates that workload associated with the credentialing processes can be absorbed within current resources and staff levels.

The credential rules would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors. The fee for a thermal insulation mechanic's license is proposed at \$250 which reflects statutory provisions. The fee for the registration of apprentices and helpers is proposed at \$15. The department estimates that 1,000 individuals will seek to acquire the mechanic's license and 250 individuals will seek to obtain the apprentice or helper registration. The mechanic's license and helper's registration is valid for 2 years and the apprentice's registration is valid for one year. Based upon these assumptions and with 65 apprentices currently enrolled in the heat and frost program, the department would realize an annual increase in revenue of \$127,000. The credential fees were established to offset the cost of the thermal insulation inspector position created under 2009 Wisconsin Act. 16.

Long-Range Fiscal Implications  
No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)  
Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.



Date  
8/31/10

**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

ORIGINAL  
 CORRECTED  
 UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 Chs. Comm 5

Amendment No.

**Subject**

Thermal Insulator Credentials

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

\$30,000

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 68,400	\$ -0
(FTE Position Changes)	( 1.0 FTE)	( - 0 FTE)
State Operations - Other Costs	19,300	-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ -0</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS	87,700	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	127,300	-0
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 127,300</b>	<b>\$ -0</b>

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS

\$ 87,700

\$ 0

NET CHANGE IN REVENUES

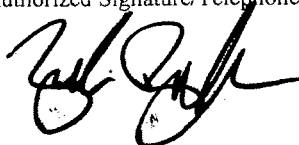
\$ 127,300

\$ 0

Agency/Prepared by: (Name & Phone No.)

Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.



Date

8/31/00



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 10-090

AN ORDER to create Comm 5.02 Table 5.02 lines 50 r. to 50 t., 5.06 Table 5.06 lines 45 r. to 45 t., 5.125 (3m), 5.74, 5.741, and 5.743, relating to the licensing and registration of individuals who install or alter thermal insulation for heating, ventilating, cooling, plumbing, or refrigeration systems.

Submitted by **DEPARTMENT OF COMMERCE**

07-15-2010 RECEIVED BY LEGISLATIVE COUNCIL.

08-10-2010 REPORT SENT TO AGENCY.

RNS:JKR

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached            YES             NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached            YES             NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached            YES             NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]  
Comment Attached            YES             NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached            YES             NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached            YES             NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]  
Comment Attached            YES             NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 10-090

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### 1. Statutory Authority

a. The proposed rule provides for the licensure of thermal system insulation mechanics and for the registration of thermal system insulation apprentices and helpers. However, s. 101.136, Stats., as created by 2009 Wisconsin Act 16, only provides for the licensure of mechanics. Please explain the department’s authority to register apprentices and helpers.

b. Section 101.136 (5) (b), Stats., as created by 2009 Wisconsin Act 16, requires that the department establish a definition of “minor repairs” for purposes of the exemption from the licensure requirement. The department should review its definition of “minor repairs” in s. Comm 5.74 (2) (c) to ensure that it is not so inclusive as to include all maintenance of thermal system insulation.

c. Section Comm 5.741 (1) (c) provides that an individual is eligible for a mechanic license with 1,000 hours of experience per year for four years without an examination until July 1, 2015. Please explain the department’s authority to allow licensure with experience-only eligibility.

#### 2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “Comm” should be removed on the second and third lines. [s. 1.02 (1), Manual.] Similarly, the second and third occurrences of “Comm” in the treatment clause of SECTION 4 should be renamed.

b. In the introductory clause, "5.742" should be inserted after "5.741," and a comma should be inserted before "relating." [s. 1.02 (1), Manual.] In addition, "5.742" should be inserted after "5.741" in the treatment of SECTION 4. [s. 1.04, Manual.]

c. In the rule analysis, a heading titled "effect on small business" should be included. [s. 1.02 (2) (a) 10., Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In the statutes interpreted section of the rule summary, "Stats." should be inserted after "s. 101.136 (5)," [s. 1.07, Manual.]

b. In SECTION 3, should s. Comm 5.12 (3m), and not s. Comm 5.125 (3m), be created? Section Comm 5.125 does not exist in current rules.

c. In s. Comm 5.74 (2) (intro.), "ss. Comm 5.741 to 5.743" should replace "ss. Comm 5.743 to 5.757."

d. In s. Comm 5.741 (1) (c) 2., it appears that "paragraph" should replace "subdivision." [s. 1.07, Manual.]

e. In s. Comm 5.741 (5) (a), should "5.02, Table 5.02" replace "5.09 (7) (c)"?

f. In s. Comm 5.741 (5) (b) (intro.), it appears that "under sub. (1) (b)" should be inserted after "person."

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the explanation of agency authority section of the rule analysis, "any hot or cold surface, including a pipe, duct, valve, boiler, flue, or tank, or equipment on or in a building" should replace "any hot or cold surface, including a pipe, duct valve, boiler flue, or tank or equipment on or in a building." [See s. 101.136 (1) (f), Stats., as created by 2009 Wisconsin Act 16.] A similar change should be made in the initial regulatory flexibility analysis.

b. The proposed rule refers to "thermal insulation," whereas s. 101.136, Stats., as created by 2009 Wisconsin Act 16, refers to "thermal system insulation." The department should consider using "thermal system insulation" instead of "thermal insulation" in the proposed rule to be consistent with the terminology in the Act.

c. Under s. 101.136 (6), Stats., as created by 2009 Wisconsin Act 16, no person may *install* or maintain thermal system insulation unless he or she is a licensed mechanic. However, the proposed rule uses "alter" instead of "maintain." The department might consider replacing "alter" with "maintain" in the proposed rule or, as an alternative, the department might review its definition of "alter" to ensure that it is consistent with what is meant by "maintain." Also, in s. Comm 5.742 (4), "repairs" should be removed.

d. In s. Comm 5.125 (3m) (b), "license or registration" should replace "type."

e. In s. Comm 5.741 (1) (c) 1., the department should refer to experience, instead of employment, to be consistent with s. 101.136, Stats., as created by 2009 Wisconsin Act 16. Also, "hours" should be inserted after "1,000."

f. In s. Comm 5.741 (5) (b) 2., "under ch. 106, Stats." should replace "and the program has been recognized by the department of workforce development" to be consistent with s. 101.123, Stats., and other references to apprenticeship in the proposed rule.

g. In s. Comm 5.741 (7) (b) 1., "continuing education under s. Comm 5.08 prior to the time period specified in s. Comm 5.06, Table 5.06" should replace "continuing education within the time period specified in s. Comm 5.08 and Table 5.06." Also, to whom must the continuing education be "acceptable"?

h. In s. Comm 5.742, "employed under an apprentice contract" should replace "indentured" to be consistent with changes in apprenticeship terminology made by 2009 Wisconsin Act 291.

i. In the fiscal estimate, the assumptions state that the registration as a thermal system insulation apprentice is valid for one year. However, the proposed rule provides that the registration is valid for two years. See s. Comm 5.06, Table 5.06.



# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 10-090

RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

Agency contact person for substantive questions.

Name: Jim Quast

Title: Program Manager

Telephone No. 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

## COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Clearinghouse Rule No. 10-090

Rule No.: Chapter Comm 5

Relating to: Thermal Insulator Credentials

### **1. Statutory Authority**

- a. Under the several provisions of chapter 101, Stats., the department has broad statutory authority to protect public health, safety and welfare with respect to public buildings, places of employment, and mechanical devices. These statutory references include ss. 101.02 (1) and (15), 101.11, and 101.17, Stats. Nothing in the chapter 101, Stats., including s. 101.136, Stats., specifically prohibits the department from promulgating administrative rules regarding the credentialing of thermal insulation apprentices and helpers. The department believes that credentialing apprentices and helpers will compliment and aid in the enforcement of the licensing of the thermal insulators.
- b. Department believes that a broad definition is sufficient to address all the potential scenarios warranting repair of existing thermal insulation.
- c. The provision is proposed in light of s. 101.136 (6) (d), Stats., and is intended to recognize prior experience and allow individuals to continue in their livelihood.

### **2. Form, Style and Placement in Administrative Code**

- a. The Department finds that using the "Comm" in the introductory clause improves readability and tracking the various rule references.

### **4. Adequacy of References to Related Statutes, Rules and Forms**

- b. The modifications to section Comm 5.125 coordinates with another rule-making proposal under CR 10-039.
- e. The wording is used in many other credentials throughout chapter Comm 5; the reference to s. Comm 5.09 (7) (c) is to alert the reader to application timeframes.
- f. The wording is used in other credentials in chapter Comm 5 and has not been misinterpreted by readers.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language.**

- b. For a technical perspective the term "system" appears to be superfluous in referring to the products as "thermal system insulation".

COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT continued:

- c. The term “maintain” according to the dictionary also refers to ownership or possession which would not seem to be the intent of the Act that is attempting to focus on an activity.
- f. The Department does not believe that simply referencing ch. 106, Stats., will provide the sufficient clarity to the reader.
- g. The wording is used in many other credentials throughout chapter Comm 5; the suggested wording would allow the banking of continuing education credits from one credential term to the next which is not intended.
- h. The Department will be initiating another rule-making project shortly to address the references to “indentured” used throughout ch. Comm 5 so as to provide consistency.



State of Wisconsin \ Department of Commerce

# RULES IN FINAL DRAFT FORM

**Rule No.:** Chapter Comm 5

**Relating to:** Thermal Insulator Credentials

**Clearinghouse Rule No.:** 10-090

The Wisconsin Department of Commerce adopts an order to create Comm 5.02 Table 5.02 lines 50r. to 50t., Comm 5.06 Table 5.06 lines 45r. to 45t., Comm 5.125 (3m), Comm 5.74, Comm 5.741, Comm 5.742 and Comm 5.743, relating to the licensing and registration of individuals who install or alter thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems.

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### **Analysis of Rule**

#### **1. Statutes Interpreted**

Statutes Interpreted: s. 101.136 (5), Stats., 2009 Wisconsin Act 16.

#### **2. Statutory Authority**

Statutes Interpreted: ss. 101.02 (1) and (15), and 101.136, Stats., 2009 Wisconsin Act 16.

#### **3. Related Statute or Rule**

Chapters Comm 61 to 66, Wisconsin Commercial Building Code

#### **4. Explanation of Agency Authority**

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on July 1, 2011, only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation. The proposed rules implement the licensing mandates of Act 16. Thermal insulation is 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.

#### **5. Summary of Proposed Rules**

The proposed rules establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The proposed rules reflect the statutory provisions of s. 101.136, Stats. The rules create credentials for thermal insulation mechanics, apprentices and helpers. The rules allow acquisition of the insulation mechanic license by completing an apprenticeship or taking and passing a department licensure exam provided the individual has 1,000 hours per year of experience for at least 4 consecutive years. The rules also include a grandfathering provision to obtain the mechanic's license that would sunset on July 1, 2016. Continuing education obligations are proposed in order to renew the mechanic's license.

The proposed rules also establish administrative forfeiture schedule for individuals who violate the credentialing provisions of the law or the rules.

#### **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 by reviewing the provisions under 2009 Wisconsin Act 16 in conjunction with the current licensing rules for other trades under ch. Comm 5.

#### **9. Effect on Small Business including an Analysis and Supporting Documents Used to Determine the Effect or in Preparation of Economic Impact Report.**

The proposed credential rules implement the licensing mandates of 2009 Wisconsin Act 16. The rules most likely will affect HVAC contractors, plumbing contractors and mechanical refrigeration contractors. The fee for a thermal insulation mechanic's license is proposed at \$250 which reflects the statutorily established minimum. The fee for the registration of apprentices and helpers is proposed at \$15. The department estimates that 1,000 individuals will seek to acquire the mechanic's license and 250 individuals will seek to obtain the apprentice or helper registration. The mechanic's license, helper's registration is to be valid for 2 years and the apprenticeship registration for a one year term. The credential fees were established to offset the cost of the thermal insulation inspector position created under 2009 Wisconsin Act. 16.

An economic impact report has not been required pursuant to s. 227.137, Stats.

#### **10. Agency Contact.**

James Quast, Program Manager, [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov), (608) 266-9292

**11. Public Hearing Comments.**

The hearing record on this proposed rulemaking will remain open until August 18, 2010. 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@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

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SECTION 1. Comm 5.02 Table 5.02 lines 50r. to 50t. are created to read:

**Table 5.02**  
**(Partial Table)**  
**FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	<b>Subchapter VII</b>				
50r.	Thermal Insulation Mechanic	License	\$15	\$35	\$250
50s.	Thermal Insulation Apprentice	Registration	\$15	NA	\$15
50t.	Thermal Insulation Helper	Registration	\$15	NA	\$15

SECTION 2. Comm 5.06 Table 5.06 lines 45r. to 45t. are created to read:

**Table 5.06**  
**(Partial Table)**  
**TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
	<b>Subchapter VII</b>			
45r.	Thermal Insulation Mechanic	2 years	Date of Issuance	3 Months Prior to Date of Expiration
45s.	Thermal Insulation Apprentice	1 year	Date of Issuance	NA
45t.	Thermal Insulation Helper	2 years	Date of Issuance	NA

SECTION 3. Comm 5.125 (3m) is created to read:

**Comm 5.125 (3m) THERMAL INSULATORS.** (a) Pursuant to s. 101.136 (11), Stats., the department may assess a forfeiture in the amount listed in pars. (b) and (c) to a violator of the licensing and registration requirements under s. 101.136, Stats., and ss. Comm 5.74 to 5.743.

(b) The amount of forfeiture assessed against an individual that does not hold the appropriate license or registration required under s. 101.136, Stats., and s. Comm 5.74 shall be subject to one of the following:

1. First offense - \$2,000.
2. Second offense - \$2,500.
3. Third and subsequent offense - \$3,000.

(c) The amount of forfeiture assessed against a thermal insulation mechanic who allows an individual who does not hold the appropriate registration under s. Comm 5.742 or 5.743 to install or alter thermal insulation shall be subject to one of the following:

1. First offense - \$500.
2. Second offense - \$1,000.
3. Third and subsequent offense - \$2,000.

SECTION 4. Comm 5.74, 5.741, 5.742 and 5.743 are created to read:

**Comm 5.74 Thermal insulators. (1) GENERAL.** Pursuant to s. 101.136 (6) (a) 1., Stats., as of July 1, 2011, no person may install or alter thermal system insulation for heating, ventilating, cooling, plumbing or refrigeration systems on or in a building, except as provided in s. 101.136 (6) (a) 2., Stats., unless the person holds a license or registration issued by the department as one of the following:

- (a) A licensed thermal insulation mechanic.
- (b) A registered thermal insulation apprentice.
- (c) A registered thermal insulation helper.

**Note:** Section 101.136 (6) (a) 2., Stats., does not require a credential for making minor repairs to thermal system insulation.

**(2) EXCLUSION.** The installation or alteration of thermal insulation does not include the fabrication, manufacture or creation of components of heating, ventilation, cooling, plumbing or refrigeration systems, such as pipes, ducts, valves, boilers, flues, or tanks or equipment, out of or with insulating materials.

**(3) DEFINITIONS.** In this section and ss. Comm 5.741 to 5.743:

(a) "Alter or alteration" means any construction or renovation to existing thermal system insulation other than a repair or addition.

(b) "Building" has the meaning given under s. 101.136 (1) (a), Stats.

**Note:** Under s. 101.136 (1) (a), Stats., "building" means a commercial, industrial, or residential building, structure, or facility, as defined by the department by rule, but does not include a residential building, structure, or facility that contains 3 or fewer residential units.

(c) "Minor repairs" means the patching, restoration or replacement to good or sound condition of a portion of an existing thermal system insulation for the purpose of maintaining the insulation with respect to performance requirements.

(d) "Thermal insulation" has the meaning given under s. 101.136 (1) (f), Stats.

**Note:** Under s. 101.136 (1) (f), Stats., "thermal system insulation" means 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.

**Comm 5.741 Thermal insulation mechanics. (1) GENERAL.** A person may obtain a license as a licensed thermal insulation mechanic by one of the following:

(a) Taking and passing the thermal insulation licensure examination.

(b) Completing a heat and frost insulator apprenticeship recognized by the department of workforce development.

(c) 1. Having been employed for at least 1,000 per year for 4 years preceding the date of license application and the experience includes the installation and alteration of thermal insulation work in each year of the 4 years.

2. This paragraph does not apply after July 1, 2016.

**(2) APPLICATION FOR EXAMINATION.** A person applying to take a thermal insulation mechanic license examination shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and examination fee in accordance with s. Comm 5.02, Table 5.02.

**(3) QUALIFICATIONS FOR EXAMINATION.** A person applying for a thermal insulation mechanic licensure examination shall have at least 1,000 hours per year of experience for at least 4 consecutive years in installing and altering thermal insulation under the supervision of licensed thermal insulation mechanic.

**(4) EXAMINATION.** Except as provided in sub. (1) (b) and (c), a person seeking to obtain a thermal insulation mechanic license shall take and pass an examination in accordance with s. Comm 5.09.

**(5) APPLICATION FOR LICENSURE.** (a) Upon notification of the successful passage of the examination for a thermal insulation mechanic license, a person may obtain the license by submitting an application and the license fee in accordance with ss. Comm 5.01 and 5.09 (7) (c).

(b) A person may apply for a license as a licensed thermal insulation mechanic by submitting all of the following:

1. An application, application fee and a license fee in accordance with ss. Comm 5.01 and 5.02, Table 5.02.

2. Evidence of completing a heat and frost insulator apprenticeship program and the program has been recognized by the department of workforce development.

**(6) RESPONSIBILITIES.** A person who as a licensed thermal insulation mechanic is responsible for the installation or alteration of thermal system insulation shall utilize the appropriately licensed or registered individuals to install or maintain thermal system insulation.

(7) RENEWAL. (a) 1. A person may renew his or her license as a thermal insulation mechanic.

2. A thermal insulation mechanic license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a licensed thermal insulation mechanic shall be contingent upon the thermal insulation mechanic obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a licensed thermal insulation mechanic may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

3. A person who initially obtained his or her thermal insulation mechanic license by completing a heat and frost insulator apprenticeship and whose request to renew his or her license is denied because of the failure to fulfill the continuing education requirements of subd. 1., shall be required to take and pass the thermal insulation mechanic licensure examination to reacquire the thermal insulation mechanic license.

**Comm 5.742 Thermal insulation apprentices. (1) GENERAL.** The activities of an individual, who holds a registration as a registered thermal insulation apprentice to install or alter thermal system insulation, shall be performed under the general supervision of a person who is a licensed thermal insulation mechanic.

(2) APPLICATION FOR REGISTRATION. A person applying for registration as a registered thermal insulation apprentice shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS. A person applying for a thermal insulation apprentice registration shall be indentured in a heat and frost insulator apprenticeship program recognized under ch. 106, Stats.

(4) RESPONSIBILITIES. A person who installs or alters thermal system insulation as a thermal insulation apprentice may do so as long as he or she is indentured under ch. 106, Stats.

(5) RENEWAL. (a) A person may renew his or her registration as a thermal insulation apprentice.

(b) 1. A thermal insulation apprentice registration shall be renewed in accordance with s. Comm 5.07.

2. The renewal of registration as a thermal insulation apprentice shall be contingent upon the person submitting evidence that the person is indentured in a heat and frost insulator apprenticeship recognized under ch. 106, Stats.

**Comm 5.743 Thermal insulation helpers. (1) GENERAL.** The activities of an individual, who holds a registration as a registered thermal insulation helper to install or alter thermal system insulation, shall be performed under the direct supervision of a person who is a licensed thermal insulation mechanic.

**(2) APPLICATION FOR REGISTRATION.** A person applying for registration as a registered thermal insulation helper shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application fee and a registration fee in accordance with s. Comm 5.02, Table 5.02.

**(3) RENEWAL.** (a) A person may renew his or her registration as a thermal insulation helper.

- (b) A thermal insulation helper registration shall be renewed in accordance with s. Comm 5.07.

**END**

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**EFFECTIVE DATE**

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.

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