

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</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>

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		probably unconstitutional.	
Speaker 2, Exhibit 2	Jeffrey J. Beiriger Plumbing-Heating-Cooling Contractors – Wisconsin Association (PHCC—WI) 660 E. Mason Street Milwaukee, MI 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</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>

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		of the spirit of 2009 Wisconsin Act 16 to not even seek the council's recommendations.	
Speaker 3, Exhibit 3	Bruce Coleman Heat and Frost Insulators, Local 19 10728 South 92 nd Franklin, WI 53132	Supports the ruling package with the following changes: 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. 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. 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 not more than 4 feet in width by a maximum length of 2 feet (8 square feet total). 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. 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.	a. The proposed fees reflect consistency with other existing credentials under ch. Comm 5 and the Department's processing costs. b. The forfeitures have been revised to reflect the statutory minimum of \$2,000. c. See response under Beiriger, speaker #2, b. 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. 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.
Speaker 4, Exhibit 4	Josh Garner Sheet Metal Workers, Local 18 2201 Springdale Road Waukesha, WI 53186	a. Opposes the proposed rules because they would bar the work currently being done by sheet metal journeypersons 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	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.

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		<p>commercial powerhouses.</p> <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.

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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.
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.

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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.
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.

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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 Grodwiker 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.
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 rd 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.

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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.
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.

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Exhibit 26	Randall R. Dahmen Department of Commerce Division of Integrated Services 200 Kensington Lane Wausaukee, WI 53597 Via email	<p>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.</p> <p>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.</p>	<p>a. The rules cannot supersede the statutory definition or exclusion. See response under Miller, exhibit #25.</p> <p>b. The proposed credentialing rules implement the mandates of 2009 Wisconsin Act 16.</p>
Exhibit 27	Jim Boullion Associated General Contractors (AGC) of Wisconsin 4814 East Broadway Madison, WI 53716	<p>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.</p> <p>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.</p> <p>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.</p> <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. See response under Lentz, speaker #1, a.</p> <p>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.</p> <p>c. See response under Lentz, speaker #1, d.</p> <p>d. See response under Beiriger, speaker #2, d.</p>

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Exhibit 28	Michael F. Mamayek Illingworth-Kilgust Mechanical, Inc. 615 South 89 th Street Milwaukee, WI 53214-1302	<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>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	Requests refrigeration, heating and cooling service companies currently installing and maintaining insulation systems be grandfathered into the licensing rules.	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>
Exhibit 31	Curtis Tvcholka 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.

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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 Deagisie 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 insulations 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.
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.

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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.

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Exhibit 44	Dale E. Nelson Nelson's Vegetable Storage Systems, Inc. N7158 6 th 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 Mancl Ron's Refrigeration 2431 49 th 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.

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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 sheet metal 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			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
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.

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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.

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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.
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.

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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.