

CR 94-81

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

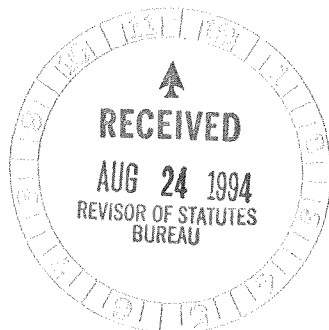
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that
the annexed rule(s) relating to water-conserving fixtures

(Subject)

were duly approved and adopted by this department on August 24, 1994
(Date)

I further certify that said copy has been compared by me with the original on file in the department
and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the official seal of the
department at 8:00 a.m.
in the city of Madison, this 24th
day of August A.D. 19 94.

Pat Osborne
for Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 (1) and 145.02 (3)

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 2

Fee Schedule

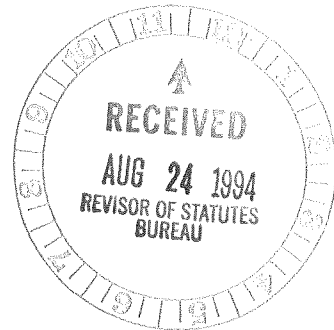
ILHR 81-87

Plumbing Code

(Number)

(Title)

The attached rules shall take effect on the first day of the month following publication
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

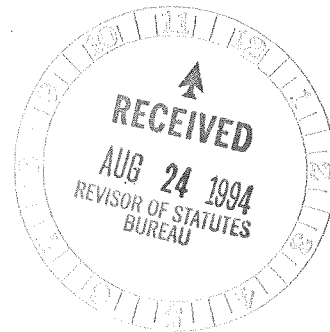
date: August 24, 1994

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

Pat Osborne
for Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapters ILHR 2 and 84

Relating to: Water-Conserving Fixtures

Clearinghouse Rule No.: 94-81

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 52.60 (6) (a) 2 and 3, 57.871 (4) Note, ILHR 84.10 (2) (a) 3 and 84.20 (3) (a) 3; to renumber ILHR 84.10 (2) (a) (intro.), 1 and 2; to amend ILHR 2.66 Table 2.66, 2.66 (1) (b) 1, ILHR 63.32 (2), ILHR 84.10 (2) (a) 1, 84.10 (2) Table 84.10, relating to water-conserving plumbing fixtures.

ANALYSIS OF RULES

Statutory authority: ss. 101.02 (1) and 145.02 (2), Stats.
Statutes interpreted: s. 145.02 (1), Stats.

The proposed rules reflect the statutory actions as affected by 1993 Wisconsin Act 322 relating to water-conserving plumbing fixtures. The Act repeals s. 145.25, Stats., which eliminates the mandate for the department to formulate a list of water-conserving fixtures. Currently, administrative rules require manufacturers to submit information and fees so that the department may formulate the list of water-conserving fixtures. Even though the specific statutory mandate for listing water-conserving fixtures has been eliminated, the department's broad authorities and powers under ch. 145, Stats., can be construed to validate the existing administrative rules which would still require manufacturers to pay unnecessary fees to get their products listed or their listing renewed. Therefore, an inconsistency exists between the recent legislative action and intent and the policy established by administrative rule which may lead to public confusion. The Act and the proposed rule revisions also eliminate the requirements for self-closing faucets to be installed in public restrooms. Most of the approved self-closing faucets do not comply with the Americans With Disabilities Act. The proposed rules also include revisions to the commercial building code, chs. ILHR 50-64, which duplicate water-conservation and lavatory and shower head performance addressed in the plumbing code.

SECTION 1. ILHR 2.66 Table 2.66 is amended to read:

Table 2.66

Product	Fee	
	Type of Review	
	New Review	Revision or Renewal
1. Chemical or biochemical treatment for private sewage systems	\$200	\$100
2. Cross-connection control device	\$100	\$ 50
3. Health care plumbing appliance	\$200	\$100
4. Laboratory plumbing appliance	\$200	\$100
5. Prefabricated exterior grease inter-ceptor, holding or septic tank	\$100	\$ 50
6. Prefabricated plumbing	\$200	\$100
7. Water-conserving-fixtures:		
a. Faucet	\$-80	\$-40
b. Shower-head	\$-60	\$-30
c. Urinal	\$100	\$-50
d. Urinal-flushing-device	\$100	\$-50
e. Water-closet	\$100	\$-50
f. Water-closet flushing-device	\$100	\$-50
8. 7. Water treatment devices	\$200	\$100

SECTION 2. ILHR 2.66 (1) (b) 1 is amended to read:

ILHR 2.66 (1) (b) 1. The fee for the request of the review of a research report by the department for ~~either~~-a cross-connection control device ~~or~~-a ~~water-conserving-fixture~~-under the administrative procedures described in s. ILHR 84.10 (2) (a) ~~1~~-~~or~~ 2. shall be determined in accordance with the revision or renewal provisions of Table 2.66.

SECTION 3. ILHR 52.60 (6) (a) 2 and 3 are repealed.

SECTION 4. ILHR 57.871 (4) Note is repealed.

-3-

SECTION 5. ILHR 63.32 (2) is amended to read:

ILHR 63.32 (2) LAVATORIES. ~~Lavatories (washbasin) in toilet rooms of nonresidential public buildings shall be equipped to limit the flow of water through the faucet, after the handle is released, to not more than one gallon.~~ Lavatories Lavatory faucets in toilet rooms of private living units shall be equipped to limit the flow to not more than 3 gallons per minute.

SECTION 6. ILHR 84.10 (2) (a) (intro.), 1 and 2 are renumbered 84.10 (2) (a) 1 to 3.

SECTION 7. ILHR 84.10 (2) (a) 1 is amended to read:

ILHR 84.10 (2) (a) 1. Except as provided in ~~subds. 1, and~~ subd. 2., specifications and plans or drawings for each type of product shall be submitted to the department for review. The submittal shall be accompanied by sufficient data and information to determine if the product and its performance complies with the provisions of chs. ILHR 82, 83 and this chapter and ch. 145, Stats.

SECTION 8. ILHR 84.10 (2) (a) 3 is repealed.

SECTION 9. ILHR 84.10 (2) Table 84.10 is amended to read:

Table 84.10
SUBMITTALS TO DEPARTMENT

Product Categories

1. Chemical or biochemical treatments for private sewage systems
2. Cross-connection control devices
3. Health care plumbing appliances
4. Laboratory plumbing appliances
5. Prefabricated septic/holding tanks
6. Prefabricated plumbing
7. ~~Water-conserving faucets, spouts and plumbing fixtures.*~~
 - a. ~~Kitchen sink faucets for use in dwelling units and living units.~~
 - b. ~~Lavatory faucets~~
 - c. ~~Shower heads~~
 - d. ~~Urinals~~
 - e. ~~Urinal flushing devices~~
 - f. ~~Water closets~~
 - g. ~~Water closet flushing devices~~
8. ~~7.~~ Water treatment devices

*See ~~s. 145.25, Stats., and s. ILHR 84.20 (3) concerning water-conserving fixtures.~~

SECTION 10. ILHR 84.20 (3) (a) 3 is repealed.

(END)

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.

Tommy G. Thompson
Governor

Carol Skornicka
Secretary



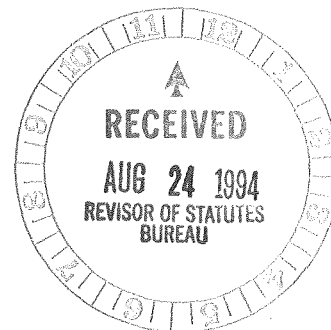
Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

August 24, 1994

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 94-81

RULE NO. Chapters ILHR 2 and 84

RELATING TO: Water-conserving Fixtures

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

Handwritten signature of Carol Skornicka in cursive.
Carol Skornicka
Secretary