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April 20, 2021

TO: Senate Committee on Labor and Regulatory Reform  
FR: Michael Tierney, Legislative Liaison Department of Safety and Professional Services  
RE: Senate Bill 167 Relating to: examination of building plans for public buildings, public structures, and places of employment, and examination of plumbing plans.

Chair Nass and Committee members,

Thank you for the opportunity to testify today.

When Secretary-designee Crim was appointed, she inherited a plan review system that was broken. It was apparent that some contractors had learned how to use the system to their advantage – blocking out multiple plan review dates and times without knowing for certain when, or even if, they would have actual plans ready for review. Because of this, other contractors who looked at the department website for the next available plan review date were misled into believing the next available date for a plan review could be 12 weeks or more away. Contractors would also call individual plan reviewers to schedule plans resulting in further delays for other customers who had been waiting for a review date to open.

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

We very much appreciated that during that meeting Senator Roth acknowledged that commercial plan review issues had existed for a long time.

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

We began manually scheduling reviews and requiring that plans be substantially complete prior to receiving a reviewer or review date. We installed a system that holds not only the department accountable, but it also creates a virtual paper trail for customers to hold architects, designers, and contractors accountable as well.

As a result of the changes put into place by Secretary-designee Crim at the beginning of 2020, review of complete plans took 3 to just over 5 weeks over the course of 2020. This timeframe held during the height of the building season this past year – despite there being an increase in the number of plans submitted for review over the preceding year.

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

However, we need to be clear that plan reviewers are regulators and just like attorneys should not pick judges plan submitters should not pick reviewers.

Over the last year legislative contacts to the department rarely involve the plan review timelines provided by the department. Instead, contacts now focus on providing emergency reviews, issues with reviews conducted by local delegated authorities, submittal of incomplete plans, and customers seeking confirmation on when plans were truly submitted by a contractor or subcontractor in their employ.

Plans may take longer to review when the plans submitted do not meet building code requirements and there is a need to have the customer work with the reviewer to add equivalency elements to a plan to allow for a variance to be granted.

When addressing substantive changes to codes and plans that must be subject to review, the department feels such changes are best addressed by the respective code councils that are affiliated with the department. At present, the code council is meeting to go through the most recent version of the International Building Code for commercial buildings to determine which portions to adopt by reference and which portions to modify with Wisconsin specific standards – known in the industry as Wisconsinisms. Unlike some other states which essentially automatically adopt new codes shortly after they are released, Wisconsin has had a process in place that gives stakeholders a seat at the table and substantial influence on the process.

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

Our Division of Industry Services does track the respective types of plans that are submitted with errors and omissions. Roughly 15 to 20% of plans lack basic information when they are submitted. Of the 80/85% of plans that pass the triage process and go to a reviewer, there are significant numbers of plans that are found to be flawed. For elevators, roughly 40% of the plans submitted are faulty and require intervention by plan reviewers, for commercial buildings the figure is 50%, and for plumbing the figure is 60%.

As for the provision regarding fees contained in the bill, this is an issue that had been broached with Senator Roth prior to the enactment of the changes Secretary-designee Crim implemented. While the payment of fees upon submittal of a plan has been supported by the department to ensure the submission of complete plans on the scheduled review date, the steps taken by Secretary-designee Crim are already producing results that consistently allow the department to outperform stated timelines provided by industry stakeholders.

In conclusion, today we have a system in place that allows builders of commercial structures to have confidence. If you have plans to break ground and build a commercial structure in our state, all you need to do is focus on getting your plans done and submitted. You no longer need to look at a dysfunctional calendar on the department website and worry over how you may fit into the queue. You simply focus on getting your plans submitted to the department and the department will get our end of the job done in 6 weeks or less. Today, by the way, the figure is approximately 3 weeks.

Again, thank you for the opportunity to testify. I am available to answer questions about this legislation or plan review in general.

SB 167

Sen. Roth

Carey Drive Permit Timeline

Brian Jacobs

February 2020 sent everything to Batterman *Site Plan*

5/12/20: Sent plans to Village

5/14/20: Advised that plans needed to be sent to the new state program for review

5/19/20: Village talked with state building supervisor. Village must send a letter stating they are no longer doing plan reviews for commercial inspections.

6/25/20: State building supervisor told Village that the state would review. We were told 30 days.

6/26/20: State building supervisor told Village that their office doesn't deal with plan review anymore. We had to reissue with DSPS.

6/26/20: Emailed DSPS about permit

7/22/20: DSPS issued access to SharePoint Portal Access

7/23/20: Mike Blue at Borkholder had to sign Design Appointment. Said he couldn't because we only had stamped structural drawings.

8/5/20: Resubmitted plans through portal access

8/7/20: ~~HVAC~~ <sup>Plumbing</sup> was not scheduled for that review. State kicked it back out. They had to go through the same process with DSPS and have signed stamped plans.

9/1/20: ~~HVAC~~ <sup>Plumbing</sup> plans were conditionally approved.

9/15/20: Had new drawings for review, could not get back into DSPS portal to upload. DSPS had to fix something to allow us back in.

9/23/20: Got an Oct. 12<sup>th</sup> date to review.

10/19/20: We were told there was a glitch in the portal system and they didn't have the material they needed to review. We had to reschedule again.

10/26/20: Resubmitted again for review.

11/17/20: Had to change classification of building per Village and resubmit. *Air Handling Village.*

12/29/20: Got conditional approval permit.

**\$7,873.59 in Propane to heat building**



**2021 Senate Bill 167  
April 20, 2021**

**Jeffrey J. Beiriger  
Executive Director  
Plumbing Heating Cooling Contractors – Wisconsin Association**

My name is Jeff Beiriger and I am the Executive Director of the Plumbing Heating Cooling Contractors – Wisconsin Association and the Master Plumbers Association of Wisconsin.

When this bill was introduced during the 2019 session (as SB 820), I testified at the time that plumbing plan review times were too long and that they've been that way for too long. I said, "The industry is looking for review times in the 4- to 6-week range. More recently, we've been out 10 to 12 weeks. The net effect is a bottleneck on the construction industry and the state's economy."

Today, plumbing plan reviews are within our stated goal of 4 to 6 weeks. We made the progress we had hoped for without a change in the law.

To our thinking, the agency did an excellent job of reaching out and working with the industry. We came to the table with a few ideas and so did the department. We got on the same side of the table and talked about what we *could* do. We looked for possible bottlenecks and discovered that many of them were of our own making. When the time came, we helped communicate the solution. And it worked....

As we sit here today, I haven't received any comments from my members about plan review times. I'm not saying that I might not, but our experience this last time gives

us confidence that we can stay ahead of the curve through continued dialogue and, importantly, action.

We still have a few ideas and, I'm sure the agency does too. For the past several months, the Plumbing Advisory Code Council has been reviewing our State plumbing code. Among the proposals they will discuss is one that we have offered to further streamline the plan review process. We've also heard feedback from some of our contractors about all the elements of a plan that are reviewed and whether that needs to be reconsidered. That, we think, is the next step. To take what we've done and to build on it.

Put another way, we think that the solution isn't to review less plans, but to keep working on the review process itself. More than that, it may be time to consider whether we need to not spend, but invest in plan review as an important part of our economic engine in the state. We are gathered here today because we recognize that plan review can be a bottleneck for the construction industry and our State's economy. That investment, should you choose to make it, would come from program revenue, not general revenue. The industry may already be providing enough financial support to do this. And if it isn't, it might be willing to invest in slightly higher fees to make that happen.

As I said during a February 2019 hearing, changing the fixture counts isn't something we really want to do. We noted that we don't really know what effect this will have on plan review times, but what we know is that more plans will not be reviewed. We think there is a public health and safety issue with that course of action, but even setting that aside, it's important to remember that we are looking at "plans." To review

that critical construction document, one more time, before work begins in the field, will almost always result in better projects, less rework, and better outcomes during inspection. What we get are better projects.

So perhaps there was a time when a legislative solution was the answer. For our part, we don't think we're there right now. We've made what we think is more than satisfactory progress and we've done that by having the regulated community working closely with its regulating agency. It's a good process and even my harshest critics of the DSPS from two years ago are satisfied with the results and encouraged by the potential for future progress.

I defer to others to speak to the merits of commercial building plan reviews, but for those portions dealing with plumbing, we are opposed. This is a broadsword approach and we know that a more surgical approach can work precisely because it already has.

This will always be an option for another day. It's just not the right option right now and that's why we oppose SB 167.

For more information:

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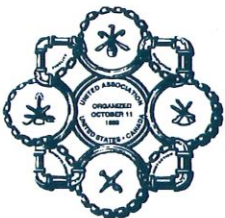
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**To:** Chairman Nass and members of the Senate Committee on Labor and Regulatory Reform

**RE:** Opposing passage of SB-167, relating to the examination of building plans for public buildings, public structures, and places of employment; examination of plumbing plans.

Thank you Chairman Nass and members of the Senate Committee on Labor and Regulatory Reform for the opportunity to provide comments on SB-167. We understand that there are lead times associated with DSPS plan reviews and, while we support the investigation of ways to reduce that lead time, we are opposed to this bill.

Under the bill, state level review wouldn't be required for certain plans involving fewer than 25 plumbing fixtures. By focusing solely on the number of plumbing fixtures, the bill removes the consideration of many important plumbing components from state level plan review and fails to take into consideration other plan review components. Many of these plumbing components act to protect municipal water supplies, sewerage systems, wastewater treatment plants and building occupant health and safety. Additionally, many communities lack the financial and staff resources to perform the plan review work that could fall to them as a result of this bill.

Though we appreciate the authors intent, we recognize that DSPS has been able to reduce the lead times on plumbing plan review since the original introduction of this bill last session. In other words, this bill is now outdated based on updates that have been made at the Department level. We would now rather focus the attention of other components of plan review that have fallen behind and work towards solutions that provide long-term results. Our concern is this bill is a temporary fix to a bigger picture problem. We believe this can be a bi-partisan solution at the agency level and appreciate the efforts of DSPS thus far to make needed improvements to the plan review process, and we are hopeful they will continue to be open-minded on additional improvements.

Again, we sincerely appreciate your attention to this issue. However, we are opposed to setting a fixture-specific plan review threshold. We support considering policy changes that will improve the plan review process, but believe that working through the Commercial Building Code Council and Plumbing Code Advisory Council is the best way to go about investigating such changes.

Thank you again for the opportunity to provide comment on this bill.