

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-055

Rule No.: Chapters Comm 62 and 81 to 84

Relating to: Wisconsin Uniform Plumbing Code and Commercial Building Code

Contact person for substantive questions:

Contact person for internal processing:

Name Lynita Docken

Name Norma Sampson

Title Program Manager, Plumbing

Title Communications Specialist

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1. Basis and purpose of the proposed rule.

The basis of the proposed rules are sections 101.02, 145.02 and 145.13, Stats. The purpose of the proposed rules is to update and revise the state's Uniform Plumbing Code so that the code is best able to protect public health, safety, and the waters of the state.

The proposed rules consist of updates of chapters Comm 81 to 84, Uniform Plumbing Code, including the incorporation by reference of the latest editions of many national standards related to plumbing products and methodologies. The proposal would allow the recycling of wastewater from water closets, change the calculation of the load factor on drain piping and upgrade the requirements for water conserving fixtures to more closely follow national standards.

In addition, the allowance of waterless toilets and waterless antiseptic cleansing provisions in chapter Comm 62, the Commercial Building Code, is being revised to restrict installation of such devices in lieu of water-based toilets and cleansing provisions.

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

Sections 101.02 and 145.02 Stats., grant the Department of Commerce general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the design, installation or construction, inspection and maintenance of plumbing. In accordance with s. 145.13, Stats., the Department also is responsible for safeguarding the waters of the state. To fulfill this responsibility, the Department has promulgated the state uniform plumbing code, chapters Comm 81 to 84.

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

No substantive changes have been made.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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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 update chapters Comm 81 to 84 will not have a significant impact on a substantial number of small businesses.

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.

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3. Nature and estimated cost of preparation of any reports by small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Agency contact person for substantive questions.

Name: Lynita Docken

Title: Project Manager, Plumbing

Telephone No. 608-785-9349

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

