



Alliance for Regulatory Coordination

Comments in Opposition to 2021 SB 167 and AB 152

To the Senate Committee on Labor and Regulatory Reform and the Assembly Committee on
Regulatory Licensing Reform

March 17, 2021

Hello, I am Bob DuPont, founder of the Alliance for Regulatory Coordination (ARC), and past director of the Program Development Bureau in the Safety and Buildings Division of the Wisconsin Department of Commerce. The ARC is a consortium of 23 business, professional, and trade organizations involved in building design, construction and regulatory services.

Members of the ARC, as listed below, are opposed to 2021 SB 167 and AB 152. We believe these bills will place Wisconsin citizens and visitors at greater risk to their health and safety by negatively affecting building occupants, first responders, municipal sewer and water utilities, and the waters of the state. We believe that state level plan review triggers should be developed and recommended by the Department of Safety and Professional Services with input from the Commercial Building Code Council and the Plumbing Code Advisory Committee.

Regarding commercial buildings, under these bills, state level plan review would end for single story buildings containing less than 200,000 cubic feet of volume that fall entirely in the following occupancy groups: Business Group B; Factory Industrial Group F; Mercantile Group M; Storage Group S; and Utility and Miscellaneous Group U. Municipalities would maintain their authority to require local plan review, permits and inspections of any sized commercial building. To get a sense of the scope of this plan review exemption, please consider this.

A 200,000 cubic foot mercantile establishment with a 20-foot ceiling would have a footprint of 10,000 square feet. That equates to a strip mall 200 feet in width by 50 in depth. That is a significant building, with an allowable occupancy load of over 300 men, women and children.

These bills remove an important safety net from the state's building safety program and shift the burden of plan review to communities throughout the state. Many communities lack the financial and staff resources to pick up the plan review workload abandoned by the state under these bills. Because building inspections are not required for commercial buildings, under state law or code, we cannot rely on field inspections to catch problems not caught by plan review.



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Regarding plumbing systems, under these bills, state level plan review would not be required for plumbing installations, additions or alterations involving fewer than 25 plumbing fixtures within any sized building that falls entirely in the above listed occupancy groups. Municipalities would maintain their authority to require local plan review, permits and inspections of any sized plumbing project.

These bills remove an important safety net from the state's plumbing safety program and shift the burden of plumbing plan review to communities throughout the state. Many communities lack the financial and staff resources to pick up the plumbing plan review workload abandoned by the state under these bills. Again, because plumbing inspections are not required for commercial buildings, under state law or code, we cannot rely on field inspections to catch problems not caught by plumbing plan review

In addition, by focusing solely on the trigger of 25 plumbing fixtures, these bills remove many important plumbing components from state level plan review. In addition to protecting building occupants from harm, such plumbing components protect municipal water supply systems, sewerage systems, wastewater treatment plants, and the waters of the state.

Avoiding overloads on municipal wastewater treatment plants is an important aspect of DSPS plumbing plan review. Before the DSPS approves a plan for a new private interceptor main sewer, which is to discharge to a municipal treatment facility, the designated local planning or management agency must indicate conformance with the locally developed areawide water quality management plan meant to protect the waters of the State. Under these bills, such efforts to avoid wastewater treatment plant overloads would be ended.

Following is a table showing plumbing components that would no longer require state level plan review under these bills. For each plumbing component listed, the table shows the purpose of the component as well as other elements and systems impacted by that plumbing component. These important purposes and impacts drive the present requirement for state level plan review – all in an effort to protect the health, safety and welfare of building occupants, community water and sewer systems, and the natural environment.



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Plumbing Component	Purpose of Component	Other Elements & Systems Impacted
Cross connection control devices in dental and outpatient health clinics	Protect drinking water for building occupants and the entire community.	Protects groundwater, water wells, and the water quality in municipal waterworks systems.
Private interceptor main sewers	Safely convey domestic wastewater, from multiple buildings, to the municipal sewerage system; installed on private property.	Current approval coordination between the DSPS and local officials prevents overloading of municipal sewerage systems and municipal wastewater treatment plants.
Grease/oil interceptors, garage catch basins, car wash interceptors	Remove materials that clog sewers and negatively affect wastewater treatment.	Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants.
Chemical waste drainage and treatment systems	Convey and treat caustic waste from laboratories, and neutralize such waste before discharge to municipal sewerage system.	Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants.
Mixed wastewater holding devices	Holds wastewater from industrial processes for removal and transport to specialized treatment facilities.	Protects groundwater, municipal sewerage systems and municipal wastewater treatment plants.
Stormwater systems	Convey stormwater from buildings and grounds to safe place of disposal.	Protects waters of the state and municipal stormwater systems.
Stormwater/clearwater infiltration systems	Disperse stormwater and clearwater to surface or subsurface soils.	Protects waters of the state and municipal stormwater systems; and recharges groundwater.
Water treatment systems other than privately owned wastewater treatment systems, POWTS	Treat wastewater for reuse within buildings or on the property; for toilet flush water, turf irrigation, etc.	Protects groundwater and reduces loads on municipal waterworks, municipal sewerage systems, and wastewater treatment plants.
Alternate and experimental plumbing systems	Facilitate the use of new or innovative materials, products and methods within plumbing systems.	May reduce loads on municipal waterworks, sewerage systems, and wastewater treatment plants.



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The state plan review program for individual plumbing components began in 1975. Forty-six years ago, the impact of plumbing systems, not only on building occupants, but on entire communities, was recognized by public health and safety officials, as well as the State Legislature. Those impacts are just as important today as they were forty-six years ago.

The Alliance for Regulatory Coordination agrees that the construction industry needs timely plan review services from the Department of Safety and Professional Services. We are pleased that the timeliness of DSPS plan review improved significantly in 2020. The DSPS has greatly improved plan review timeliness by redesigning its plan review process and by partnering with municipal plan review programs to address workload peaks. These effective changes were the result of focused and fruitful customer and partner engagement by the Department.

Although we don't see the need for changes at this time, we recommend that any state plan review program changes be made through the code promulgation process. Because plan review triggers involve important public safety considerations, as well as significant technical nuances, we believe the code development process, with input from the Commercial Building Code Council and the Plumbing Code Advisory Committee – as well as other interested parties involved in building design, construction and regulation – is the best avenue to pursue.

We don't want plan review timeliness at the expense of public safety and protection of our natural environment.

Please feel free to contact me if you have any questions regarding our comments.

ARC member organizations opposed to SB 167 and AB 152 are listed on the following page.



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Classic Members

International Association of Electrical Inspectors, Wisconsin Chapter
International Brotherhood of Electrical Workers, Wis. State Conf.
National Electrical Contractors Association, Wisconsin Chapter
Northwest Wisconsin Building Inspectors Association
Plumbers Union Local 75
Plumbing-Heating-Cooling Contractors, Wisconsin Association
Plumbing Mechanical Sheet Metal Contractors Alliance
Sheet Metal Air Rail Transportation Local 18
Wisconsin Code Officials Alliance
Wisconsin Electrical Trades Council
Wisconsin Fire Protection Coalition
Wisconsin State Fire Chief's Association
Wisconsin State Fire Inspectors Association

Associate Members

Madison Area Mechanical and Sheet Metal Contractors Association
Madison Association of Plumbing Contractors
National Association of the Remodeling Industry, Milw. Chapter
Professional Fire Fighters of Wisconsin
Southwestern Wisconsin Building Inspectors Association
Wisconsin Electric Cooperative Association
Wisconsin Propane Gas Association
Wisconsin State Firefighters Association

Supporting Members

International Code Council