

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Illinois Plumbing License Law

April 14, 2023

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of Section 2.5 of the Illinois Plumbing License Law (225 ILCS 320/2.5), which is scheduled to sunset on January 1, 2024. As a result of this review, GOMB makes the following recommendation:

The Governor's Office of Management and Budget recommends the sunset of Section 2.5 of the Illinois Plumbing License Law (225 ILCS 320/2.5) be extended and that the statutory language be modernized in order to implement more streamlined and efficient regulation of this profession, which will ensure the safety and welfare of the general public and ease the burden of regulatory compliance.

GOMB's examination of this act was conducted considering the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Section 2.5 of the Illinois Plumbing License Law (225 ILCS 320/2.5) addresses the regulation of lawn sprinkler irrigation systems, which is necessary to protect the health, safety, and welfare of the public due to the potential for contamination of potable water supplies and to expose passerby to other harmful pathogens.

Improper installation and operation of lawn sprinkler irrigation systems can cause the contamination of public water supplies and/or building water supplies. Water pooling around sprinkler heads may be contaminated by chemicals, fertilizers, or animal waste. If the connection to the potable water supply is not protected by proper backflow devices, irrigation systems may allow contamination of potable water systems by introducing hazardous chemicals, such as pesticides and fertilizers; harmful organisms such as nematodes, e. coli, giardia, or legionella; along with other sediment and debris. Lawn sprinkler systems often include pumps or elevated tanks connected to their systems. These systems can contaminate a potable water distribution system through backflow or backsiphonage whenever the pressure on the public water distribution system is less than the pressure on the irrigation system unless that potable system is protected by a suitable backflow preventer. Therefore, in order to protect health, safety, and welfare of the public, the continued regulation of lawn sprinkler system installation is necessary.

Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”

The following table provides an approximate number of irrigation contractors and irrigation employees by gender, over the last five years.

Year	Irrigation Contractors	Irrigation Employees	Male Employees	Female Employees	Gender Not Specified
2022	191	706	697	8	1
2021	187	754	742	11	1
2020	187	596	587	9	0
2019	206	925	909	15	1
2018	199	953	938	14	1

The following licensure fee structure pertains to these professions:

License Application	Fee
Irrigation (employees 0-7)	\$400
Irrigation (employees 8-12)	\$600
Irrigation (employees 13-20)	\$900
Irrigation (employees 21-28)	\$1,200
Irrigation (employees 29-35)	\$1,500
Irrigation (employees 36 or more)	\$1,500

License Renewal	Fee
Irrigation (employees 0-7)	\$400
Irrigation (employees 8-12)	\$600
Irrigation (employees 13-20)	\$900
Irrigation (employees 21-28)	\$1,200
Irrigation (employees 29-35)	\$1,500
Irrigation (employees 36 or more)	\$1,500

Other	Fee
Backflow Test Certificates	\$25
Cancellation	\$20
Non-Sufficient Fund Fee	\$200

Criteria (2) “The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services.”

The Illinois Department of Public Health (IDPH) does not currently have a mechanism to track the race or ethnicity of irrigation employees or contractors. The table shown above provides a breakdown of irrigation employee gender as reported at the time of registration. IDPH is unaware of any complaints made to the department citing discrimination associated with the registration of irrigation contractors and employees, nor is IDPH aware of any external sources citing discrimination associated with the registration of irrigation contractors and employees in Illinois.

Criteria (3) “The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters.”

IDPH and the irrigation industry would benefit from updated licensing software with improved abilities for electronic registration of irrigation contractors, irrigation employees, and submission of required documents.

Criteria (4) “The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates.”

IDPH has not proposed any legislative initiatives over the past five years that would impact the irrigation industry.

Criteria (5) “The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service.”

The IDPH Plumbing and Water Quality Program maintains a general program email address (DPH.Plumbing@illinois.gov) to receive general inquiries, complaints, comments, and other submittals associated with the plumbing and irrigation industry. While IDPH does not currently have a tracking system to log all complaints or comments received, the department reviews and considers all submittals. As an example, at the onset of the COVID-19 Pandemic in 2020, IDPH received numerous inquiries concerning cancellation of continuing education courses, which would prevent the regulated industry from receiving their required continuing education hours and prevent them from renewing their license. As a result, IDPH pursued an executive order and emergency rulemaking to temporarily extend the deadline for plumbers’ license renewals. Additionally, IDPH worked with the Plumbing Code Advisory Council and the Board of Plumbing Examiners to establish guidelines to allow online education to be accepted for the regulated industry.

Comments from the industry most often relate to concerns about a lack of available courses of instruction necessary to obtain their irrigation contractor registration. IDPH has worked with and plans to continue to work with industry partners to address this problem. Specifically, IDPH has agreed to continue to work with the Illinois Landscape Contractors Association with the intent of addressing this concern.

While IDPH does not receive many comments from the general public regarding irrigation contractors or lawn sprinkler systems, the majority of comments received are typically associated with requests for IDPH approval of a non-potable source for an irrigation system. Due to a lack of success in adopting rules addressing water reuse, IDPH reviews each submittal on a case-by-case basis.

Criteria (6) “The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public.”

There have not been any agency initiatives that require regulated individuals to provide feedback to the agency on the impact of deficiencies in the regulated industry on the public.

Criteria (7) “The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority.”

IDPH attempted to revise the Illinois Plumbing Code to incorporate water reuse standards in 2014 and 2019. During both of those efforts, IDPH worked with the Plumbing Code Advisory Council as well as impacted parties within the industry including representatives of the Laborers, Operating Engineers, and Plumbers and Pipefitters. During the rulemaking process, IDPH hosted a hearing to receive public comment on the proposed rules and made changes to our proposal based upon comments received.

Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”

The IDPH Plumbing and Water Quality Program maintains a general program email address, (DPH.Plumbing@illinois.gov) to receive general inquiries, complaints, comments, and other submittals associated with the plumbing and irrigation industry. However, IDPH does not currently have a tracking system to log all

complaints or comments received, and therefore is unable to provide metrics regarding average time from receipt to investigation.

Criteria (9) "The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section."

IDPH believes there needs to be a modification regarding continuing education for irrigation contractors. In subsection 'f' of section 2.5 of the Illinois Plumbing License Law, it states the following:

"A college, university, trade school, vocational school, or association that has established a program providing a course of instruction in lawn sprinkler design and installation may submit a letter to the Department requesting approval of its program or course of instruction.

"The request for approval shall include information on the curriculum offered by the program and the qualifications of the organization. The course shall consist of a minimum of 2 days of classroom education and an exam and shall include a provision for continuing education.

"The Department shall evaluate the curriculum and organization before making a determination to approve or deny a request for approval.

"In addition to providing to the Department the names of licensed plumbers who are employed by or contract with an irrigation contractor, an irrigation contractor must also provide to the Department the names of employees who have successfully completed an approved course on the installation of lawn sprinkler systems and proof that the course was successfully completed, and that continuing education is also being completed" (225 ICLS 320/2.5(f)).

For statutory enforcement purposes, the Department requires 4 hours of continuing education annually. The Department holds that this section of statute should be amended to clarify this requirement.

Conclusion:

Improperly installed lawn sprinkler systems can be a source of contamination for public water supplies, therefore the regulation of these systems should continue to protect the public health. GOMB recommends extending this act to permit irrigation contractors to continue to install lawn sprinkler systems. Extending this statutory provision will allow those irrigation employees to continue to work and protect public health.

As a matter of administration, IDPH believes it would be beneficial to establish a required late fee, reinstatement fee, or penalty for irrigation contractor's submitting a late renewal, similar to those late fees established for plumbing license renewals and plumbing contractor registration renewals. IDPH finds that instead of renewing by the February 28th deadline, many irrigation contractors delay submitting their renewal application until later in the spring, closer to the start of the sprinkler system installation season. These late submittals create administrative challenges for IDPH due to overlap with the plumbers' license renewal period. This can cause a delay in IDPH's issuance of the irrigation contractor registration, which can impede a contractor's ability to procure necessary permits to install lawn sprinkler systems. IDPH believes establishing a late fee would potentially encourage these contractors to renew their registration in a timely manner. The late fee for plumbers' licenses and plumbing contractor registrations is currently set at \$100 for a \$150 license/registration. Providing a similar late fee for irrigation contractors seems prudent.

Finally, IDPH believes that statutory changes should be made to replace the requirement to renew irrigation

contractor registrations, plumbing contractor registrations, and plumbers' licenses from a 12-month renewal period to a 24-month renewal period. This would allow the department to stagger renewal periods and more efficiently administer statutory requirements. Additionally, this would double the amount of time available to the regulated industry to obtain their continuing education hours, which theoretically should make it easier to find courses to meet these continuing education requirements.

The Governor's Office of Management and Budget recommends the sunset of the act be extended and that the statutory language be modernized in order to implement a more streamlined and efficient regulation of this profession, which will ensure safety and welfare of the general public and ease the burden of regulatory compliance.