

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapters Comm 2, 5 and 16

Relating to Electrical Construction, Certification and Inspection
:

1. Description of the objective of the rule.

The objective of the proposal, in keeping with the statutory requirement to use nationally recognized standards, is to update Chapter Comm 16, Electrical Code, incorporating by reference the 2008 edition of the National Electrical Code (NEC) published by the National Fire Protection Association (NFPA) as NFPA standard No. 70.

The rule may also address administrative issues related to electrical inspection, certification and associated fees in order to comply with the statutory mandate for inspection of electrical construction in those municipalities which have not adopted and enforced ordinances providing for inspection of electrical construction.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

The state electrical code has incorporated the NEC by reference since 1972. Currently, the 2005 edition of the NEC is referenced by Chapter Comm 16. This rule project will update the state electrical code to the 2008 edition of the NEC while evaluating the electrical requirements in Chapter 16 that add to or modify the requirements in the NEC.

The department has provided limited electrical inspection along with consultation on the electrical code. The topic of increased electrical inspection will be considered and discussed along with creation of administrative rules in keeping with the statutory mandates for the protection of public health and safety.

The alternative of not updating these rules would result in chapter Comm 16 not being up-to-date with current nationally recognized standards for the design, installation and operation of electrical conductors and equipment in all buildings and structures and an inspection program that fails to fulfill the statutory objectives of Chapter 101, Stats.

3. Statutory authority for the rule.

The statutory authority for Chapter Comm 16 is contained in sections 101.63 (1), 101.73 (1), 101.82 (1), Stats. The statutory authority for electrical inspection and associated fees is contained in sections 101.19 (1) and 101.82 (3m) and (4), Stats.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.

The staff time needed to develop the rules is expected to be approximately 700 hours, depending upon the associated complexity. This includes research, rule drafting, and processing the rules through public hearings, legislative review, and adoption. There are no other resources necessary to develop the rules.

5. Description of all of the entities that will be affected by the rule.

These rules will affect any building, structure or premises where the installation of electrical wiring will be undertaken, other than those buildings, structures or premises regulated by the Public Service Commission. The rule will also affect any designer, installer or inspector of electrical wiring along with owners and frequenters of buildings, structures or premises where electrical wiring is installed.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the National Electrical Code (NEC). An internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the activities to be regulated by the rule.

Title 7 CFR Part 1755_ Telecommunications Standards and Specifications for Materials, Equipment and Construction. This regulation in the Department of Agriculture applies to telecommunications wiring and equipment, and requires compliance with the 1993 NEC.

Title 24 CFR Part 3280—Manufactured Home Construction and Safety Standards Subpart I—Electrical Systems. This regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 NEC.

Title 29 CFR Part 1910 _ Occupational Safety and Health Standards. Subpart S of this regulation in the Department of Labor contains detailed electrical safety requirements that are necessary for the practical safeguarding of employees in their workplaces.

Title 29 CFR Subpart 1926 – Safety and Health Regulations for Construction. Subpart K of this regulation in the Department of Labor contains detailed electrical safety requirements that are necessary for the practical safeguarding of employees involved in construction work.

Title 30 Part 57—Safety and Health Standards—Underground Metal and Nonmetal Mines. Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.

Title 30 Part 75—Mandatory Safety Standards—Underground Coal Mines. Subpart F of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground coal mines.

The Occupational Safety and Health Administration (OSHA) revised the general industry electrical installation standard found in Subpart S of 29 CFR Part 1910, effective on August 13, 2007. The Agency determined that electrical hazards in the workplace pose a significant risk of injury or death to employees, and that the requirements in the revised standard, which draw heavily from the 2000 edition of the National Fire Protection Association's (NFPA) Electrical Safety Requirements for Employee Workplaces (NFPA 70E), and the 2002 edition of the National Electrical Code (NEC), are reasonably necessary to provide protection from these hazards. This revised standard focuses on safety in the design and installation of electric equipment in the workplace.

Approved for publication in the Wisconsin Administrative Register at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

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DEPARTMENT OF COMMERCE

Mary P. Burke, Secretary

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