

Preliminary Environmental Assessment of Proposed Rules relating to Construction and Fire Prevention for Public Buildings and Places of Employment, including Commercial Buildings and Structures and Multifamily Dwellings, Chs. Comm 14 and Comm 60-66.

1. Introduction

This is a preliminary environmental assessment (EA) under ch. Comm 1, Wis. Adm. Code. It is intended to be a concise, non-technical consideration of the significant environmental issues relevant to a proposed action. It includes a discussion of reasonable alternatives and mitigation measures if appropriate.

The purpose of this assessment is to inform the public of possible environmental impacts of a proposed action, and to help the Department assess the significance of those impacts in order to determine whether a proposed action will require the in-depth analysis of an environmental impact statement (EIS).

2. Description of, Need for, and Purpose of the Action

2.1 Description of the Proposed Action

Under sections 101.02 (1) and (15), 101.025, 101.027, 101.13, 101.132, 101.135, 101.14 (1) and (4), and 101.973 (1), Stats, the Department protects public health, safety, and welfare by promulgating fire prevention requirements and construction requirements for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings. These requirements are currently contained in chapters Comm 14, Comm 61 to 65, respectively. These requirements have evolved over the past ninety years.

Currently, the Department adopts by reference the 2000 editions of the ICC suite of building codes - the *International Building Code*[®] (IBC), the *International Energy Conservation Code*[®], (IECC), the *International Mechanical Code*[®] (IMC) and the *International Fuel Gas Code*[®] (IFGC) - and makes Wisconsin modifications to these codes within the WCBC. The Department also adopts by reference the 2000 edition of the NFPA fire prevention code, NFPA 1. The department proposes to adopt the 2006 editions of these ICC and NFPA codes.

The NFPA code and ICC codes contain state-of-the art minimum requirements for the built environment, developed with input from experts across the nation. The suite of ICC codes has been developed to be an integrated set of requirements. These requirements expand upon the detail that is currently contained in Wisconsin's fire prevention and building construction codes.

The codes that are proposed for adoption in this rule package are as follows:

- *Uniform Fire Code*[™] (NFPA)
- *International Building Code*[®] (IBC)
- *International Energy Conservation Code*[™] (IECC)
- *International Mechanical Code*[®] (IMC)
- *International Fuel Gas Code*[®] (IFGC)
- *International Existing Buildings Code*[®] (IFC)

This rule package proposes to adopt the above NFPA code and ICC codes and corresponding modifications in the following chapters of the Wisconsin Administrative Code.

- Comm 14 – Fire Prevention Code; which includes adoption of NFPA 1; which includes Wisconsin modifications of NFPA 1.
- Comm 61 – Administration and Enforcement; which includes adoption of the IBC, IECC, IMC, and IFGC
- Comm 62 – Buildings and Structures, which includes Wisconsin modifications of the IBC
- Comm 63 – Energy Conservation; which includes Wisconsin modifications of the IECC
- Comm 64 – Heating, Ventilating and Air Conditioning; which includes modifications of the IMC
- Comm 65 – Fuel Gas Appliances; which includes Wisconsin modifications of the IFGC
- Comm 66 – Existing Buildings; which includes Wisconsin modifications of the IEBC

The storage and handling of the explosives and fireworks requirements under chapters Comm 7 and 9 which are reprints from various NFPA standards are proposed to be eliminated in light NFPA 1 referencing the standards under the Fire Prevention Code.

2.2 *Need for the Proposed Action*

Adoption and implementation by many states of the ICC codes has intensified the desire of many parties in the construction industry to maintain Wisconsin's building construction codes in line with model codes used elsewhere in this country. Consistency in building construction requirements make it easier for designers, manufacturers, and suppliers who work in numerous states to provide products and services in Wisconsin and to comply with the various technical design requirements. Under s. 101.027, Stats., the Department has an obligation to periodically review building energy conservation standards.

2.3 *Purpose of the Proposed Action*

The purpose of the proposed rule change is to update Wisconsin's codes relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

The adoption of the proposed rules would bring Wisconsin's rule in line with the latest national and international standards, while also including modifications needed to meet specific conditions or circumstances important for implementation in Wisconsin.

3. Description of Alternatives to the Action

3.1 *No Action*

The No Action Alternative would mean that the Department's current rules remain in place. The Department does not consider this is in the best interest of the people of Wisconsin. It would not best meet the Department's statutory obligations. The Department has a responsibility to ensure that its rules are continually reviewed and revised so as to provide greater levels of effectiveness and protection of public safety and health. A No Action Alternative also negatively

affects the insurance risk rating of all Wisconsin communities which is used by insurance companies in establishing property insurance rates.

4. Possible Environmental Impacts of the Proposed Action and Alternatives

4.1 Primary Impacts

None of the alternatives are anticipated to result in any significant adverse impacts on the human environment. The rules affect design, construction and use of buildings and structures. The primary intent of the rules is to ensure that the built environment is safe and healthful.

An environmental assessment for the proposed action is required under ch. Comm 1, Wis. Adm. Code, because it involves rules relating to HVAC systems and energy usage standards for buildings.

The proposal would keep indoor design temperatures below 68°F for some occupancies as currently allowed. Current provisions allow spot heating, and waiving of heating requirements for seasonal occupancies. Such allowances are in recognition of high costs of operation during the Wisconsin heating season. This would result in energy savings compared to requiring the maintenance of higher indoor temperatures.

A proposal would expand the use of engineered natural ventilation which may result in energy savings in lieu of mechanical ventilation. Under the IMC, natural ventilation is allowed as an option in all spaces, except for smoking lounges, toilet rooms, multifamily parking structures and public locker rooms. Current Wisconsin rules limit the use of natural ventilation.

The changes made in this proposal relative to HVAC systems do not have any potential for significant adverse impacts on the human environment. These proposed rules will maintain indoor air quality as compared to the No Action Alternative.

The adoption of the 2006 IECC will replace existing codes relating to energy efficiency and conservation. The 2006 IECC reflects the 2004 edition of the ASHRAE 90.1 Standard, Energy Standard for Buildings Except Low-Rise Residential Buildings. The federal Department of Energy uses ASHRAE as a benchmark.

4.2 Secondary Impacts

The proposed rules are not anticipated to have any significant secondary impacts on the human environment beyond those effects that create safe and healthy indoor environments.

4.3 Significant Controversy that may be or is Generated by the Proposed Action

An anticipated controversy generated by the proposed action centers around the 2006 edition of the IBC requiring all residential occupancies including multifamily dwellings to be protected by automatic fire suppression systems. This concern was raised by organizations representing builders and developers. This controversy, however, is entirely unrelated to any perceived or actual environmental impacts.

5. Persons and Agencies Consulted

The Department consulted with the following persons, organizations, and state agencies during the development of the proposed rules:

- Comm 14 – Fire Prevention Council
- Commercial Building Code Council
- Multifamily Dwelling Code Council
- Alteration and Change of Occupancy Council
- Fire Safety Code Council
- Fire Protection Council
- Means of Egress and Accessibility Code Council
- Structural Review Code Council
- Energy Conservation Code Council
- Heating, Ventilating, and Air Conditioning Code Council

6. Preliminary Recommendation Regarding Need for Environmental Impact Statement

In the absence of evidence for potential significant adverse impacts on the human environment resulting from the proposed rules, the Department's preliminary finding is that an environmental impact statement is not needed for this action.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
 Chs. Comm 14, 60-66

Subject
 Fire Prevention Code and Wisconsin Commercial Building Code

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Commerce/James Quast 266-9292

Authorized Signature/Telephone No.

Date

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chs. Comm 14. 60-66
Amendment No. if Applicable

Subject

Fire Prevention Code and Wisconsin Commercial Building Code

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation
 Decrease Existing Appropriation
 Create New Appropriation
 Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The Department of Commerce protects public health, safety, and welfare by promulgating comprehensive requirements for design, construction, use and maintenance of public buildings and places of employment. The Department also updates these requirements as necessary to be consistent with nationally recognized standards that are incorporated by reference into the Wisconsin Commercial Building Code (WCBC) and the Wisconsin Fire Prevention Code, specifically, the building code requirements developed by the *International Code Council*[®] (ICC) and the fire prevention requirements developed by the National Fire Protection Association (NFPA).

Currently, the Department adopts by reference the 2000 editions of the ICC suite of building codes - the *International Building Code*[®] (IBC), the *International Energy Conservation Code*[®], (IECC), the *International Mechanical Code*[®] (IMC) and the *International Fuel Gas Code*[®] (IFGC) - and makes Wisconsin modifications to these codes within the WCBC. The Department also adopts by reference the 2000 edition of the NFPA fire prevention code, NFPA 1. The Department proposes to adopt the 2006 editions of these ICC and NFPA codes. The majority of the rules as current Wisconsin modifications that are proposed to be repealed are a result of the modifications being addressed under the 2006 editions of these codes. The proposed update of the WCBC would apply to design and construction of new buildings and modifications to existing buildings.

The proposed rules revisions do not increase or decrease the administrative and enforcement aspects of the two codes at either the department level or the local government level.

The proposed rules will not have a significant effect on the private sector.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/James Quast 266-9292

Authorized Signature/Telephone No.

Date