

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapter 16

Relating to : Electrical

1. Description of the objective of the rule.

In keeping with the statutory requirement to use nationally recognized standards, the objective of the rulemaking project is to incorporate by reference the 2011 edition of the *National Electrical Code* (NEC) into Chapter Comm 16, Electrical Code. The proposal also may clarify and update the department's administrative rules in Comm 16 relating to the practical safeguarding of persons and property from hazards arising from the installation and use of electricity. This update may be incorporated into more than one rule packages and may include revisions to other chapters affected by the proposal.

The overall objective of the rulemaking project is to have a clearly understood code that reflects the application of current electrical practices, products, standards and materials. To ensure the health, safety and welfare of Wisconsin citizens, it is important that the code and adopted standards are viable and current.

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.

Currently, Chapter Comm 16 references the 2008 edition of the NEC which is published by the National Fire Protection Association (NFPA). This rule project will update the state electrical code to the 2011 edition of the NEC while evaluating the electrical requirements in Chapter Comm 16 that add to or modify the requirements in the NEC. The Wisconsin electrical code has incorporated the NEC by reference since 1972.

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. Not updating the rules could jeopardize the health, safety and welfare of Wisconsin citizens.

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.

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 about 1,000 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. Any entity involved with the electrical industry will be affected.

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 29 CFR, Part 1910 – Occupational Safety and Health Standards. Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries.
- Title 29 CFR, Part 1926 –Safety and Health Regulations for Construction. Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety-related practices, safety-related maintenance and environmental considerations and safety requirements for special equipment necessary to safeguard employees involved in construction work.
- Title 30 CFR, Part 75 – Mandatory Safety Standards–Underground Coal Mines. Subpart F of this regulation in the Department of Labor contains electrical safety requirements for the protection of employees working in underground coal mines.
- Title 30 CFR, 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 24 CFR, Part 3280—Manufactured Home Construction and Safety Standards. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 NEC.
- 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 NEC.

The Occupational Safety and Health Administration (OSHA) revised the general industry electrical installation standard found in Subpart S of Title 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 National Fire Protection Association's (NFPA) Electrical Safety Requirements for Employee Workplaces (NFPA 70E), and 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. In the October 29, 2008, *Federal Register*, the Agency revised the regulatory text to clarify OSHA's scope and corrected some typographical errors.

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DEPARTMENT OF COMMERCE


Paul F. Jadin, Secretary
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