

# STATEMENT OF SCOPE

## Department of Commerce

Rule No. : Chapters Comm 14, 60 to 66, 40, 43 and 45

Relating to : Fire Prevention Code and Wisconsin Commercial Building Code

### 1. Description of the objective of the rule.

The primary objective of this rulemaking project is to evaluate and update provisions of the *Fire Prevention Code*, ch. Comm 14, and the *Wisconsin Commercial Building Code*, chs. Comm 60-66. This rulemaking update is to keep the codes consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards and legislative initiatives enacted during the 2007-2008 session relating to public buildings and places of employment. In addition, the project will evaluate other administrative codes of the department that may be affected by the update of *Fire Prevention Code* and the *Wisconsin Commercial Building Code*, including at least chapters Comm 40, 43 and 45 relating to gas systems, anhydrous ammonia and mechanical refrigeration. This evaluation may result in changes and the update of rules under these chapters. The objectives of this rule project may be incorporated to one or more rule packages.

### 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 *Fire Prevention Code* and the *Wisconsin Commercial Building Code* contain standards for the design, construction, maintenance, use and inspection of public buildings and places of employment. The most recent code updates are based upon the 2006 editions of model codes developed by the National Fire Protection Association and the International Code Council. The *Fire Prevention Code* adopts and references NFPA 1, Uniform Fire Code, and the *Wisconsin Commercial Building Code* adopts and references the International Building Code, IBC, the International Energy Conservation Code, IECC, the International Mechanical Code, IMC, the International Fuel Gas Code, IFGC, and the International Existing Buildings Code, IEBC. The *Fire Prevention Code* also establishes duties for fire departments and requirements for fire departments that receive dues payments from the Department

The primary purpose of the codes under consideration is to protect public health, safety, and welfare. Periodic review and update of the Codes is necessary to ensure that the Codes still achieve that purpose. In addition, the review and update allows the opportunity to recognize new construction products and practices. The review and update process will include evaluation of the 2009 editions of the above-mentioned national model codes for incorporation.

The primary alternative would be to delay the rule-review process. This delay would reduce the public benefits that would otherwise occur by beginning this review now.

### 3. Statutory authority for the rule.

Sections 101.02 (1) and (15), 101.027, 101.10, 101.13, 101.14 (1), (2) and (4) (a), 101.16, 101.17, 101.132, and 101.973 (1) and (2), 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 Department estimates approximately 2000 hours will be needed to perform the review and develop any needed rule changes. This time includes drafting the changes – in consultation with the Comm 14 Council, the Commercial Building Code Council and the Multifamily Dwelling Code Council – and processing the changes through public hearings, legislative review, and adoption. The Department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

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

### **Fire Prevention**

An Internet-based search for “fire prevention” in the *Code of Federal Regulations* identified the following existing federal regulations that potentially address fire prevention at places of employment in Wisconsin: 29CFR1910-Occupational Safety and Health Standards, 29CFR1926–Safety and Health Regulations for Construction, 30CFR56-Safety and Health Standards-Surface Metal and Nonmetal Mines, 30CFR57-Safety and Health Standards–Underground Metal and Nonmetal Mines, 33CFR127–Waterfront Facilities Handling Liquefied Natural Gas and Liquefied Hazardous Gas, 46CFR28-Requirements for Commercial Fishing Industry Vessels, 46CFR34-Firefighting Equipment (on tankships), 46CFR76-Fire Protection Equipment (on shipping vessels), and 41CFR102-Safety and Environmental Management (for federally owned and leased buildings). No changes to Comm 14 are expected to supersede those federal requirements, so no comparison is made here to those requirements.

An Internet-based search for “fire prevention” in the 2006 and 2007 issues of the *Federal Register* did not identify any proposed federal regulations that address fire prevention at public buildings or places of employment in Wisconsin.

### **Building**

#### Code of Federal Regulations

An internet-based search for “federal commercial building code” and “building code regulations” in the Code of Federal Regulations did not identify any existing federal regulations that address these topics.

#### Federal Register

An internet-based search for “federal commercial building code” and “building code regulations” in the Federal Register did not identify any proposed federal regulations that address these topics.

### **Accessibility**

#### Code of Federal Regulations

The portions of the Code of Federal Regulations relating to accessibility in commercial buildings and facilities include the following:

28 CFR 35-Nondiscrimination on the Basis of Disability in State and Local Government Services

28 CFR 36- Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

24 CFR 1-Finals Fair Housing Accessibility Guidelines

The purpose of both 28 CFR 35 and 28 CFR 36 is to require the design and construction of commercial buildings in accordance with the regulations specified under the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The purpose of 24 CFR 1 is to provide technical guidance on the

design and construction of dwelling units as required by the federal Fair Housing Amendments Act of 1988. In Wisconsin those provisions are found in the Wisconsin Commercial Building Code through the adoption of the *International Building Code*<sup>®</sup> (IBC). The intent of the *Wisconsin Commercial Building Code* is to meet or exceed those federal laws and regulations.

#### Federal Register

The portions of the Federal Registers relating to accessibility in commercial buildings and facilities include the following:

Federal Register January 13, 1998, ADAAG; State and Local Government Facilities

Federal Register January 13, 1998, ADAAG; Building Elements Designed for Children's use

Federal Register November 16, 1999, ADAAG revisions and updates

The International Code Council (ICC) actively monitors changes to the federal standards affecting accessibility such that the IBC and the standards referenced therein remain in alignment with the most current provisions.

The Department must revise and update the current *Wisconsin Commercial Building Code* to stay abreast of and up to date with all those requirements.

### **Energy Conservation**

#### Code of Federal Regulations

The portion of the *Code of Federal Regulations* relating to energy conservation for commercial buildings and facilities is found under 10 CFR 420–State Energy Program. The purpose of this regulation is to promote the conservation of energy, to reduce the rate of growth of energy demand, and to reduce dependence on imported oil—through the development and implementation of comprehensive state energy programs. This regulation requires that each state's energy conservation rules for new buildings be no less stringent than the provisions of the 1989 edition of Standard 90.1–*Energy Standard for Buildings Except Low-Rise Residential Buildings* from the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). Each state is also required to certify to the Secretary of Energy that it has reviewed and updated the provisions of its commercial code to the specified standard. In Wisconsin those provisions are found in the *Wisconsin Commercial Building Code* through the adoption of the *International Energy Conservation Code*<sup>®</sup> (IECC).

#### Federal Register

As indicated in the July 15, 2002, *Federal Register*, the Secretary of the Interior amended the federal energy conservation regulations in 2002 by mandating compliance with the 1999 edition of the ASHRAE 90.1 standard. The current *Wisconsin Commercial Building Code* is in compliance and by reviewing the most current provisions of the model codes and standards, the Department will remain so. By staying abreast of the most current codes and standards, we do not risk being out of compliance with the federal regulations.

The Department must revise and update the current *Wisconsin Commercial Building Code* to stay abreast of and up to date with all those requirements.

### **Safety Standards for Glazing Materials**

#### Code of Federal Regulations

The portion of the *Code of Federal Regulations* relating to safety glazing material in commercial buildings and facilities is found under 16 CFR 1201–Safety Standard for Architectural Glazing Materials. This standard prescribes the safety requirements for glazing materials used in architectural products, such as doors, sliding glass doors, bathtub doors and enclosures, and shower doors and enclosures. The current *Wisconsin Commercial Building Code* is in compliance and by reviewing the most current provisions of the model codes and standards, the Department will remain so.

Federal Register

An Internet-based search for changes to 16 CFR 1201 in the 2007 issues of the Federal Register did not identify any proposed changes to this standard.

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

The requirements of the Fire Prevention Code and the Commercial Building Code impact all businesses, regardless of size, utilizing public buildings and places of employment in Wisconsin. The codes impact a variety of businesses particularly those businesses that design, build, or maintain commercial buildings; provide or produce building materials or components; own or occupy commercial buildings. The rule-making project may also affect those business that design, install, own or operate gas systems, anhydrous ammonia systems or mechanical refrigeration systems falling under the scopes of chapters Comm 40, 43 and 45.

Approved for publication in the Wisconsin  
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this date: \_\_\_\_\_

DEPARTMENT OF COMMERCE

Approved for implementation at Madison,  
Wisconsin, this date: \_\_\_\_\_

DEPARTMENT OF COMMERCE

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Jack L. Fischer, A.I.A., Secretary

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