

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapters Comm 61 to 65 and 14

Relating to : The *Wisconsin Commercial Building Code* and *Fire Prevention Code*

1. Description of the objective of the rule.

To update various design and construction related requirements of the *Wisconsin Commercial Building Code* and any corresponding criteria in the *Fire Prevention Code*, so that these codes remain consistent with dynamic, contemporary regional and national construction practices and standards relating to public buildings and places of employment.

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 *Wisconsin Commercial Building Code* – chapters Comm 61 to 65 – and the *Fire Prevention Code* – chapter Comm 14 – contain standards for the design, construction, operation, maintenance, and inspection of public buildings and places of employment. These chapters, which were developed in 2001 and became effective on July 1, 2002, replaced previous requirements for such facilities with model-code requirements that are substantially in use elsewhere in this country. Those model-code requirements of the International Code Council® and the National Fire Protection Association were initially published in 2000, and were then substantially updated and republished in 2003.

The primary purpose of the *Wisconsin Commercial Building Code* and of the *Fire Prevention Code* 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 is expected to span two years during which the 2003 and 2006 editions of model codes will be considered. This update activity may include minor modifications to other Comm codes, in order to update any references in those codes to the corresponding changes to chapters Comm 61 to 65 and 14.

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, 101.13, 101.132, 101.14 (4) (a), 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 1500 hours will be needed to perform the review and develop any needed rule changes. This time includes drafting the changes – in consultation with 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.

General Building Code

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 2003 and 2004 issues of the *Federal Register* did not identify any proposed federal regulations that address these topics.

Energy Conservation Requirements

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 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, chapter Comm 63–Energy Conservation, establishes the minimum energy conservation requirements for commercial buildings by adopting the 2000 edition of the *International Energy Conservation Code*[®] (IECC) and by including amendments that provide for greater energy savings than specified under the 1989 edition of the ASHRAE 90.1 standard. The Department of Commerce has filed information of compliance with the Department of Energy.

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 Department plans to update the current energy conservation requirements to be consistent with the 1999 edition of the ASHRAE 90.1 standard, and will send either a certification of compliance or a request for an extension to the Department of Energy by July 15, 2004.

Accessibility Requirements

Code of Federal Regulations

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

1. 28 CFR 35–Nondiscrimination on the Basis of Disability in State and Local Government Services
2. 28 CFR 36–Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities
3. 24 CFR 1–Final Fair Housing Accessibility Guidelines

The purpose of 28 CFR 35 and 28 CFR 36 is to require public buildings and commercial facilities, including government–owned and –operated buildings and facilities, to be designed, constructed, and altered in compliance with the accessibility construction regulations specified under the federal 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, the accessibility requirements for the design and construction of public buildings and places of employment, including government–owned and –operated facilities and dwelling units are found under chapter Comm 62 and the 2000 edition of the *International Building Code*[®] (IBC) as adopted by reference under section Comm 61.05. The intent of the IBC and the amendments included under chapter Comm 62 is to ensure the Wisconsin construction requirements related to accessibility are substantially equivalent to these applicable federal laws and regulations.

Federal Register

New proposed federal regulations and amendments to established federal regulations for accessibility are found in the following *Federal Registers*:

1. *Federal Register* January 13, 1998, ADAAG; State and Local Government Facilities
2. *Federal Register* January 13, 1998, ADAAG; Building Elements Designed for Children’s Use
3. *Federal Register* November 16, 1999, ADAAG revisions and updates

The International Code Council[®] (ICC) is actively monitoring the proposed changes to the federal standards affecting accessibility and will include these changes in the revised and updated 2006 edition of the IBC and the ICC/ANSI A117.1–Accessible and Usable Buildings and Facilities Standard. The Department will need to revise and update chapter Comm 62 and adopt by reference the latest edition of the IBC and the ICC/ANSI A117.1 standard to be consistent with the changes proposed in these federal regulations relating to accessibility.

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. Currently, IBC section 2406 requires glazing material located in human impact locations to comply with 16 CFR 1201.

Federal Register

An Internet-based search for changes to 16 CFR 1201 in the 2003 or 2004 issues of the Federal Register did not identify any proposed changes to this standard.

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

DEPARTMENT OF COMMERCE

Cory L. Nettles, Secretary

Approved for implementation at Madison,
Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Cory L. Nettles, Secretary