

STATEMENT OF SCOPE

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Rule No.: SPS 302, 305, and 314

Relating to: Fire Prevention Code Review

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this rulemaking project is to evaluate, update, and clarify provisions of Wisconsin's Fire Prevention Code as contained in ch. SPS 314. The Fire Prevention Code primarily contains national fire protection standards for the use, operation and maintenance of public buildings and places of employment. This rulemaking project is intended to update our regulations to be consistent with regional and national construction and fire prevention practices, standards, and products, in order to protect the health, safety, and welfare of the occupants and owners of these buildings and places of employment. Rule revisions may also require changes to chs. SPS 302 and 305, as those chapters set requirements for certain subject matters contained in ch. SPS 314.

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

Wisconsin's Fire Prevention Code primarily contains national fire prevention standards for the use, operation and maintenance of public buildings and places of employment. The current rules adopt and reference the 2012 edition of the National Fire Protection Association's NFPA 1, *Fire Code* standard. The Fire Prevention Code also establishes duties and requirements for fire departments and municipalities that receive fire dues payments through the department.

The primary purpose of this rulemaking project is to protect public health, safety, and welfare. Periodic review and update of the rules is necessary to ensure that the rules still achieve that purpose. As part of this purpose, the review and potential update allows the opportunity to recognize and stay current with new construction and new fire prevention products and practices. With the use of new technologies, new and emerging fire hazards should be considered and evaluated. Administration of the code, definitions, general fire safety, and other topics covered by ch. SPS 314 will be considered during this project. The review and update process will include evaluation and consideration of potentially adopting the 2024 edition of the NFPA 1, *Fire Code* standard. Since 2012, multiple editions of the NFPA 1 *Fire Code* have been published by the National Fire Protection Association.

The alternative of not revising the code would result in Wisconsin rules not being up to date with current national standards which would be a risk to the health, safety, and welfare of the public. As the occupants and owners of these buildings and places of employment are at risk because the current Fire Prevention Code hasn't been updated since 2012.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., authorizes the Department to "...promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

Section 101.02 (15) (i), Stats.: "The department shall ascertain and fix such reasonable standards and shall prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment."

Section 101.02 (15) (j), Stats., requires the department to "...ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe."

Section 101.14 (4) (a), Stats.: "The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employees and frequenters of places of employment and public buildings."

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

250 hours.

6. List with description of all entities that may be affected by the proposed rule:

This rule project may affect any business or other entity that is involved in the ownership, design, construction, use, maintenance, alteration, or inspection of a public building or place of employment in Wisconsin and any fire department or municipality that participates in the fire dues distribution under ss. 101.573 and 101.575, Stats. Fire departments and municipalities that participate in the fire dues distribution either have fire inspectors or have contracts with them. A code update would require those fire inspectors to be educated in those updates to ensure appropriate enforcement of the new code. Fire chiefs would also need to be updated and educated on any potential changes to their duties and responsibilities.

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

The Code of Federal Regulations has many references for fire prevention. Below are the identified existing federal regulations that potentially address fire prevention in public buildings and places of employment in Wisconsin:

29 CFR 1910—Occupational Safety and Health Standards: Among other safety requirements, this section addresses measures to prevent or minimize the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals.

29 CFR 1926—Safety and Health Regulations for Construction: Employers are responsible for fire protection and prevention programs at job sites, subject to published standards, and protective equipment must be provided and maintained.

30 CFR 56—Safety and Health Standards—Surface Metal and Nonmetal Mines: Sets forth mandatory safety and health standards for each surface metal or nonmetal mine, including open pit mines, subject to the Federal Mine Safety and Health Act of 1977. The purpose of these standards is the protection of life, the promotion of health and safety, and the prevention of accidents.

30 CFR 57—Safety and Health Standards—Underground Metal and Nonmetal Mines: Sets forth mandatory safety and health standards for each underground metal or nonmetal mine, including related surface operations, subject to the Federal Mine Safety and Health Act of 1977. The purpose of these standards is the protection of life, the promotion of health and safety, and the prevention of accidents.

33 CFR 127–Waterfront Facilities Handling Liquefied Natural Gas and Liquefied Hazardous Gas: Requires facilities that transfer liquefied natural gas (LNG), or liquefied hazardous gas (LHG) in bulk, to or from a vessel, to maintain both an Operations Manual and an Emergency Manual.

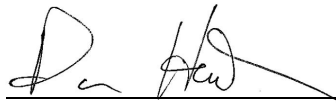
41 CFR 102–Federal Management Regulation: Fire protection, prevention, and inspection regulations for federally owned and leased buildings are addressed in Title 41 of the Code of Federal Regulations, in Part 102, Subchapter C, Sections 80.80 to 80.135. Under Section 80.85, “Federally owned buildings are generally exempt from State and local code requirements in fire protection; however, in accordance with 40 U.S.C.619, each building constructed or altered by a Federal agency must be constructed or altered, to the maximum extent feasible, in compliance with one of the nationally recognized model building codes and with other nationally recognized codes. Leased buildings are subject to local code requirements and inspection.”

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is not likely to have a significant economic impact on small businesses or the state's economy as a whole.

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Approved for publication:


Authorized Signature

8/11/2025

Date Approved

Approved for implementation:


Authorized Signature

11/4/2025

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