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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 19-154

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### 2. Form, Style and Placement in Administrative Code

a. In the analysis for the proposed rule, an entry should be inserted to identify what statutes are interpreted. Consider citing, for example, any relevant subchapters in ch. 101, Stats.

b. The department creates s. SPS 314.001 (3) as a subsection of s. SPS 314.001, within subch. I of ch. SPS 314. This subchapter refers to adoption of the model fire code established by the National Fire Protection Association (NFPA). It is unclear what relation NFPA has to the accreditation specified in the rule, which states that a fire damper inspector must hold a current “fire life safety certification from a program accredited by the American National Standards Institute”.

The connection between the two programs should be explained, either in the analysis or in the text of the proposed rule. If there is no direct connection between the NFPA and the certification from a program accredited by the American National Standards Institute, the department may consider amending the title of the subchapter to include a reference to the American National Standards Institute and creating the proposed rule in its own section and not as a subsection of s. SPS 314.001. Alternatively, the department could consider whether the certification requirement would be more appropriately placed in ch. SPS 305, which relates to licenses, certifications, and registrations.

c. The department should consider whether an initial applicability provision is needed. As proposed, if the inspection occurs as part of an approval process, and the request for an inspection or an inspection itself has occurred prior to the effective date of the proposed rule, but the final approval has not been granted, would the applicant be required to obtain a new inspection from a person certified under the rule? [s. 1.02 (3m), Manual.]