

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.:	SPS 305
Relating to:	Certification to inspect fire detection, prevention, and suppression devices.
Rule Type:	Emergency

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

This emergency rule will establish requirements and procedures for certification of inspectors of fire detection, prevention, and suppression devices which will include certification by the National Fire Protection Association (NFPA) as a Fire Inspector 1 or an equivalent certification as defined by the department.

Inspection of fire detection, prevention, and suppression devices by qualified inspectors certified by the state and the NFPA is in the best interest of public safety. An expeditious promulgation of this rule will enable timely certification of inspectors, better ensuring the safety of Wisconsin citizens.

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

The proposed rule will bring current Wisconsin Administrative Code into compliance with new legislation, 2013 Wisconsin Act 270.

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:

In addition to reviewing new construction of public buildings, DSPTS also reviews building projects that involve alterations of, and additions to, existing public buildings. Inspections of construction, alteration and addition projects for public buildings, other than inspections of the installation of fire safety devices, must be performed by inspectors who are certified under rules promulgated by DSPTS (e.g., installation of electrical, plumbing, boilers, elevators, etc.). By contrast, the installation of fire detection, prevention and suppression devices (e.g., manual fire alarm systems, smoke and heat detection devices, fire extinguishers, standpipes, automatic fire suppression systems, automatic fire sprinkler systems, etc.) are not subject to inspection by inspectors who are certified by the department.

2013 Wisconsin Act 270 requires DSPTS to promulgate rules that establish procedures and requirements for issuing certifications to individuals who perform inspections of fire detection, prevention and suppression devices, which are installed during the construction, alteration of, or addition to, public buildings.

The proposed rule will require that in order to perform inspections of fire detection, prevention and suppression devices, a person will hold a valid certification from the National Fire Protection Association as a Fire Inspector 1, or in the alternative, will hold a valid equivalent certification as determined by DSPTS.

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

2013 Wisconsin Act 270 created Section 101.14(4r)(c)1., Stats., requires the department to “promulgate rules establishing procedures and requirements for issuing certifications” that allow persons to perform inspections of fire detection, prevention and suppression devices installed during construction, alteration of, or addition to, public buildings and places of employment. Under 2013 Wisconsin Act 270, the department’s rule must include a requirement “that the person hold a valid certification from the national fire protection association qualifying him or her as a certified fire inspector I or that he or she hold a valid equivalent certification” as determined by the department. The determination of “valid equivalent certifications... shall not be promulgated as rules.” Section 101.14(4r)(c)2., Stats.

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

State employees will spend approximately 50 hours developing the proposed rule.

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

The proposed rule will affect individuals who perform inspections of fire detection, prevention and suppression devices installed during construction, alteration of, or addition to, public buildings and places of employment.

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:

An Internet-based search revealed no specific existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

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

This rule is likely to have minimal or no economic impact. It is not likely to have a significant impact on small businesses.

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