

Comparison with rules in adjacent states:

Illinois: Illinois rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Iowa: Iowa rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Michigan: Michigan rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Minnesota: Minnesota rules do not require the inspection and testing of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Summary of factual data and analytical methodologies:

Current rules require the inspection and testing of fire and smoke dampers to be performed by a qualified person with knowledge and understanding of the operating components of the type of assembly to be tested. The Department has determined that more specific requirements are needed to ensure qualified persons are conducting inspections and testing of fire and smoke dampers. The proposed rule will require the inspection of fire and smoke dampers to be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on January 8, 2020, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 314.001 (3) is created to read:

SPS 314.001 (3) INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS. In addition to the other requirements concerning the inspection and testing of fire and smoke dampers under this chapter and chs. SPS 361 to 366, the inspection and testing of fire and smoke dampers shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 2. SPS 361.03 (16) is created to read:

SPS 361.03 (16) INSPECTION AND TESTING OF FIRE AND SMOKE DAMPERS. In addition to the other requirements concerning the inspection and testing of fire and smoke dampers under chs. SPS 314 and 361 to 366, the inspection and testing of fire and smoke dampers shall be conducted by a person with current fire life safety certification from a program accredited by the American National Standards Institute.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
