

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapters SPS 314 and 316

Relating to: Inspections

Rule Type: Emergency

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

As described below, the objective of the proposed emergency rules is to prevent fire prevention and electrical inspectors from having to unnecessarily come into contact with individuals on multiple job sites. As limiting physical contact in this manner is in the interest of slowing the spread of COVID-19, the Department finds that emergency rules are necessary to preserve public health and safety.

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

The objective of the proposed emergency rules is to, in the interest of slowing the spread of COVID-19, prevent fire prevention and electrical inspectors from having to unnecessarily come into contact with individuals on multiple job sites. Specifically, the proposed emergency rules will revise s. SPS 314.01 to postpone required fire prevention inspections and s. SPS 316.013 to temporarily allow a master electrician to issue an affidavit to the utility company in lieu of an inspection.

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:

Current rules do not provide a means to limit the physical contact involved in conducting fire prevention and electrical inspections. As described above, the proposed emergency rules will provide a means to limit physical contact in the interest of slowing the spread of COVID-19.

The alternative of not promulgating emergency rules would be less beneficial to affected entities.

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

Section 101.02 (15) (j), Stats., provides “[t]he department shall 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., provides “[t]he 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.”

Section 101.82 (2m), Stats., requires the Department to “[p]romulgate rules that establish standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection under s. 101.86 (1).”

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

80 hours

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

Individuals who conduct fire prevention and electrical inspections and individuals on job sites where these inspections occur.

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:

None.

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 will have minimal to no economic impact on small businesses and the state's economy as a whole.

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