

STATEMENT OF SCOPE

Department of Safety & Professional Services

Rule No.: SPS 302, 305, 316 and 324

Relating to: Electrical Code

Rule Type: Permanent

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

N/A

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

The Department of Safety and Professional Services will update Wisconsin's Electrical Code to the 2023 edition of the National Electric Code (NEC) while evaluating the electrical requirements in SPS 316 that add or modify requirements to the NEC.

The Department will also review code chapters SPS 302, 305, and 324 and update them if necessary to integrate the 2023 NEC into the SPS chapters and to ensure the rules conform to current statutes, increase clarity in the profession, update provisions for consistency among code chapters and department procedure.

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:

Currently, the Department's electrical rules can be found in ch. SPS 316. Subchapter IV outlines Wisconsin's partial adoption of prior versions of the NEC and SPS 316.007 (1) incorporates the 2017 NEC by reference. The Wisconsin Electric Code has incorporated the NEC by reference since 1972. An outdated electrical code would perpetuate confusion in the industry, delay adoption of new technologies that benefit consumers, and is a public safety concern.

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

Section 101.82 (1), Stats., provides that "[t]he department shall promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. The rules shall include separate standards, established in consultation with the uniform dwelling code council, that apply only to electrical wiring in camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. The rules do not apply to electrical wiring in primitive rural hunting cabins, as defined in s. 101.61 (3). The standards established in the rules shall also take into account the uses, including seasonal use, that are unique to recreational and educational camps, as defined in s. 101.053 (1). Where feasible, the rules shall reflect nationally recognized standards."

Section 101.84 (3) and (5) provides "[t]he department may

promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors, registered electricians, journeyman electricians, master electricians, and any additional types of electricians recognized under sub. (5). and

[...] may promulgate rules that recognize and regulate different types and subtypes of electricians that

are in addition to those specified in s. 101.82 (1g) and that establish criteria and procedures for enrolling, registering, or licensing these electricians.”

Section 101.02 (1), Stats., provides that “[t]he department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may 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...”

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

The staff time needed to revise the rules is expected to be 240 hours.

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

These rules will affect any building, structure or premises where the installation of electrical wiring will be undertaken, other than those buildings, structures or premises regulated by the Public Service Commission. The rules will also affect any designer, installer or inspector of electrical wiring along with owners and frequenters of buildings, structures or premises where electrical wiring is installed.

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:

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the NEC. A search of the Code of Federal Regulations (CFR) found the following regulations pertaining to activities that may be covered by this rule.

— Title 7 CFR, Part 1755 – Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms. This regulation in the Department of Agriculture applies to telecommunications wiring and equipment and requires compliance with the NEC.

— Title 24 CFR, Part 3280 – Manufactured Home Construction and Safety Standards. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 NEC.

— Title 29 CFR, Part 1910.302 through 1910.308 – Design Safety Standards for Electrical Systems, and 1910.331 through 1910.335 – Electrical Safety-Related Work Practices Standards. Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries. These regulations are part of the Occupational Safety and Health Standards.

— Title 29 CFR, Part 1926 – Safety and Health Regulations for Construction. Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety requirements and environmental considerations for special equipment necessary to safeguard employees working in special industries.

— Title 30 CFR, Part 57 – Safety and Health Standards – Underground Metal and Nonmetal Mines. Subpart K of this regulation in the Department of Labor contains specific electrical safety

requirements for the protection of employees working in underground metal and nonmetal mines.

— Title 30 CFR, Part 75 – Mandatory Safety Standards – Underground Coal Mines. Subpart F contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.

8. Anticipated economic impact of implementing the rule:

At this time, the economic impact is undetermined; however, the Department anticipates the economic impact for this rule project to be small.

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