

Alliance for Regulatory Coordination
Action Plan for Advocating IRC Adoption in Wisconsin

June 3, 2020

- 1) Reach agreement among interested ARC members concerning IRC adoption.
 - a) Sprinklers as a design option
 - b) Fire protection of floor assemblies not using 2x10 dimensional lumber, or equivalent
 - c) IRC adoption in relation to the International Plumbing Code and Wisconsin Plumbing Code

- 2) Discuss IRC adoption with other interested parties, with goal of consensus on IRC adoption.
 - a) Department of Safety and Professional Services
 - b) Building Inspectors Association of Northeastern Wisconsin
 - c) Building Inspectors Association of South East Wisconsin
 - d) Wisconsin Builders Association
 - e) Wisconsin Housing Alliance (factory-built housing)
 - f) American Institute of Architects, Wisconsin Society
 - g) Associated Builders and Contractors of Wisconsin
 - h) League of Wisconsin Municipalities
 - i) Wisconsin Towns Association
 - j) Wisconsin Counties Association
 - k) Wisconsin Insurance Alliance
 - l) Legislators
 - m) Others?

Please see the following pages about topics needing discussion among ARC members.

Sprinklers as a Design Option

National Situation

The IRC requires new homes to be equipped with automatic fire sprinkler systems; either stand-alone systems, or multi-purpose systems (that are part of the plumbing water distribution system).

According to the National Fire Protection Association, [Fire Sprinkler Initiative web page](#), the states of California and Maryland, and Washington, D. C., require new one- and two-family homes to have sprinklers.

Twenty-nine states (including Wisconsin) prohibit statewide and new local adoptions of fire sprinkler requirements in new one- and two-family homes. Nineteen states allow local adoptions of sprinkler requirements for new one- and two-family homes.

Wisconsin Situation

As shown below, Wisconsin statutes address proposed rules that would increase the cost of dwellings. These statutory provisions would likely preclude adoption of the IRC sprinkler provisions as a mandate.

Wisconsin Statute Section 227.137 (3) (f) Except as provided in this paragraph, if the economic impact analysis relates to a proposed rule of the department of safety and professional services under s. [101.63 \(1\)](#) establishing standards for the construction of a dwelling, as defined in s. [101.61 \(1\)](#), an analysis of whether the proposed rule would increase the cost of constructing or remodeling such a dwelling by more than \$1,000. This paragraph applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. [101.60](#) includes promoting interstate uniformity in construction standards. This paragraph does not apply to a proposed rule whose promulgation has been authorized under s. [227.19 \(5\) \(fm\)](#). *[Emphasis added.]*

Wisconsin Statute Section 227.19 (4) (d) Committee action. A committee, by a majority vote of a quorum of the committee during the applicable review period under par. (b), may object to a proposed rule or to a part of a proposed rule for one or more of the following reasons:

1. An absence of statutory authority.
2. An emergency relating to public health, safety or welfare.
3. A failure to comply with legislative intent.
4. A conflict with state law.
5. A change in circumstances since enactment of the earliest law upon which the proposed rule is based.
6. Arbitrariness and capriciousness, or imposition of an undue hardship.
7. In the case of a proposed rule of the department of safety and professional services under s. [101.63 \(1\)](#) establishing standards for the construction of a dwelling, as defined in s. [101.61 \(1\)](#), the proposed rule would increase the cost of constructing or remodeling such a dwelling by more than \$1,000. This subdivision applies notwithstanding that the purpose of the one- and 2-family dwelling code under s. [101.60](#) includes promoting interstate uniformity in construction standards. This subdivision does not apply to a proposed rule whose promulgation has been authorized under sub. [\(5\) \(fm\)](#). *[Emphasis added.]*

Fire Protection of Floor Assemblies not using 2x10 Lumber, or Equivalent

National Situation

The IRC requires new homes to provide fire protection for certain floor assemblies with the intent to ensure a minimum level of fire performance for floors in homes that are not otherwise required to be fire-resistance rated. These requirements are meant to protect occupants and fire-fighters from falling through fire-weakened floors made of light-weight materials. Discussion of fire protection for floors made of light-weight materials began after incidents where responding fire fighters fell through fire-weakened floors resulting in injury or death. The provisions primarily impact floors over basements.

Generally, a ½-inch gypsum wallboard membrane; or a 5/8-inch wood structural panel membrane, or equivalent, is required on the underside of the floor framing member. Equivalent assemblies include: placing ½-inch gypsum wallboard between floor joists - resting on the lower joist flanges; and placing 2-inch thick rockwool batts between floor joists – resting on the lower joist flanges and support wires.

Exceptions exist as follows:

- for floor assemblies located directly over a space protected by an automatic sprinkler system;
- for floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances;
- for portions of floor assemblies where the aggregate area of unprotected portions does not exceed 80 square feet per story, and fire-blocking is installed along the perimeter of the unprotected portion; and
- for wood floor assemblies using dimensional lumber or structural composite lumber equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

Wisconsin Situation

As noted above relative to automatic fire sprinklers, Wisconsin statutes address proposed rules that would increase the cost of dwellings. Those statutory provisions may preclude adoption of the IRC floor protection provisions as a mandate.

IRC Adoption in Relation to the International Plumbing Code and the Wisconsin Plumbing Code

Discussion of IRC adoption in Wisconsin may lead to thoughts about also adopting the International Plumbing Code as the basis for the Wisconsin Plumbing Code. In an effort to promote industry training, the Plumbing-Heating-Cooling Contractors (PHCC) Association has become a corporate partner of the ICC. However, the PHCC-National does not endorse any code over what is preferred and adopted by the local PHCC's jurisdiction. To date, the PHCC of Wisconsin has preferred Wisconsin not adopt the IPC.