



# Alliance for Regulatory Coordination

October 21, 2019

Dawn B. Crim, Secretary-Designee  
Department of Safety and Professional Services  
[dsps@wisconsin.gov](mailto:dsps@wisconsin.gov)

Dear Secretary-Designee Crim:

The Alliance for Regulatory Coordination is concerned about the low level of code development, training and communication activities of the Department of Safety and Professional Services over the past decade. We believe Wisconsin citizens, businesses and visitors are best served and protected when Wisconsin utilizes the most contemporary model codes and standards dealing with energy conservation, building safety and fire prevention. We also believe Wisconsin citizens would be much better served if the DSPS were able to keep its web site more up to date and if it would communicate more via customer email list services.

We ask that you request additional position and expenditure authority through the processes found in sections 16.515 and 16.505(2), Wisconsin Statutes. We ask that you request authorization for staff architects, engineers and other technical experts to work on code development dealing with energy conservation, building safety and fire prevention.

We also ask that you request authorization for staff technical experts to work with DSPS delegated and certified municipal building plan review and inspection departments to coordinate and monitor services provided by those municipalities. Lastly, we ask that you request authorization for communications specialists to work on keeping the DSPS web site up to date and sending email updates to interested customers of the DSPS.

In the spirit of being helpful, we remind you that Section 16.515(1), Wisconsin Statutes, authorizes you to propose supplementation of a program revenue appropriations where the current appropriation is insufficient to accomplish the purpose for which the original appropriation was made, and the purpose has been authorized or directed by the legislature.

In the case of safety and building related programs and services of the DSPS, the legislature has authorized and directed as follows.



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## Concerning Code Development

Under Wisconsin statute section 101.027, the DSPS is required to periodically review and report to the legislature on changes to the International Energy Conservation Code. By law, the DSPS should have submitted that report, and any proposed rules, to the legislature by February 28, 2019, based on the 2018 edition of the IECC, which had its first printing on August 31, 2017.

Under 2017 Wisconsin Act 198, the DSPS is required to establish requirements for cities, villages, towns, and counties to electronically renew their agent appointments and certifications every 5 years. Based on Section 227.10 (1), Wisconsin Stats., we believe the above-mentioned renewal requirements must be implemented as administrative rules.

Under 2017 Wisconsin Act 330, the DSPS is required to promulgate rules that establish procedures for the administration of the administrative rules promulgated by the Department under Subchapter 1, of Chapter 101, Wisconsin Statutes.

Under 2017 Wisconsin Acts 59, 109, 240, 243, and 330, as listed in DSPS Statement of Scope SS 028-19, relating to the Uniform Dwelling Code and Manufactured Home Communities, the DSPS needs to update the UDC so it comports with applicable provisions of those Acts.

Under Wisconsin statute sections 101.02(1)(b), 101.02(15)(j), 101.14(1)(a), 101.16(2), 101.63(5), 101.73(1), 101.82(1), 101.92(3) and 101.982, the DSPS is authorized and directed to promulgate reasonable administrative rules to effect safety in public buildings and places of employment and in one-family and two-family dwellings. The ARC believes that up-to-date, contemporary rules are usually most reasonable.

Due to lack of attention to code development over the past decade, the public swimming pool code has not been significantly updated since 2007; the mechanical refrigeration code – not since 2008, the gas systems code – not since 2009; and the plumbing code – not since 2009.

## Concerning Agent and Certified Municipalities

Under Wisconsin statute sections 101.12 (3)(a); (b); (bg)2.; (bm); (bq); (br); and (bw), the DSPS must accept various municipal plan and variance review services *if such services are provided in a manner approved by the Department*. Also, under Wisconsin statute section 101.12 (3m), the Department must review the competency of plan examiners, *on a regular basis*, of a city that is certified under that subsection. The ARC believes that, in order to properly apply and



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administer these statutory directives, the Department needs more staff dedicated to coordinating, monitoring and training the involved staff of agent and certified municipalities.

## **Concerning Communication**

Under Wisconsin statute section 101.02(4), the DSPS is required to collect, collate and publish statistical *and other information* relating to the work under its jurisdiction and shall make public reports in its judgment necessary. Under this provision, the DSPS can determine it necessary to maintain an up-to-date website and to communicate robustly with its customers regarding agency events, operations and requirements. Currently, the Department offers the service of email notifications for most all of its safety and building related programs, but seldom sends out any emails. Customer are left to other devices to find out about code council and committee meetings, code development public hearings and upcoming effective dates for code changes that impact building design, construction, operation and ownership.

Furthermore, we urge the DSPS to establish a schedule of updating every DSPS building and safety code on a three-year cycle, reflecting the update cycle of most national model codes and standards. We encourage you to fully utilize advisory code councils and committees, as well as the expertise of department staff professionals during all code development projects.

The ARC stands ready to support and assist you in obtaining additional DSPS position authority dedicated to keeping codes updated, and providing training and communications to your customers and partners.

Your attention to these matters will be greatly appreciated.

Sincerely,

Robert G. DuPont, Founder  
Alliance for Regulatory Coordination  
[robertgdupont@gmail.com](mailto:robertgdupont@gmail.com)

Copy to: Dan Hereth, DSPS



# Alliance for Regulatory Coordination

## **Classic Members**

International Association of Electrical Inspectors, Wisconsin Chapter

International Brotherhood of Electrical Workers, Wis. State Conf.

National Electrical Contractors Association, Wisconsin Chapter

Northwest Wisconsin Building Inspectors Association

Plumbers Union Local 75

Plumbing-Heating-Cooling Contractors, Wisconsin Association

Water Quality Association of Wisconsin

Wisconsin Code Officials Alliance

Wisconsin Electrical Trades Council

Wisconsin Fire Protection Coalition

Wisconsin State Fire Chief's Association

Wisconsin State Fire Inspectors Association

## **Associate Members**

National Association of the Remodeling Industry, Milw. Chapter

Professional Fire Fighters of Wisconsin

Southwestern Wisconsin Building Inspectors Association

Wisconsin Electric Cooperative Association

Wisconsin Propane Gas Association

Wisconsin State Firefighters Association

## **Supporting Members**

International Code Council