STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapters Comm 30 and 32

Relating to : Safety and Health Standards for Public Employees and Fire Department Employees

1. Description of the objective of the rule.

The potential rulemaking projects are intended to review and update the rules and standards establishing minimum safety and health requirements for public employees and public fire department employees covered under chapters Comm 32 and 30. Under the statutory mandates of s. 101.055, the rules and standards are to provide protection at least equal to that provided for private sector employees under standards promulgated by the federal occupational safety and health administration.

The objectives of this rule project may be incorporated into more than one rule package, and may include revisions to other chapters affected by or associated with the proposal.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

Chapter Comm 30 establishes safety and health standards for public sector fire department employees. The rules are based upon, reference and adopt several National Fire Protection Association, NFPA, standards:

- Standard for Fire Fighter Professional Qualifications, NFPA 1001
- Standard for Fire Apparatus Driver/Operator Professional Qualifications, NFPA 1002
- Standard for Fire Officer Professional Qualifications, NFPA 1021
- Standard on Live Fire Training Evolutions in Structures, NFPA 1043
- Standard for Automotive Fire Apparatus, NFPA 1901
- Standard for Service Test of Pump Systems on Fire Department Apparatus, NFPA 1911
- Standard for Testing Fire Department Aerial Devices, NFPA 1914
- Standard on Protective Ensemble for Structural Fire Fighting, NFPA 1971
- Standard on Open-Circuit Self-Contained Breathing Apparatus for the Fire Service, NFPA 1981
- Standard on Personal Alert Safety Systems, NFPA 1982
- Standard on Fire Service Life Safety Rope and System Components, NFPA 1983

The standard editions are from the late 1990's with newer editions now available.

Chapter Comm 32 establishes safety and health standards for public sector employees. The rules reference and adopt several OSHA regulations:

- Recording and Reporting Occupational Injuries and Illnesses, Title 29 CFR Part 1904
- Occupational Safety and Health Standards, Title 29 CFR Part 1910
- Occupational Safety and Health Standards for Shipyard Employment, Title 29 CFR Part 1915
- Occupational Safety and Health Standards for Construction, Title 29 CFR Part 1926
- Occupational Safety and Health Standards for Agriculture, Title 29 CFR Part 1928

The OSHA regulations reflect those in effect on July 1, 2003.

Not evaluating and updating these chapters to the latest national standards and federal regulations would potentially expose public employees to greater risks than those encountered by private sector employees and would not fulfill the statutory mandates under s. 101.055, Stats.

3. Statutory authority for the rule.

Chapters 101.02 (1) and (15) (a), 101.055, and 101.11, Stats.

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

The department estimates approximately 600 hours will be needed to perform the review and develop any needed rule changes. This time includes meeting with various advisory councils, if necessary, drafting the rule changes and processing the changes through public hearings, legislative review, and adoption. The department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

5. Description of all of the entities that will be affected by the rule.

The current rules of chapters Comm 30 and 32 affect all public sector employers. By statutory definition, a public employer is the state, any agency or any political subdivision of the state.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

The various OSHA standards that serve as the basis for the Department's safety and health standards are revised, by subject matter, on a periodic basis. The latest editions of the OSHA standards adopted under chapter Comm 32 available in print are dated July 1, 2010.

Approved for publication in the Wisconsin Administrative Register at Madison, Wisconsin, this date: Feb. 9, 2011

DEPARTMENT OF COMMERCE

Mike Klonsinski

for Paul F. Jadin, Secretary

Approved for implementation at Madison, Wisconsin, this date: 3/22/11

DEPARTMENT OF COMMERCE

[signature] for

Paul F. Jadin, Secretary