

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chs. Comm 4, 14, 16, 50 to 64, 66, 69, and 73

DATE: January 16, 2001

RELATING TO: Construction and Fire Prevention for Public Buildings

TIME: 9:30 AM

LOCATION: 201 West Washington Ave., Room 3B

CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
MICHAEL MCGREAL	FIREDYNE ENGINEERING, R	TINLEY PARK, FL			✓
EP BUCKEGER	MADISON FIRE DEPT	MADISON WI	✓		
MARCIA CARLSON	UW MADISON / FQYM	MADISON WI			✓
LARRY CORNELLIER JR	PYRO SALES INC.	Clinton WI		✓	
PRADIP P. TOLAT	STATE OF WI / DOA / DFD	MADISON - WI			✓
LARRY CORNELLIER SR	Cornellier Firework Co.	Beloit WI		✓	
JOHN MIELKE	ABC OF WI	MADISON	✓		
Mark Happenja	Praine du Chien Fire	Praine du Chien WI		✓	
THOMAS WEBER	MIDDLETON FIRE DISTRICT	MIDDLETON WI			✓
WARREN BAUER	AIA WIS. & PATER LAWSON INC	MADISON, WI	✓		
WILLIAM R SCHMIDT	BOCA IN BENTONVILLE	Country Club Hills IL	✓		
JOE HEIMSCH	CITY of Watertown				✓
Henry L. BUTTS	FIRE DEPT. CITY OF WATERTOWN	WATERTOWN, WI			-
Timothy A Resmussen	Howard Fire Dept	Green Bay WI			✓
JIM DOLAN	BOCA / ICG				✓
BILL BALABECK	AIA WISCONSIN	Madison	✓		
ROBERT SHIPLEY	AIA WISCONSIN	MADISON	✓		
David Sauer	DHFS	MADISON			✓
David Bloom	Town of Madison Fire Dept	Madison WI		✓	
Shel Gerlach	State Farm Insurance	Madison, WI			

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Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Quinn Bergersen Joe Strahl	Wis Fire Users Assoc WUP PFFW	Madison Madison		✓	✓
Amy Hasselman	KNAPP SCHMIDT ARCHITECTS	MADISON	✓		
SANDY GORDON	WIS. CHAPTER ASID	MADISON	✓		
Chet Gerlach	State Farm Insurance	Madison			✓
Jim Goullion	ACC of Wis	Madison	✓		✓
TIMOTHY PENNO	ELECTRICAL CONTRACTORS ASSN	MILWAUKEE			✓
Karolyn Beebe	Concerned citizen	Madison			✓
SKIP SHARPE	TOWNS OF BROOKFIELD PD	BROOKFIELD		✓	
KARALI SELNOW	OREGON AREA FIRE-EMS	OREGON, OR		✓	
ROSS DEPAOLA	INTEGRATED ENERGY SERVICES	MADISON WI	✓		
LINDA GRUBB	CITY OF MADISON	" "			✓
HAREY SULEZER	" "	" "			✓
Dennis Allen	City of Sun Prairie	Sun Prairie WI			✓
BRADLEY LIGGETT	CITY OF BELoit FIRE DEPT	BELOIT WI		✓	
Greg Hanson	Temp. Syst. Inc	Madison WI	✓		
Dig Shepherd	Alliant Energy	Madison / Fond du Lac			✓
JOHN LONARMA	Alliant Energy	Madison			✓
Terrence Haggell	Daily Reporter	Madison			✓
Mike Beckman	City of Burlington F.D.	Burlington WI		✓	

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Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
ROBERT STEDMAN	CITY OF WAUKESHA Fire Dept	WAUKESHA, WI		X	
Kevin L. Timm	City of Two Rivers Fire Dept	Two Rivers, WI		X	
Eugene R. Reese Jr.	Wisconsin Fire Inspectors Assn.	Appleton, WI		X	
Tom Sylora	67th Assembly Rep	Chippewa Falls, WI			X

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chs. Comm 4, 14, 16, 50 to 64, 66, 69, and 73

DATE: January 18, 2001

RELATING TO: Construction and Fire Prevention for Public Buildings

TIME: 10:00 AM

LOCATION: Turtleback Conference Center

CITY: Rice Lake

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Walt Hovey	CITY OF ASHLAND / ALL FIRE CHIEFS	ASHLAND WI		X	
Gary A. Pulvas	City of Washburnville Fire Chief	Washburn		X	
Robert Stepmann	Alhona Fire Dept. - Fire Inspector	Alhona, WI		X	
Lyle V. Koerner Jr.	City of Eau Claire Fire	Eau Claire, WI		X	
Ron Christenson	BEAOK NUNN FALLS FIRE CHIEF	BEAOK NUNN FALLS, WI		X	
Tony Bower	CITY OF WAUKESHA FIRE DEPT.	WAUKESHA, WI		X	
Jack Running	City of Eau Claire Fire Dept.	Eau Claire	X		
Mark Young	TITAN AIRE INC	OSSEO, WI		X	
Dennis Nivarel	Chippewa Falls Fire & Emergency Service Township F.D.	Chippewa Falls, WI		X	
BARRY KUENKEL	THE THREE STORES CO.	Eau Claire, WI		X	
David Gleason	CNT OF SUPERIOR BI	SUPERIOR WI	X		
Paul M. Miller	Rice Lake Fire Dept.	Rice Lake, WI		X	
Daniel P. Greenman	Cumberland Fire Dist.	Cumberland WI		X	
Jim Solheid	WI State Fire Chiefs Assoc self	Madison WI		X	
James Prior	NORTHWAUDS AREA ASSOC	Hayward WI		X	
	CITY OF CHETOK	RICE LAKE WI	X		
	Adh Kargin Corp	Chetok	X		
		Cumberland	X		

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO: Chs. Comm 4, 14, 16, 50 to 64, 66, 69, and 73

DATE: January 23, 2001

RELATING TO: Construction and Fire Prevention for Public Buildings

TIME: 10:00 AM

LOCATION: State Office Building

CITY: Green Bay

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Paul Hanson	New London Fire Dept	New London WI		✓	
SIM KROWERZ	MANITOWOC FIRE DEPT	Manitowoc WI		✓	
ROBERT STEDMAN	CITY OF WAUKESHA FIRE DEPT.	WAUKESHA, WI		✓	
GREGG CLEVELAND	WI STATE FIRE CHIEFS	MARSHFIELD, WI		✓	
SIM STORMER	WI STATE Firefighters	Pickering WI		✓	
SIM DOAN	ICGL				
Evans Perennin	Cascade Fire Dept	Cascade WI		✓	
GARY DASHNER	Eastern WI Fire Authority			✓	
LeRoy Reinaring	Waukesha Fire Dept	Waukesha WI		✓	
JOHN E BAKES	Johnson County Fire Dept	Plymouth, WI		✓	
DAN GENGIAL	NATIONAL FIRE SPRINKLER ASSN	WHITE FISH BAY, WI	✓		
Robert Buresh	Village Denmark	Milwaukee, WI	✓		
Randy Pinchard	Two Rivers Fire Dept	Green Bay WI		✓	
Todd Bushmaker	Klobner & Assoc. Architects	Two Rivers WI		✓	
FRANK M. KOHL D/A	KLOBNER & ASSOC ARCHITECTS	GB	✓		
JEFF JANSEN	GREEN BAY FIRE DEPT.	GREEN BAY, WI	✓		
David Bloom	WI State Fire Chiefs Assoc	GREEN BAY, WI		✓	
DANIEL J. ROARTY	DIMENSION II	Madison WI		✓	
ROIS WATSON	SOMERVILLE INC	GREEN BAY, WI	✓		
MELANIE FARMA	SOMERVILLE INC.	GB, WI			✓
		GB, WI			✓

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CITY: Green Bay

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
LARRY WIEST	CITY OF GREEN BAY	GREEN BAY, WI			X
MIKE ALPHE	CITY OF DEPATO	DEPATO, WI			X
LEO CORTRIGHT	PACE CORP. - APPLETON	APPLETON WI			X
Tom Wilson	Mrs. Green Bay Fire	Green Bay		X	
R. Kiser	Dept of Commerce	Appleton		X	
Dick Tilling	Grand Chute Fire	Grand Chute		X	
Larry Wilson	Green Bay Fire	Green Bay		X	
STANLEY GUSMANAC	WISCONSIN FIRE	WISCONSIN		X	
Ken Korte	Nebraska Fire Dept	Nebraska WI		X	
Sandy Topp	Options for Independent Living	Green Bay	X		X
John Messinger	"	Green Bay	X		X
Dave Thompson	City of Kaukauna				
GERALD KOCKEN	KOCKEN & ASSOCIATES	DEPERE WI	X		
PETE KUEHL	DJ. BOLD CONSULTING	APPLETON, WI			X
CHRIS W. WIESE	WIERBICHAER & ASSOCIATES	APPLETON, WI	X		
Keith Kiesow	Town of Menasha Fire Dept.	Menasha, WI			X
Neil Cameron	Appleton Fire Dept	Appleton, WI			X

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chs. Comm 4, 14, 16, 50 to 64, 66, 69, and 73

DATE: January 25, 2001

RELATING TO: Construction and Fire Prevention for Public Buildings

TIME: 10:00 AM

LOCATION: Waukesha County Technical College, Room B0201

CITY: Pewaukee

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
NAN NOWAK	CITY OF OAK CREEK	OAK CREEK, WI	X		
PAUL WANK	WCMA	SUSSEX, WI		X	
ART SCOLA	WVSFI	BACINE, WI		X	
Mike Bremer	City of Burlington FD	Burlington, WI		X	
Wm F Rausch	Thiensville Vol. F.D	Thiensville, WI		X	
Jim Oregon	RAMBERD vol F DEPARTMENT	RAMBERD, WI		X	
JAMES A. POSENERG	CITY OF MEQUON - FIRE DEPT	Mequon, WI		X	
CURTIS WITLUB	" " " "	" "		X	
Jeff Weiss	Milton-Weiss-Kruse Inc	Lenoxa, WI		X	
RON BEBOTEK	MILWAUKEE F.D	MILWAUKEE, WI		X	
BARRY REDDOW	CARLENDALE F.D	CARLENDALE, IL		X	
STEVEN MARSHES	AUTOMATIC FIRE	BROOKFIELD			X
FRANK T. EROMANN	GREENDALE FIRE	GREENDALE		X	
PETE CASABLANCA	CACUMONT F.D	CACUMONT		X	
DAVID KAKATSEH	CITY OF MILWAUKEE	Center	X		
CLIFIS RUTZ	" "	MILWAUKEE, WI	X		
Ray Holzman	City of Waukesha		X		
JOHN MEDERA	City of Brookfield		X		
John Block	" "	<del>Brookfield</del>	X		
Tom Novak	CITY OF MILWAUKEE F.D	MILWAUKEE	X		

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CITY: Pewaukee

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
RANDALL SELINGER	OREGON AREA FIRE-EMS	OREGON WI		X	
W. SCOTT SATZLA	BUR INSUR VILLAGE OF GREENDALE	GREENDALE, WI	X		
Terence Roberts	Wauwatosa Fire	Wauwatosa WI		X	
JEFF KOUFI	MUKONAGO FIRE	MUKONAGO WI		X	
JOHN KLINGGRO	Eagle Fire Dept	EAGLE WI		X	
Brian Charlesworth	Waukesha Fire Dept	Waukesha WI		X	
RUBERT STEDMAN	CITY OF WAUKESHA FID	WAUKESHA, WI		X	
RICHARD OPPERWIL	SOUTH MILWAUKEE FID	SOUTH MILWAUKEE WI		X	
Roland Poppy	Greenfield FID	Greenfield		X	
Dave Bublitz	Franklin F.I.D.	Franklin WI		X	
RENNO L DEMIAN	CUDAHY FID	CUDAHY WI		X	
Dean Redman	WAWATOSA FID	WAWATOSA, WI		X	
MATT FINTER	PEWaukee F.I.D	PEWaukee WI		X	
Pandora Bender	Milwaukee <del>DEPT</del>	Milwaukee		X	
Bill Wall	ICBO	Fanses City, MO	X		
ROBERT MEIER	VILLAGE OF CRAFTON				
Terry Idell	Racine Fire Dept.	Racine			
JOHN EASON	SELF	OREGON WI	X		
LIMOTHY PENNO	ELECTRICAL CONTRACTORS ASSN	MILWAUKEE		X	
Kevin Kerth	Delton Field Fire	Delton WI		X	



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Lawrence J. Wolki	WAUWATONA FIRE DEPT	WAUWATONA WI		X	
Jeff Berry	Wauwapun Fire Dept	Wauwapun WI		X	
DEL YAROSH	BEAVER DAM FIRE DEPT	BEAVER DAM WI		X	
David Bloom	WI State Fire Chiefs Assoc	Madison, WI		X	
Gary Streicher	West Allis Fire Dept	West Allis		X	
Jim ZADDEL	WEST ALLIS FIRE DEPT.	West Allis WI		X	
John B Putnam Jr	EAGLE Fire Dept	EAGLE WI		X	
Paul D. Coats	American Forest & Paper Assoc.	Tolnet, IL	X		
BRUCE ERICKSON	WAUKESHA CO ASSOC OF FIRE CHIEFS	SUSSEX WI		X	
AUSS SPAHN	GREENFIELD F. D.	GREENFIELD, WI		X	
Jerry Hammernik	Oak Creek F.D.	Oak Creek WI		X	
Tom Schlei	WCTC Fire Training	Pewaukee WI		X	
Bob Schumacher	Am. Society of Civil Engineers	Micw. WI			
Kevin Biern	Pewaukee Fire	Pew / WI		X	
Phil Rice	WAUWATONA FIRE	WAUWATONA WI		X	
Bull Swaburg	BCH International	Country Club Hills IL	X		
SKIP SHARPE	TOWNS OF BROOKFIELD FID	BROOKFIELD WI		X	
DAVID TRANKNER	ARCHITECTURE 2000	MILWAUKEE WI		X	
Jeff Grothman	Stak Senator Margaret Farrow	Pewaukee			
Inge Winterer	Interior Design Coalition of WI	Cedarburg			

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Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
<u>Brian Kobak</u>	<u>Village of Jackson</u>	<u>JACKSON WI 53037</u>	<input checked="" type="checkbox"/>		
<u>HARRIET WEISS, ASST</u>	<u>Interior Design Coalition of WI</u>	<u>Milwaukee WI</u>	<input checked="" type="checkbox"/>		
<u>Chris Sillowack</u>	<u>Sprinkler Fitters Local 183</u>	<u>MILWAUKEE, WI</u>			<input checked="" type="checkbox"/>
<u>Steve Jensen</u>	<u>Local 1838, Oak Creek FF</u>	<u>Oak Creek WI</u>		<input checked="" type="checkbox"/>	
<u>Charles Wilby</u>	<u>Town of Mt Pleasant</u>	<u>Town of Mt Pleasant</u>		<input checked="" type="checkbox"/>	
<u>Scott Bluber</u>	<u>CONNORRY ARCHITECTS</u>	<u>MILWAUKEE</u>	<input checked="" type="checkbox"/>		
<u>Colleen M. Lauer</u>	<u>Sussex Fire Dept.</u>	<u>Sussex WI</u>			<input checked="" type="checkbox"/>
<u>Mike Wogowski</u>	<u>Greendale Fire</u>			<input checked="" type="checkbox"/>	

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Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
THOMAS R. JOHNSON	VILLAGE OF GRAFTON	GRAFTON, WI	X		
FREDERICK BANGS	CITY OF FRANKLIN	FRANKLIN, WI	X		
D. WHEATON	CITY OF WAUKATUSA	WAUKATUSA			
JOHN DAMS	CITY OF BROOKFIELD FD	BROOKFIELD, WI	X		
DENNIS HIBBARD	CITY OF BROOKFIELD FD	BROOKFIELD, WI		X	
Carl Marlowe	Public	Madison WI	X		

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-179

RULE NO.: Comm 4, 14, 15, 16, 46, 50 to 64, 65, 66, 69, and 73

RELATING TO: Construction and Fire Prevention for Public Buildings and Places of Employment,  
Including Commercial Buildings and Structures, and Multifamily Dwellings

Agency contact person for substantive questions.

Name: Jim Smith

Title: Program Manager

Telephone No. 266-0251

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

7. Review rules for permit action deadline [s. 227.15(2)(h)]

- a.  Accepted
- b.  Accepted in part
- c.  Rejected
- d.  Comments attached

**Response to  
Legislative Council Rules Clearinghouse Comments**

Clearinghouse Rule 00-179: Comm 4, 14, 15, 16.46, 50 to 64, 65, 66, 69, and 73

Review of rules for form, style, and placement in administrative code [s. 227.15 (2) (c), Stats.]

2c. For establishing that new requirements are not retroactive to existing buildings, and for establishing which rules apply to alterations, replacements, repairs, changes of occupancy or use, and new construction, the Department prefers to refer to the effective date of a "rule" in this code, rather than the effective date of the "code" or "chapter," because over time, this code tends to become a set of numerous rules which have various effective dates.

The Department believes its authority under s. 101.02 (1), Stats., to adopt rules and regulations includes authority to interpret those rules and regulations. The Department believes s. Comm 61.03 (3) is needed to bind all users to those interpretations, and to prevent other parties from applying other, conflicting interpretations, particularly where national standards or model codes are incorporated by reference in this code.

As recommended in 2.b., s. Comm 61.04 has been revised to apply the definition therein of "this code" to chs. Comm 61 to 65, rather than to only ch. Comm 61. Consequently, the Department prefers to use "this code" rather than "this chapter" when referring to the contents or applicability of chs. Comm 61 to 65.

The paragraphs in s. Comm 61.03 have been revised to consistently use either future tense, when referring to construction that will occur in the future, or past tense, when referring to existing construction that can be repaired under previous rules.

Review language of rules for clarity, grammar, punctuation, and plainness [s. 227.15 (2) (f), Stats.]

5d. In s. Comm 61.03 (4) (b) 5., subpars. c. and d. have been restructured rather than incorporated into the introduction in subd. 5, for ease of reading.

5g. In s. Comm 61.03 (11) (c), the alternate safety standards to be applied to a temporary use are expected to be unusual and case-specific, and are not clearly predictable now.

5k. In s. Comm 61.31 (4) (a) 1., the two uses of "which" rather than "that" have been retained, due to the preference stated for this usage in par. 1062 of *The Gregg Reference Manual*, Seventh Edition, 1993.

5l. In s. Comm 61.32 (2), "their" has been replaced by "owner" rather than "its," for ease of reading.

5s. In s. Comm 61.60 (3) (d) 3. a., "installation" has been changed to "project" rather than "installation site," for ease of reading.

5t. In s. Comm 61.60 (4) (e) 1., “unacceptability” has not been changed, because it is intentionally broad, in order to address any feature that results in untrustworthy information from a third party.

5z. In s. Comm 62.0704, the comma after “buildings” has not been deleted, to avoid inferring that the buildings, rather than the connections between, must be in compliance with IBC section 3104.

5aa. In s. Comm 62.0904 (2) (g), the Department does not believe the suggested additional wording would be helpful.

5ac. In s. Comm 62.1104 (2) (a), the wording changes that were suggested have been made, but additional changes have not been made, due to a desire to retain consistency with federal requirements on the same topic.

5af. See above response to 5f.

5ah. In s. Comm 62.1916, the meaning of “approved” is as defined in s. Comm 62.0202 (2) (a), which is “acceptable to the Department.”

5bt. In s. Comm 66.0003 (9), par. (d) is independent of par. (c). Paragraph (c) relates to the initial construction, while par. (d) relates to the date the repair is initiated.

5bx. In s. Comm 66.0903, the questioned use of “where recognized by the applicable standard” has been replaced with “where recognized by the applicable NFPA standard listed in IFC chapter 45.”

*File reference: IBC/Clearinghouse*

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 00-179		Hearing Location: Mailed in	
Rule Number: Comm 4, 14, 15, 16, 46, 50 to 64, 65, 66, 69, and 73			
Relating to: Construction and Fire Prevention for Public Buildings and Places of Employment			
Comments:	Presenter,	Comments/Recommendations	Agency Response
Oral or Exhibit No.	Group Represented, City and State		
1	Russell E. Sanders National Fire Protection Association Louisville, Kentucky	<p>Requests the Department reconsider its decision to adopt the rules proposed in the Hearing Draft, and strongly believes adopting these rules at this time would be a disservice to the citizens of Wisconsin.</p> <p>States the National Fire Protection Association (NFPA) is developing a complete set of consensus codes and standards, the vast majority of which have been enforced throughout the United States and abroad for many years. Other codes, such as the NFPA 5000 – <i>Building Code™</i>, will be ready for adoption in August 2002. NFPA's building code will be the only code in the country that includes provisions to address firefighter safety.</p> <p>Indicates the involvement of Wisconsin's fire and building communities and other citizens in the NFPA code- and standard-development process ensures that Wisconsin will have a powerful voice in the development of the NFPA <i>Consensus Codes™</i> set.</p> <p>States NFPA's set of codes is the only set that is developed in an open, consensus process, which means every person in Wisconsin has the right to fully participate in the process, including the right to vote. No other code development process offers all of Wisconsin's citizens these rights.</p> <p>Notes that when Wisconsin previously adopted numerous other NFPA codes and standards, NFPA provided free training on those publications, and supplied free copies of the publications to every fire and building official in Wisconsin who attended the training. If Wisconsin adopts the NFPA fire, life safety, or building code, NFPA will likewise provide free training and free copies of these codes and key related publications. This would ensure that enforcers in every jurisdiction would have up-to-date codes and be trained by the best experts in the business at no cost to the taxpayers. This offer would be repeated each time Wisconsin adopts updated editions of the codes. No other code organization is willing to match this commitment.</p>	<p>Based on all of the Public Hearing comments, the proposed rules have been revised to substitute NFPA's <i>Fire Prevention Code</i> (NFPA 1) instead of the <i>International Fire Code®</i> (IFC), for most of the fire prevention standards in Wisconsin's current fire prevention code, chapter Comm 14.</p> <p>This substitution includes several modifications of NFPA 1, such as (1) excluding all NFPA 1 design and construction requirements and any associated design and construction requirements from NFPA's <i>Life Safety Code®</i>, NFPA 101; (2) excluding all NFPA 1 requirements for properties that are not public buildings or places of employment; (3) excluding the NFPA 1 chapters and sections that address topics which are currently regulated by Commerce codes other than proposed chapters Comm 61 to 65, such as flammable liquids in Comm 10; (4) applying the current requirements from Comm 14 that are not included in NFPA 1; and (5) allowing municipalities to receive written approval from the Department to use the IFC in lieu of NFPA 1.</p> <p>Consequently, except where the IFC is used in lieu of NFPA 1, Comm 14 (and the incorporated NFPA 1 and the referenced NFPA 101) would regulate all of the following: (1) the use and operation of all public buildings and places of employment that exist on or after the effective date of the rules; and (2) the inspection, testing and maintenance of all fire safety features for all public buildings and places of employment that exist on</p>



**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 00-179		Hearing Location: Mailed in
Rule Number: Comm 4, 14, 15, 16, 46, 50 to 64, 65, 66, 69, and 73		
Relating to: Construction and Fire Prevention for Public Buildings and Places of Employment		
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Agency Response
	<p>Comments/Recommendations</p> <p>States only NFPA can offer a full suite of codes and standards, whereas the International Code Council® (ICC) codes reference over 100 NFPA codes and standards.</p> <p>Asserts NFPA codes and standards are time-tested, international documents. Many of the NFPA codes, such as the <i>National Electrical Code®</i>, are used in every U.S. state and in numerous other countries, whereas the ICC codes are international in name only.</p> <p>States that after the decision is made of which set of codes to adopt, the critical issues for many years to come, for both government- and private-sector users, will be service and support. Those in Wisconsin who have used NFPA products would agree that NFPA's commitment to customer service is second to none. NFPA is the industry leader in providing support materials, such as handbooks and electronic codes.</p> <p>Notes that a Department communiqué states the Safety and Buildings Division decided to discontinue its comparison of the <i>International Fire Code®</i> (IFC) and NFPA's current fire code because of planned changes to the NFPA Codes. Believes that the purpose of the Division's study was to compare the 2000 editions of the IFC and NFPA's fire code, and fails to see how a 2003 edition that merges the NFPA fire code with the <i>Uniform Fire Code™</i> should have any impact on the study. Future editions of all codes might or might not look very different than current editions.</p> <p>States California recently completed a comprehensive review of the <i>International Building Code®</i> (IBC), and then voted to reject the IBC and continue enforcing the state's current code as the basis for the 2001 edition of the California Building Code. This will allow California to consider the final version of the NFPA <i>Consensus Codes™</i> set during its next adoption</p>	<p>or after the effective date of the rules.</p> <p>The proposed chapters Comm 61 to 65 (and the four incorporated ICC construction-related codes and the <i>International Fire Code</i>, as referenced in those four ICC codes) would regulate the design and construction of all public buildings and places of employment that are built after the effective date of the rules. (The four incorporated ICC construction codes are the <i>International Building Code®</i>, the <i>International Energy Conservation Code™</i>, the <i>International Mechanical Code®</i>, and the <i>International Fuel Gas Code®</i>.)</p> <p>This proposed rule adoption includes a commitment to conduct a full and open comparison of the above five ICC codes to NFPA's corresponding <i>Consensus Codes™</i> set, including the NFPA 5000 – <i>Building Code™</i>, when that code set becomes available.</p> <p>In conjunction with adopting the proposed rules, training is expected for many users of the rules. The Department anticipates providing some of this training, and that other parties, such as the University of Wisconsin-Extension, the NFPA, and the ICC, will provide training as well. Training costs depend on many factors, and any free training or other materials, such as has been offered by the NFPA, should be particularly helpful.</p> <p>The benefits of moving ahead outweigh the perceived benefits of delaying.</p>

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2	Greg Johnson Lake Country Chapter, International Conference of Building Officials, Minnesota	<p>cycle in 2003. Requests that a similar position be supported in Wisconsin. If the Department feels strongly that the current Wisconsin building and fire codes need updating, they can be amended in the interim to address any perceived deficiencies. A rush to adopt the IBC at this time, without first completing a thorough review of the NFPA building, fire, and life safety codes, would be a disservice to all citizens in Wisconsin.</p> <p>States the NFPA building code is available now in draft form, and will be final in August 2002, and some Wisconsin communities have already adopted the NFPA fire and life safety codes. A short postponement of deciding which set of codes to adopt would result in Wisconsin having the opportunity to adopt a complete set of consensus codes and standards developed with direct input from all interested parties throughout the state. Adoption of NFPA codes and standards would not place a cost burden on Wisconsin taxpayers.</p> <p>Urges vigorous pursuit of timely adoption of the ICC codes.</p> <p>Indicates Wisconsin's historical use of state-written codes has precluded code officials in Wisconsin from receiving training by the Lake Country Chapter.</p> <p>Anticipates uniformity and clarity would follow the adoption of identical codes in Minnesota and Wisconsin, which would be welcomed by regulators of contractors who work in both states.</p> <p>Believes there is no reason to delay adoption of the ICC codes. Suggests that on the contrary, both the technical justification and public policy imperative indicate adoption of the only technically current, coordinated set of model codes available.</p>	Support is noted.

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3	Debra H. Amesqua City of Madison Fire Department, Madison, Wisconsin	Supports the proposed rules to adopt certain ICC codes and corresponding modifications. The adoption will improve life safety and fire protection throughout the state. The proposed rules are an opportunity to adopt a complete set of coordinated, comprehensive, and contemporary building and fire codes.	Support is noted.
4	Glenn Schaefer Tyco Adhesives Norwood, Massachusetts	States he had numerous conversations with heating, ventilating and air conditioning contractors, wholesalers, and mechanical inspectors relating to the misunderstanding of the use and definition of cloth duct tapes in section 503.3.3.4 of the <i>International Energy Conservation Code</i> ™ (IECC).  Indicates the 1998 <i>International Mechanical Code</i> ® (IMC) places no restriction on tapes for a method of duct installation. The 1998 IMC states that tapes and mastics used with rigid fiberglass must be listed and labeled in accordance with Underwriters Laboratories Standard 181A, and tapes and mastics used with flexible air duct must be listed and labeled in accordance with UL181B. Duct connections to sheet metal fittings or flanges of air distribution system equipment must be mechanically fastened. Feels that any limitation or restriction on the construction or composition of the tape itself and any prohibition on tapes or specific types of UL listed tapes represents a complete misunderstanding of the 1998 IMC.  Indicates the "duct tape warning" was originally intended to limit the use of economy grade, non-tested, non UL-compliant tapes in duct applications. He feels that the vagueness in the IMC, combined with anecdotal hearsay, has resulted in an inappropriate prohibition of a wide range of products in the IECC.  Indicates the proposed prohibition against "duct tape" in s. Comm 63.0803 (3) presents a dilemma since UL181B requires flex duct to be sealed with UL181B-FX tape and the code will now prohibit it. Notes that the current American Society of Heating, Refrigerating and Air Conditioning Engineers'	In June 2001, the standards committee of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) that develops the ASHRAE 90.1 standard voted to not publish the proposed addenda that is referred to in the comment. There were some concerns that were raised at the public review stage that were not resolved. Therefore, that ASHRAE standard does currently prohibit the use of duct tape to meet the standard's sealing requirements.  Agree that the vagueness of the term "duct tape" causes a conflict when the IECC requires the use of UL-listed duct tapes on nonmetallic and flexible ducts but also prohibits all duct tape. Heat sealed tapes applied as required by Sheet Metal and Air Conditioning Contractors National Association (SMACNA) fibrous glass duct construction standards required by the IMC should be allowed.  Agree that there needs to be some way to distinguish high quality tapes that do a good job of sealing from poor quality tapes that fail quickly. Although the UL listed systems were not tested for longevity as a part of their listing and no additional information was provided to demonstrate their longevity, the UL standard is the only one that is currently available to distinguish tape quality.

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		<p>Energy Standard for Buildings does not prohibit the use of "duct tape."</p> <p>Feels that if Wisconsin prohibits the use of a product or category of products, without reasonable substantiation, Wisconsin could be responsible for the imposition of unreasonable restraint of trade, in violation of antitrust laws. Given the proven effectiveness of tapes, especially those manufactured in compliance with the UL181A and/or UL181B performance standards, there appears to be no reasonable basis for a prohibition on the use of duct tapes in HVAC systems.</p> <p>Indicates that the study performed by Lawrence Berkeley National Laboratories provides information to prohibit the use of duct tapes. However, the Pressure Sensitive Tape Council's press release questions the validity of this study; specifically, the test parameters, the findings, and the methods used to apply the tape are suspect.</p> <p>Indicates the code is not clear as to whether foil tapes would be included under the prohibition of the "duct tapes," but by the most stringent definition, any tape used on ducts is a "duct tape" and would be prohibited from being used.</p> <p>Supports adoption of the Hearing Draft, including the IFC. Indicates it is time for Wisconsin to have a code that is all tied together. Adopting all of the ICC codes is the best alternative for Wisconsin and has been a long time in coming.</p>	<p>The intention was to make IECC 503.3.3.4.3, which prohibits duct tape on all ducts, consistent with IECC 803.2.8, which prohibits duct tape on metal ducts. In response to public hearing comments, IECC 503.3.3.4.3 will be revised so that it prohibits duct tape on metal ducts only and delete the proposed revision to IECC 803.2.8</p>
5	Norman Arendt Shorewood Hills Fire Department Middleton, Wisconsin	<p>Believes there are problems with the consensus method used by the NFPA. Believes it is not a consensus because participants must pay annual dues of about \$110, pay for a meeting at a luxury resort, pay for travel, and then meet with industry representatives who have a vested interest in the outcome to vote on the code. The outcomes from the NFPA decisions are generally only to benefit industry representatives who are members of the NFPA</p>	<p>Support is noted.</p> <p>Comment noted.</p>

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6 (Also See Madison Oral Comments)	Ed Ruckriegel City of Madison Fire Department Madison, Wisconsin	<p>committees. Organizations that support the NFPA either do not know the workings of the NFPA or are blind to them.</p> <p>Supports adoption of the IBC and the IFC. Statewide adoption of compatible building and fire codes is essential to improving the level of fire protection and life safety in public buildings and places of employment in Wisconsin. Adoption of the IBC and IFC is an opportunity we cannot afford to pass by. The IBC and IFC are more restrictive and provide for better safety than other codes.</p> <p>Believes the IFC is an excellent fire code ensuring the safety of building occupants and firefighters. The IFC is the most complete and contemporary fire code available, and gives fire officials latitude to address fire safety in existing buildings. Adoption of the IFC is the right decision.</p> <p>Indicates there are no technical or legal reasons to adopt any fire code other than the IFC. The fire sprinkler requirements in the IFC and IBC are more restrictive than NFPA's <i>Fire Prevention Code</i> and <i>Life Safety Code</i>®. The IFC has the most comprehensive hazardous materials requirements. The fire apparatus requirements in the IFC ensure the ability to put fire apparatus where needed. The fire flow and fire hydrant requirements are all-inclusive. The IFC adopts nearly 100 NFPA standards. The IFC is an all-inclusive standard well suited for field inspection personnel. The IFC covers more hazards and occupancies than the NFPA fire code. The list of technical advantages is endless. No other fire code available has better fire protection and life safety requirements.</p> <p>Opposes any delay in adoption of the IBC. A delay will set fire safety back 15-20 years. Believes the current Wisconsin Building Code is 15-20 years behind the current standards for fire safety in the United States. Buildings built during any delay period will be constructed to the current code. Schools will not have fire sprinklers. "Jump platforms" will continue as acceptable</p>	Support is noted. See response to Exhibit 1 for a description of a local option to apply the IFC instead of NFPA 1.

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7a	David Soens Wisconsin Department of Health and Family Services, Bureau of Quality Assurance Madison, Wisconsin	<p>exists in apartment buildings. Dwelling units in apartments will not have fire-rated walls between units. Bars, dance clubs, and assembly occupancies will not be built with sprinklers. In essence, a delay supports the standard building code. Adoption of the IBC is an opportunity to advance fire safety in the state. The Department has committed substantial resources to improving fire safety through adoption of the IBC and IFC. It would be irresponsible to stop or delay adoption of a code that significantly improves safety.</p> <p>Feels the IBC/IFC requirement for visible and audible fire alarms may be less restrictive than the current standard in the Americans With Disabilities Act Accessibility Guidelines.</p> <p>Identifies the sections in the IBC where requirements for the number of accessible patient sleeping rooms and visible and audible alarms are found. States that 8% of the patient sleeping rooms in a nursing home will be required to have visual alarms as opposed to the 50% of the patient rooms which must be accessible.</p>	<p>Disagree. There is no conflict with ADAAG since ADAAG does not require visual alarms in the sleeping rooms of hospitals &amp; nursing homes. ADAAG 4.1.3(14) indicates "sleeping accommodations required to comply with 9.3 shall have an alarm system complying with ADAAG 4.28" applies to "accessible transient lodging" specified under ADAAG Section 9. ADAAG 4.1.3 (14) permits modifications to emergency warning systems to suit medical facilities.</p>
7b	(Same Person)	<p>Believes the transition to model codes is good, but the IBC requirements for outside windows are inadequate compared to the current established standard. Based on IBC sections 407, 1202.1, 1204.1, and 1108.13.1, an IBC code-compliant hospital or nursing home can be constructed without outside windows.</p> <p>Recommends changing proposed section Comm 62.0400 to (1) state that every habitable room must be provided with outside windows having a total glazed area of at least 8% of the floor area of the room, and the bottom of the window opening in sleeping rooms must be not more than 36 inches above the floor; (2) state that the openable area must be equal to at least 4% of the floor area served, except within the following places: (a) rooms occupied by patients for less than 24 hours, such as those housing obstetrical labor beds, recovery beds, observation beds in an emergency department, and newborn</p>	<p>Disagree that provisions should be added for an operable outside window or door from each patient sleeping room. The Life Safety Code includes the operable window as a requirement to allow the venting of products of combustion, but includes numerous exceptions to the rule. The AIA Guidelines recognize the need for natural light, but permits the use of borrowed light (not directly from room).</p>

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		<p>nurseries; (b) rooms where persons are forcibly confined, such as psychiatric wards, alcohol and drug abuse areas, or similar areas of protective placement; and (c) buildings designed with an engineered smoke control system as specified in NFPA 90A; and (3) state that where windows require the use of tools or keys for operation, written approval from the Department must be obtained.</p> <p>Substantiates the above recommendations with the following. (1) A study (which was attached) that was published in the New England Journal of Medicine on September 14, 1995, showed that outside windows provide therapeutic benefit to hospitalized patients through reduced stress, fewer health-related complaints, shorter stays, and fewer analgesic drugs, than those who did not have an outside window. (2) Artificial light lacks the critical amount of ultraviolet light necessary for good health, according to a cited study by Dr. Fritz Hollwich in 1980, which found that natural light lowers bodily stress, resulting in improved mood, behavior, and learning; and that deprivation of proper lighting or sunlight radically changes the personality of an individual by causing drastic mood swings, loss of energy, depression, weight gain, and withdrawal from other people. (3) The Guidelines for Design and Construction of Hospital and Health Care Facilities (1996-97), as produced by the American Institute of Architects Academy of Architecture for Health, with assistance from the U.S. Department of Health and Human Services, states (a) Each patient room intended for 24-hour occupancy shall have an outside window that can be opened from the inside to vent noxious fumes and smoke products and to bring in fresh air in emergencies. Operation of such windows shall be restricted to inhibit possible escape or suicide. Where the operation of windows or vents requires the use of tools or keys, these shall be on the same floor and easily accessible to staff. (b) Outside windows are important for the psychological well-being of patients, as well as for meeting fire safety requirements. Outside window also are essential for continued use of an area</p>	

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7c	(Same Person)	<p>in the event of mechanical ventilation system failure. (4) The current edition of the NFPA <i>Life Safety Code</i>® states that for all new health care occupancies, every patient sleeping room must have an outside window or outside door, and the allowable sill height must not exceed 36 inches above the floor, except for the locations listed in (2)(a) above, windows in atrium walls, window sills in special nursing care areas, and window sills in limited care facilities. (5) The current outside-window requirement has an established history in Wisconsin building codes dating back at least 43 years, such that the current group of hospitals (140) and nursing homes (433) has established an outside window as a standard feature in patient or resident bedrooms to the citizens of Wisconsin.</p> <p>The model code transition is a good one, yet the current IBC requirement regarding occupancy separation deserves additional review. IBC section 302.3.3 defines the occupancy separation requirements of which Table 302.3.3 defines. The text to section 302.3.3 goes on to require an additional requirement of 'fire area' compliance based on height and use limitations. These are two different requirements appearing under one section; they should be in two sections as follows: Proposed Comm 62.0302: IBC Table 302.3.3. Occupancy separation table should strike the diagonal row of ratings, starting with 2-hour between an A-1 and an A-1, and ending with a 1-hour between U and U. IBC Table 703.2. Fire area separation table would duplicate the current proposed Table 302.3.3.</p>	Disagree. The subject matter and requirements associated with 302 & 703 are different and the Tables should remain unchanged.
7d	(Same Person)	<p>Suggests the addition of a restriction for the installation of electric baseboard heaters located in various licensed health-care related facilities, including but not limited to CBRFs and residential-care apartment complexes. Suggested text: (a) allow only low temperature units (maximum temperature 110°F) or (b) allow high temperature units installed with protective guarding.</p>	Disagree. This issue is not appropriate for a Commerce Department code to address.
7e	(Same Person)	<p>Recommends revising Footnote m in Table 64.0403 (Minimum Inside Temperature and Outdoor Ventilation Air) to require use of numerous listed sections and Tables from the AIA R673 <i>Guidelines for the Design and Construction of Hospital and Health Care Facilities</i>, which DHFS now</p>	In order to reduce the number of Wisconsin-specific amendments, the code should refer to AIA guidelines only when they are substantially different from the IMC requirements and that difference is justified. Additional



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		follows. Suggests that where the AIA Guidelines do not address an issue, compliance with s. Comm 63.0403 should be required.	references can be made if these criteria are met.  An 11-16-99 analysis from DHFS identified only the IMC Table 403.3 ventilation requirements and the filtration requirements as being substantially different. Appropriate references to AIA guidelines are made in both those areas.
7f	(Same Person)	Supports the prohibition in section Comm 64.0303 against the use of unvented combustion heating systems in healthcare facilities.  For IBC section 715.5.5, suggests considering the following additional exception for smoke dampers in smoke barrier walls: "Smoke dampers are not required in Group I-2 duct penetrations of smoke barriers in fully ducted HVAC systems where an approved supervised automatic sprinkler system in accordance with NFPA 13 has been provided for smoke compartments adjacent to the smoke barrier. Fire protection systems shall be electrically connected to the fire alarm system, shall be fully supervised, shall be equipped with quick response sprinklers smoke compartments containing patient sleeping rooms, and upon activation shall shut down fan air movement."  Health care facilities have relied upon NFPA's <i>Life Safety Code</i> and have been using this design to be in compliance with federal certification.	Agree.  Agree with the concept but the change will be in alignment with the <i>Life Safety Code</i> exception and be limited to hospital and nursing home uses, not all Group I-2 uses as proposed.
7g	(Same Person)	Indicates the IBC occupancy Group I and Group R definitions differ significantly from the current assisted-living definitions. Feels this will be an issue of confusion for designers of new facilities. Identifies the various licensing classifications and suggests adding a clarification or reference note that assisted-living facilities are licensed and regulated by the Department of Health and Family Services in codes HFS 83, HFS 88, and HFS 89.	Disagree that having only 2 categories for occupancy classification, rather than the 4 used for licensure, creates confusion. There will be no confusion if DHFS informs their licensure applicants of the 2 simple occupancy categories that will apply to licensed facilities. The code includes a general note under s. Comm 61.03 informing users of this code that other state agencies may have rules that may affect the design and construction of their

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7h	(Same Person)	The sanitary fixture requirements in current s. Comm 58.32 (2) should be retained in the transition to the IBC. This section defines the minimum number of sanitary fixtures for patients, staff, and the general public and should be retained either in proposed ch. Comm 62, or in ch. Comm 82 of the Wisconsin Plumbing Code.	Disagree. IBC Chapter 29 and Table 2902.1 include the sanitary fixture requirements for those Institutional uses that have been cited.
7i	(Same Person)	Licensed health care facilities must comply with the <i>Life Safety Code</i> which, in turn, requires compliance with the NFPA 13 sprinkler standard. If the additional sprinkler omission locations in IBC and IFC s. 903.3.1.1 are allowed to stand, there will be inconsistencies between the building and fire code requirements, and the health care licensing requirements.	Disagree that the IBC exceptions must be eliminated. The NFPA 13 Standard is provided to tell users how to design and install a sprinkler system when that sprinkler system is required by another code such as the Wisconsin commercial building code or the NFPA Life Safety Code. In reviewing the NFPA 13 standard and the NFPA 101 Life Safety Code we also find that some of the exceptions in actuality match up well with exceptions within the NFPA codes & standards that permit the omission of sprinklers.
7j	(Same Person)	Recommends modifying proposed s. Comm 61.34 (1) (a) 2. b. to indicate where the Department does not review fire protection plans for Community-Based Residential Care Facilities, the Department of Health and Family Services will require fire protection plan review. Cites text in ss. HFS 83.43 (7) (d), HFS 83.56 (2), and HFS 83.65 (1) (a) that requires plan approval for all CBRFs.	Disagree that Commerce rules should include the details of the DHFS rules. The code includes a general note under s. Comm 61.03 informing users of this code that other state agencies may have rules that may affect the design and construction of buildings.
7k	(Same Person)	Recommends modifying s. Comm 61.31 (3) to indicate DHFS has 45 working days for plan reviews; and references chapter HFS 124 for hospitals, ch. HFS 132 for nursing homes, and ch. HFS 134 for facilities for the developmentally disabled.	
		Suggests that IBC 707.14.1 and the exceptions be reviewed as they apply to Group I-2. Feels that IBC section 1004.3.2.1 does not require corridors in health care facilities to have fire-resistance rated corridors, and this would make IBC section 707.14.1 Exception 4 illogical since healthcare facilities	Disagree that additional elevator lobby requirements should be retained for health care facilities.

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8 (Also See Exhibit #63)	Jerry Deschane, et. al. (See Attached Appendix A) Wisconsin Builders Association, etc. Madison, Wisconsin	<p>are excluded. Suggests modifying IBC section 707.14.1, Exception 4, by eliminating Group I-2 from this exception. Feels this correction would maintain a consistent requirement to the current Comm 58.</p> <p>Urges adoption of the IBC and the IFC, without a delay to perform a comparison with codes being written and sold by the National Fire Protection Association.</p> <p>Believes the NFPA codes would cost Wisconsin taxpayers millions of dollars in unnecessary and impractical building renovations.</p> <p>Indicates the NFPA codes are not completely written yet, so an accurate comparison is impossible. However, the NFPA codes will require retroactive application of new construction requirements to existing buildings. Five years from now, a building owner could be forced to put a concrete fire wall in the middle of a building, at a cost of tens of thousands of dollars. This is absurd and illustrates why Wisconsin needs to adopt the International Codes.</p> <p>States the IBC and the IFC, along with the IMC, IECC, and <i>International Fuel Gas Code</i><sup>®</sup>, are internationally developed, state-of-the-art codes that will protect public health and safety and Wisconsin's economy.</p> <p>States all of the state building and fire safety code advisory councils have endorsed a decision to adopt the IBC, IFC, IMC, IECC, and IFGC, and the Department cannot ignore the agreements reached by all of these parties just to appease one narrow special interest that wants to sell code books and impose its will on everyone else.</p> <p>Supports common-sense modifications to the IBC, IFC and others. Specifically, the Department needs to incorporate newly developed, federal Fair Housing safe-harbor language that applies to multifamily housing. However, this can be done in the normal course of code adoption, and no</p>	<p>Support is noted. See response to Exhibit 1 for a description of the planned code comparison and an explanation that the NFPA design and construction requirements are not included in the proposed rules.</p>
			<p>The Department under a separate rule-making action will consider modifications to fair housing type provisions that reflect the state fair housing laws under s. 101.132, Stats., the latest ICC revisions as well as other documents</p>

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9	Clifford Lawton City of Middleton, Department of Public Works Middleton, Wisconsin	<p>delay is called for.</p> <p>Supports adoption of the IBC and IFC. Statewide adoption of compatible building code and fire codes is paramount to providing the level of protection and safety that the citizens of Middleton deserve. Adoption of a modern model building code is an opportunity to advance building safety in Wisconsin. It would be irresponsible to delay adoption of a model code that significantly produces uniformity and improves safety.</p> <p>Believes there is no information that would show adoption of something other than the NFPA codes will result in lost lives and building failures.</p> <p>Notes the Southwestern Wisconsin Building Inspectors Association has voted unanimously to support the IBC.</p>	<p>and standards recognized by federal agencies. This separate rule-making action is planned to coincide with the effective date of these proposed rules, 7/1/02.</p> <p>Support is noted.</p>
10	Joe Jameson City of Middleton, Department of Public Works Middleton, Wisconsin	<p>Supports adoption of the IBC and IFC. The ICC codes are the first and only set of national model codes designed to work together, which will bring consistency in code enforcement and help lower overall costs by simplifying enforcement and development of codes. Statewide adoption of compatible building and fire codes is foremost to improving the level of life safety in places of employment and public buildings.</p> <p>States adoption of a modern model building code is an opportunity to advance building safety in Wisconsin. It would be irresponsible to delay adoption of a model code that significantly produces uniformity and improves safety. The IBC and IFC are improvements over Wisconsin's current codes, and adoption would have immediate benefits to both public and firefighter safety. The ICC codes are a much better tool for the code official due to their ease in use, clarity, and detail, and those points will improve the consistency of application, which will have a positive effect on those being regulated.</p>	<p>Support is noted. See response to Exhibit 1 for a description of a local option to apply the IFC instead of NFPA 1, and for an explanation that the NFPA design and construction requirements are not included in the proposed rules.</p>

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 00-179		Hearing Location: Mailed in	
Rule Number: Comm 4, 14, 15, 16, 46, 50 to 64, 65, 66, 69, and 73			
Relating to: Construction and Fire Prevention for Public Buildings and Places of Employment			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>States the time has arrived to have fire sprinklers in schools.</p> <p>Believes the ICC codes resolve widespread confusion associated with federal barrier-free accessibility regulations. States the ICC codes are the only model designed to comply with the Americans with Disabilities Act Accessibility Guidelines and the U.S. Department of Housing and Urban Development Fair Housing Accessibility Guidelines.</p>	<p>The Department under a separate rule-making action will consider modifications to fair housing type provisions that reflect the state fair housing laws under s. 101.132, Stats., the latest ICC revisions as well as other documents and standards recognized by federal agencies. This separate rule-making action is planned to coincide with the effective date of these proposed rules, 7/1/02.</p>
		<p>Notes the Southwestern Wisconsin Building Inspectors Association has voted unanimously to support the IBC.</p> <p>States the Fire Services have commented the proposed rules are deficient by not including retroactive construction requirements, such as are in NFPA codes, but he believes retroactivity should remain a local decision that is based on unique circumstances and individual abilities to enforce and interpret. Believes there would be substantial costs to building owners if retroactive construction requirements are included in a statewide code.</p> <p>Believes there is no information that would show adoption of something other than the NFPA codes will result in lost lives and building failures.</p> <p>States fewer than 10 of the 855 fire departments and districts in Wisconsin have adopted NFPA's <i>Fire Prevention Code</i> and <i>Life Safety Code</i>. If the IBC and IFC are adopted as statewide codes, local fire departments could also adopt the NFPA codes, and enforce requirements from either set, provided the NFPA requirements are not less restrictive than the statewide code.</p>	<p>Comments noted.</p>
11	Eric Englund Wisconsin Insurance	<p>Supports the proposed rule changes. The changes will save buildings, lives, and money, and are a thoughtful and appropriate update to existing building</p>	<p>Support is noted.</p>

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Relating to: Construction and Fire Prevention for Public Buildings and Places of Employment			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
12	Alliance Madison, Wisconsin  John Mielke Associated Builders and Contractors of Wisconsin Madison, Wisconsin	codes.  Supports adoption of the five proposed ICC codes. States this adoption has been endorsed by all eight of the Division's advisory councils, representing many professional organizations, including the construction industry, architects, and engineers. The adoption will improve public safety by providing integrated code development with the latest national and international standards, which will result in Wisconsin's residents being involved in the ongoing development of model codes.  States having consistent standards allows contractors and designers to compete nationally and internationally, and allows others knowledgeable of the ICC codes to provide services and products in Wisconsin.	Support is noted.
13	Bill Wendle, et. al. (See Attached Appendix B) Wisconsin Builders Association, etc. Madison, Wisconsin	Opposes adoption of a fire code that would apply retroactively to existing construction, which would be contrary to the Department's position that construction of a building is regulated by the state building code in effect at the time of construction. Does not oppose applying the proposed fire code to the use of an existing building in regards to isolation, storage, and use, etc., of substances regulated by the code.  Objects to delaying adoption of the IBC and IFC in order to consider an NFPA code. Believes the NFPA code will not make apartments or commercial structures safer, but will make them more expensive. Believes the NFPA code could be used to force building owners to make costly renovations as more restrictive code updates are adopted in the future, which would be a permanent, hidden mandate for millions of dollars in unnecessary remodeling.  Indicates the ICC codes were carefully compared to the existing state codes, over several years, and notes all of the state building code advisory groups support adoption of the ICC codes. Believes Wisconsin should not ignore all	See response to Exhibit 1 for an explanation that the NFPA design and construction requirements are not included in the proposed rules.  Support is noted. See response to Exhibit 1 for an explanation that the NFPA design and construction requirements are not included in the proposed rules.

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14	Ronald Omernick City of Wausau Fire Department Wausau, Wisconsin	<p>of that input to appease one of the interest groups involved in code development.</p> <p>Requests Wisconsin wait with adopting the ICC codes, and requests Wisconsin compare the ICC codes to the NFPA suite of codes.</p> <p>States NFPA has been around a long time and has a good history of updating and reviewing code changes. Wisconsin has often referred to NFPA in the past, and a comparison is justified.</p> <p>Questions how the proposed code change would be paid for, such as who will pay for the training, who will pay for the code books, will each inspector have to be certified, and could line crew members who have minimal training continue to be used?</p>	<p>See response to Exhibit 1 for descriptions of the planned code comparison, how NFPA 1 and 101 will apply, and anticipated training. No change in inspector certifications is planned at this time.</p>
15	Martin G. Collins City of Milwaukee, Department of Neighborhood Services Milwaukee, Wisconsin	<p>Vigorously supports adoption of the five proposed ICC codes, and opposes any delay to wait for development of an NFPA code. Delay would be a major mistake and would not serve the citizens and construction industry well.</p> <p>States we are now on the verge of realizing the fruits of many years of efforts toward achieving an international suite of codes. To delay would require an extremely strong rational. Believes the arguments put forth in favor of delay are thin at best.</p> <p>Believes trying to separate the IBC and IFC would lead to substantial confusion and delay, because they are written as an integral set of documents.</p> <p>Indicates the NFPA building code that is being developed is based on a Florida project built by the Disney Corporation, whereas the IBC is a consensus document that is a product of three model code groups which have been established for many years. States a quickly assembled building code from NFPA will not be available for some time in the future and will be no</p>	<p>Support is noted. See response to Exhibit 1 for a description of a local option to apply the IFC instead of NFPA 1.</p>

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16	Kent Knitt St. Germain Fire Department St. Germain, Wisconsin	<p>match for a product that is the work by many professionals.</p> <p>States adoption of the ICC code suite will allow for certification of inspectors in those codes, and a process is in place to do that. By having a common certification process, the quality and uniformity of enforcement is enhanced.</p> <p>States the Department should honor the Fire Safety Code Council's recommendation to complete a side-by-side review of the IFC and the NFPA <i>Fire Prevention Code/Life Safety Code</i>. This would provide a factual look at which code would indeed be best for Wisconsin.</p> <p>Believes the IBC and IFC are yet unproven and would cost Wisconsin lots of money to implement and adapt to our situation, whereas the NFPA codes are proven, and adoption training will be available at no cost by NFPA.</p> <p>Believes the time lost in the comparison process will be a small price to pay in respect to getting the right codes the first time.</p>	<p>See response to Exhibit 1 for a description of the planned code comparison, and for a description of how NFPA 1 and 101 will apply instead of the IFC.</p>
17	Raymond Haen Hollandtown Volunteer Fire Department Kaukauna, Wisconsin	<p>Asks the Department to please consider adopting the NFPA <i>Fire Prevention Code</i> and <i>Life Safety Code</i>. Feels the NFPA codes would serve the people of Wisconsin much better than any other codes can.</p>	<p>See response to Exhibit 1 for a description of the planned code comparison, and for a description of how NFPA 1 and 101 will apply instead of the IFC.</p>
18	Ronald L. Worgull, St. Butler Volunteer Fire Department Butler, Wisconsin	<p>Strongly opposes adoption of the ICC suite of codes, especially without conducting a fair comparison to the NFPA suite of codes. Feels the NFPA <i>Fire Prevention Code</i> and <i>Life Safety Code</i> are better for the safety of Wisconsin's Fire Service and Wisconsin's residents.</p> <p>States the personnel that have to enforce the codes which are adopted have had limited responses to the comparison and adoption process as well.</p>	<p>Opposition is noted. See response to Exhibit 1 for a description of the planned code comparison, and for a description of how NFPA 1 and 101 will apply instead of the IFC.</p>
19	John Reindl, P.E. County of Dane, Department of Public	<p>Encourages Wisconsin to adopt both a Green Building policy as well as Green Building standards for the building and related codes. (Attaches Dane County's Green Building policy and checklist for reference.)</p>	<p>The proposed rules do not conflict with the Green Building recommendations, and do not prevent adoption of the recommendations at the local level. The</p>



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	Works Madison, Wisconsin	<p>States Dane County recognizes the large amount of resources that buildings consume, the effect of buildings on users' well-being and productivity, and the effect of buildings on the natural and human environment. Believes it is incumbent upon government to take the lead on reducing negative impacts and on enhancing positive impacts. States Dane County uses its Green Building policy to guide the planning, design, construction, operation, remodeling, and eventual demolition of its buildings. The County encourages other public and private entities to also adopt "greener" building standards.</p> <p>Indicates reduction of the use of mercury in buildings is of specific importance to the County. The County has found that the largest use of mercury, by a factor of more than five-fold over the next product, is in home and commercial thermostats. The County has asked retailers and installers to discontinue sale and installation of thermostats with mercury, and promotes recycling of used mercury thermostats. The County will not use building products containing mercury if non-mercury alternatives are available, except for lamps.</p>	<p>Department has no statutory authority to adopt the recommendations as statewide rules.</p>
20	John Reindl, P.E. Council on Recycling, Wisconsin Department of Natural Resources Madison, Wisconsin	<p>Notes the Wisconsin Recycling Council was created by law to make recommendations to state and local agencies on recycling issues. Notes construction and demolition waste was found, in 1995, to comprise 21% of the waste generated in Wisconsin, compared to 16.6% from residential sources. The Council has identified a broad list of barriers to the diversion of construction and demolition debris from landfills, and several of these relate to state and local building codes. Indicates the Council has adopted a policy for management of construction and demolition debris, and encloses a copy of the policy and related priority action items for the Department to consider during this revision of the Wisconsin building codes.</p>	<p>The proposed rules do not conflict with the recycling recommendations, and do not prevent adoption of the recommendations at the local level. The Department has no statutory authority to adopt the recommendations as statewide rules.</p>
21	Richard Neuser City of Manitowoc, Office of Department of	<p>Supports adoption of the ICC codes in Wisconsin. Believes a more uniform standard of codes and code enforcement will be a great asset to both contractors and inspectors, and provide Wisconsin citizens with a more</p>	<p>Support is noted.</p>

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22	Building Inspection Manitowoc, Wisconsin  Bill McCorkle City of Richland Center, Richland Center Utilities Richland Center, Wisconsin	workable and reliable program to govern construction projects.  Supports adoption of the ICC codes as a base for Wisconsin's commercial building and fire codes.  Using a single suite of codes together eliminates incomplete regulation resulting in inadequate safety. Consistency also reduces delays and speeds up the building permit approval process. These factors lead to decreased costs for Wisconsin's citizens.  Opposes adoption of the IFC as the base for Wisconsin's fire code.	Support is noted.
23	Peter J. Stinson and Jeffery L. Brohmer City of LaCrosse Fire Department, LaCrosse, Wisconsin	States a comparison of the IFC and the proposed NFPA suite of codes should be done before any decision is made on which code to adopt. This will ensure that the code which is finally adopted will be the best fire code in Wisconsin.  Notes NFPA has stated it will provide materials and training to fire departments if the NFPA suite of codes is adopted. Questions where the funds will come from to supply materials and training if the IFC is adopted instead. Understands the 2% Fire Dues monies will be used for that purpose, and is strongly against that usage.  Notes the December 2000 issue of the <i>Wisconsin Building Codes Report</i> identified eight chapters of the IFC that are being omitted in the proposed rules. States if Wisconsin adopts the IFC, the IFC should be adopted in its entirety, not piecemeal. Believes the IFC is being adopted because it is a complete and comprehensive code. If the IFC is not adopted in its entirety, the LaCrosse Fire Department opposes its adoption.	Opposition is noted. See response to Exhibit 1 for a description of the planned code comparison, a description of how NFPA 1 and 101 will apply instead of the IFC, and a description of anticipated training and associated costs. Issues pertaining to the 2% Fire Dues Program are not germane to the issue of model code adoption.
24	Richard F. Holden Village of Plover Plover, Wisconsin	Supports the proposed adoption of the ICC codes. Believes the adoption will provide Wisconsin and him with the most up-to-date health and safety regulations available. The proposed group of codes will provide consistency	Support is noted.

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25	Gregory J. Loferski City of Cudahy, Inspection Office Cudahy, Wisconsin	between codes and with other states. Supports the Department's efforts to bring positive change to Wisconsin's commercial building and fire codes. Believes adopting the ICC codes will reduce the inconsistencies in the current system. Believes this process will benefit all people, and urges expedition passage of the proposal.	Support is noted.
26	Alan C. Geishardt, P.E. Jack Walters & Sons Allenton, Wisconsin	Supports adopting the ICC codes as the base of Wisconsin's commercial building and fire codes. The adoption would bring Wisconsin's building regulations in line with those used throughout the country and thereby benefit building professionals and code regulation authorities in Wisconsin. The adoption would also bring in the latest integrated national and international standards. Believes such consistency would improve building safety and be economically beneficial to all.	Support is noted.
27	J. L. Tidwell International Fire Code Council Fort Worth, Texas	Requests expanding the proposed rules by including the requirements in IBC Appendix C for agricultural buildings, to address places of public employment and public service in the agricultural industry. Examples of these structures are bulk fertilizer warehouses at cooperatives, and horse boarding stables with training arenas. Believes Wisconsin's codes have long been in need of these requirements. Interested in seeing the ICC codes adopted throughout the country, which would be the end result of two decades of work toward a single suite of codes for the United States. Believes fire and building officials from across the U.S. have been working diligently to produce the best set of regulatory documents for the built environment, and the result of that work is the ICC suite.	Agree Appendix C will be incorporated, to provide the flexibility for "non farming" agricultural use buildings that are routinely constructed across the state.  Support is noted.
28	Larry A. Plumer Wisconsin State Firefighter's Association	Highly recommends the Department do a comparison study of the NFPA code and the IFC before any adoption of either one is accepted or enforced. The big question is which will serve Wisconsin the best. Understands the IFC will cost the Department a large sum to promote to fire	See response to Exhibit 1 for a description of the planned code comparison, a description of how NFPA 1 and 101 will apply instead of the IFC, and a description of anticipated training and associated costs. Issues

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29	Durand, Wisconsin	<p>departments, and asks where the funding will come from. Opposes any use of the 2% Fire Dues funds for that purpose. Indicates NFPA will provide its codes for free and allow firefighters more input in changing any section if needed.</p> <p>Notes that about ten years ago, the Governor called a meeting in his office between the Department and all the Fire Associations in Wisconsin, over the 2% Fire Dues and codes. Indicates an agreement was reached then that any changes thereafter affecting the 2% Dues or codes would include input from all affected groups. Believes the Department should honor that agreement, work together with the Fire Service, and not go back to what was happening before the meeting.</p> <p>States the Sauk County Fire Chiefs Association supports the efforts of the Wisconsin State Fire Chiefs Association to delay adoption of any building or fire code until a comparison can be conducted between the ICC suite of codes and the NFPA suite of codes. (Attaches a copy of the WSFCA position.)</p> <p>States the Sauk County Fire Chiefs Association agrees with the WSFCA that the NFPA code is a much better code for the safety of Wisconsin's Fire Services and residents.</p> <p>States there is growing concern by the Wisconsin Fire Service to the Department's proposed changes to fire and building code regulations.</p> <p>Asks that the Department delay adoption of a model code until a suitable comparison can be made between the ICC suite of fire and building codes and the NFPA suite of fire and building codes.</p> <p>Notes the Wisconsin Fire Service has studied the documents and feels strongly that the NFPA documents are far superior, especially the provisions in NFPA's <i>Life Safety Code</i> that address existing buildings. Believes the IFC</p>	<p>pertaining to the 2% Fire Dues Program are not germane to the issue of model code adoption.</p> <p>See response to Exhibit 1 for a description of the planned code comparison, and a description of how NFPA 1 and 101 will apply instead of the IFC.</p> <p>See response to Exhibit 1 for a description of the planned code comparison, and a description of how NFPA 1 and 101 will apply instead of the IFC.</p>
30	Patrick Weber Northcentral Fire Chiefs Association Northcentral Wisconsin		

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31	Terry A. MacDonald City of Sturgeon Bay Fire Department Sturgeon Bay, Wisconsin	<p>pales in comparison to NFPA's <i>Fire Prevention Code</i> and <i>Life Safety Code</i>.</p> <p>States the Wisconsin Fire Service has worked cooperatively with the Department; however, the Service has been blatantly ignored after making the recommendation to the Department for adoption of the NFPA suite of codes.</p> <p>Opposes Wisconsin adoption of the IFC until a thorough comparison can be made with NFPA's <i>Fire Prevention Code</i> and its companion document, the <i>NFPA Life Safety Code</i>.</p> <p>Notes many of the IFC rules refer to NFPA codes, and the NFPA codes are already in use in all fifty states.</p>	<p>See response to Exhibit 1 for a description of the planned code comparison, and a description of how NFPA 1 and 101 will apply instead of the IFC.</p>
32	Roccy Raymond, P.E. Wisconsin Association of Consulting Engineers Madison, Wisconsin	<p>States the Association supports speedy adoption of the IBC and the related suite of international model codes as the state building code in Wisconsin.</p> <p>Believes adoption of the IBC in Wisconsin will enhance state code requirements; improve code understanding, compliance, and enforcement; facilitate future code updates; and ultimately benefit state consumers.</p>	<p>Support is noted.</p>
33	W. Scott Satula Village of Greendale, Building Inspection Greendale, Wisconsin	<p>Believes the Safety and Buildings Division and its advisory code councils have performed a careful and thorough review of the proposed code revisions. Encourages the Department to allocate sufficient resources for successful implementation of the proposed rules. In addition to funding staff training, resources should be allocated to provide training for consulting engineers, architects, and other design and construction professionals.</p> <p>Fully supports the proposed ICC code adoption package. Believes it is in the best interests of everyone for Wisconsin to adopt a new set of integrated, comprehensive, easy-to-use, uniform codes. States it is time to tap into the unlimited resources available from the ICC model code groups.</p> <p>Believes the IBC surpasses the current code in areas such as occupancy classification and construction standards, and bridges the gaps where the</p>	<p>See response to Exhibit 1 for a description of anticipated training.</p> <p>Support is noted. See response to Exhibit 1 for a description of a local option to apply the IFC instead of NFPA 1.</p>

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		<p>current code is lacking. Adoption of the proposal will provide Wisconsin with the most up-to-date regulations available.</p> <p>Indicates use of uniform codes will reduce the extra work, delays, and increased project costs that result from out-of-state contractors who work in Greendale and are unaware of Wisconsin's code requirements.</p> <p>Indicates that if the ICC codes are adopted, a strong effort should be made to eliminate as many Wisconsin modifications of the codes as possible.</p> <p>Applauds the Department's decision to replace chapter Comm 64 of the present Commercial Building Code with the IMC and the IFGC. This will expand the installation and application opportunities of highly efficient direct-fired heating equipment and give customers the choice of which type of heating equipment to use.</p>	Agree.
34	Ron Christenson Titan Air Incorporated Osseo, Wisconsin	<p>Notes the American National Standards Institute has rewritten the Z83.4 and Z83.18 standards for this equipment over the past four years in order to allow manufacturers to utilize the newest technology and ensure the equipment is the safest it can be.</p> <p>Indicates the Department's decision to adopt the IMC and IFGC, if combined with many other states following Wisconsin's lead, will make the time, money, and efforts expended by the manufacturers in the ANSI process worthwhile.</p> <p>Supports adoption of proposed chapters Comm 63 and 64 and the rest of the ICC codes as published by the Department, under the current schedule, without delay.</p> <p>Appreciates the fire protection community's concerns, but does not believe a delay in implementing the new building code is in anybody's best interest.</p> <p>Believes the IBC and IFC are excellent documents that will improve life and</p>	<p>Disagree. Where newer editions are not already adopted under our current Wisconsin code, the proposed code will use the same editions of the standards that are referenced in the 2000 IMC to be consistent with model code timeframes.</p> <p>Agree.</p> <p>Support is noted.</p>
35	Thomas Henke Sheet Metal and Air Conditioning Contractors Association of Milwaukee Milwaukee, Wisconsin		
36	Michael W. Schroeder		Support is noted. See response to Exhibit 1 for a

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37	Self Madison, Wisconsin	<p>fire safety in Wisconsin. Believes that when NFPA has a complete suite of codes available, Wisconsin would be lax in its duty not to look at that suite and compare.</p> <p>Feels there is no time to waste in adopting the IBC and IFC, and finds the IFC is current and technically superior to anything else he has ever seen. Believes the IFC's organization will help to make research, design, construction, and inspection easier. Believes there are no other codes that address fire and life safety hazards as well as the IBC and IFC, such as for new, high-tech and biological-based industries. Has not heard any technical objections to the IBC and IFC.</p> <p>Believes the current Wisconsin codes cannot keep up with changes in the community. Indicates adopting the ICC codes will allow access to a much larger community of expertise, and believes there are things Wisconsin has to offer and can share. Believes any hesitation in adopting the ICC suite of codes would have a negative impact on the safety of the community.</p> <p>Supports adoption of proposed chapters Comm 63 and 64 as published by the Department, under the current schedule, without delay.</p> <p>Understands the concerns of the fire chiefs, but does not believe a delay in implementing the new building code is the appropriate course. Believes the new code must go forward while the fire protection issues are addressed, and when the fire protection community achieves consensus regarding fire protection matters, that material should be integrated into the code at that time. There is no reason to lose the benefit of the other portions of the building code revisions in the interim.</p> <p>Applauds effort to adopt the ICC codes.</p>	<p>description of the planned code comparison, and a description of a local option to apply the IFC instead of NFPA 1.</p> <p>Support is noted. See response to Exhibit 1 for a general description of how fire protection provisions have been revised due to the Public Hearing comments.</p>
38	Duane C. Grace Building and Fire Codes Consultants Minnesota		Support is noted.

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39	Edward W. Mishelske Chippewa County Fire Chiefs Association Chippewa Falls, Wisconsin	Notes the Association unanimously passed a motion opposing adoption of the IBC and the IFC until such time as an in-depth comparison can be made with the NFPA <i>Fire Prevention Code</i> and <i>Life Safety Code</i> . States it is the collective opinion of the Association that adopting one code over the other without this comparison is doing a disservice to Wisconsin's Fire Service and building construction community  Strongly urges the Department's support in authorizing this comparison before making any decisions on the future codes. States the Association unanimously agreed that comparing the codes is in Wisconsin's best interest.	See response to Exhibit 1 for a description of the planned code comparison, and a description of how NFPA 1 and 101 will apply instead of the IFC.
40	J.C. Carver Self Madison, Wisconsin	Really likes what the IBC and IFC have to offer. Believes both codes are much better than Wisconsin's current building code and fire code, and indicates specific examples outlining the reasons for the belief can be provided.  Strongly recommends that Wisconsin adopt the IBC and IFC because there really is no other building or fire code other than these two, and the two codes need to be adopted and used together for the system to work.  Believes that if any other building or fire codes are fully developed in the next five years, Wisconsin can evaluate those codes at that time.  Believes introduction of the IBC and IFC is a great way to enter the new century.	Support is noted. See Exhibit 1 for a description of a local option to apply the IFC instead of NFPA 1.
41	Scott Ellarson City of Middleton, Building Inspection Middleton, Wisconsin	Believes use of a national code would create a more effective working environment with architects, engineers, and professional designers from other states doing business in Wisconsin. Also believes the ICC codes are easier to understand and use. Endorses Wisconsin's adoption of the ICC codes as the basis for the Wisconsin building and fire codes.  States the Wisconsin Building Code has served the people of Wisconsin	Support is noted.



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42	Brian F. Larson, AIA Aytes Associates Eau Claire, Wisconsin	<p>well, but the ICC codes provide an opportunity to do an even better job. Enthusiastically supports adoption of the new code.</p> <p>Supports the proposed adoption of the IBC and related model codes in Wisconsin. Believes prompt adoption will enhance life safety issues, code understanding, and compliance, and will benefit all citizens of the state.</p> <p>States adoption of the IBC is another advance in Wisconsin's proud history of statewide building codes, and should not be delayed.</p>	Support is noted.
43 (Also See Green Bay Oral Comments)	Gregg A. Cleveland City of Marshfield Fire and Rescue Department Marshfield, Wisconsin	<p>Opposes adoption of the ICC suite of codes by the State of Wisconsin. States this adoption process should be stopped until a full evaluation and comparison can be made between the ICC codes and the suite of codes from the NFPA.</p> <p>Notes the IBC and IFC currently reference nearly 200 NFPA codes and standards, and states that if the NFPA codes and standards are good enough to be incorporated into the ICC codes, it would seem logical that the NFPA codes should be good enough for adoption as Wisconsin's fire and building codes. States the NFPA <i>Life Safety Code</i> has been successfully used in Wisconsin for many years in health care facilities. Believes the proposed language which indicates that should conflicts between codes occur, the most restrictive will apply, would be a reasonable solution for any potential code conflicts.</p> <p>States the Department has cited requests from its code councils to adopt the ICC codes as the major reason for pursuing this course of action. States the Fire Safety Code Council had requested a full comparison of the IFC and NFPA's <i>Fire Prevention Code</i> and <i>Life Safety Code</i>, and the Department failed to recognize or fulfill the request. States the reasons given were many, but the primary reason was the Department need not follow the recommendations of the councils; they are advisory only. Believes the Department has used the various code councils to support its position when</p>	See response to Exhibit 1 for a description of the planned code comparison, and for a description of how NFPA 1 and 101 will apply instead of the IFC, including their application to existing buildings. Except for multifamily dwellings, municipalities can adopt requirements that are more restrictive than the statewide commercial building code or fire prevention code, such as for existing buildings.

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		<p>convenient, and ignored the Fire Safety Council in a recommendation to compare the NFPA codes to the IFC.</p> <p>States the Department repeatedly has told the Wisconsin Fire Service that no technical objections to the IFC have been received, and the Fire Service has responded with the problems associated with existing buildings. States building a building today will not affect fire safety in the built environment because the problems are in existing buildings, and neither the IBC nor the IFC have any requirements for improving fire safety in existing buildings. States the Department has responded by saying it has deemed existing buildings as "safe." Notes each year civilians and firefighters continue to perish in these "safe" buildings. Believes that until a full comparison can be made between the ICC and NFPA suite of codes, no one will truly understand the technical differences between the codes.</p>	
		<p>States the Department has informed the Fire Service that an evaluation of the NFPA and ICC suite of codes cannot be performed because the NFPA <i>Fire Prevention Code</i> will change with the harmonization process underway with the <i>Uniform Fire Code</i>. Notes the web site for the ICC shows over eight pages of changes for the ICC codes already, which indicates the ICC suite of codes are changing as well. States it did not matter that the ICC suite of codes were all in draft form when the Department performed comparisons between Wisconsin's current building code and the IBC and IFC. Believes the Department decided to adopt the ICC codes before they were complete. Believes there is no valid reason why the Department should not do a full comparison between the ICC and NFPA suites of codes at this time.</p>	
		<p>States he is not aware of any building yet that has been constructed under the IBC and IFC. The IBC and IFC are not time-tested codes as are the NFPA codes, such as NFPA 101, 72, 58, 1, and 70, which have been successfully used for many years in Wisconsin and across the world.</p>	

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		<p>Believes that if the Department adopts the ICC codes, code conflicts will exist, such as the current conflicts between the IBC and the Americans With Disabilities Act, with regard to the number and placement of strobes and horns for fire alarm systems. States this conflict has occurred for some time, and he does not see it being resolved quickly.</p> <p>Notes NFPA is the only code-making authority that has a code development process approved by the American National Standards Institute. NFPA has successfully used the open consensus code development process for many years in the development of their codes, standards, and guides. Membership in the NFPA is not required in order to offer input to the code development process for any NFPA proposal, which is not true of the ICC code development process. Everyone who has an interest in commenting on any NFPA proposal can have their voice heard in the development process.</p> <p>States the Department has frequently told the Fire Service that they are partners in fire safety. States it is a shame that the Department refers to the practice of taking the Fire Services' two percent dues money to push forward an agenda that is in direct opposition to the Fire Services' wishes.</p>	<p>Conflicts between the IBC and the Americans With Disabilities Act will be resolved in a supplemental rule package that will include several IBC revisions which are currently being developed by the ICC.</p> <p>Issues pertaining to the ANSI code-making process are not germane to the issue of model code adoption.</p> <p>See response to Exhibit 1 for a description of anticipated training and associated costs. Issues pertaining to the 2% Fire Dues program are not germane to the issue of model code adoption.</p>
		<p>States that in addition to ignoring the voice of the Fire Service, the Department is not being fiscally responsible in the code development efforts. Believes that if the Department adopts the ICC codes, the cost to Wisconsin taxpayers will be in the millions for training and development, whereas NFPA has had a long-standing practice of providing free training to states and agencies that adopt NFPA codes and standards. Everyone who attends NFPA's free training receives free code books for use in application and enforcement of the codes. NFPA will not provide this same opportunity if Wisconsin adopts the ICC codes and wants training on the numerous codes and standards that are incorporated into the IBC and IFC.</p>	

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44	Richard L. Simmons City of West Bend, Building Inspection Office West Bend, Wisconsin	States the Department's decision to move forward in the face of enormous opposition by a united Wisconsin Fire Service is a serious miscalculation. States the Department has continually ignored the voice of the Fire Service and raises serious questions that the Department is an agency that pursues its own goals regardless of public input.  Supports the proposed adoption of the ICC codes as the base of the Wisconsin commercial building and fire codes. This adoption will provide Wisconsin with the most up-to-date public health and safety regulations available. Consistent regulations will help Wisconsin professionals compete more equitably both nationally and internationally, and economically benefit all citizens of the state.	Support is noted.
45	Steven T. Kittelson Southwestern Wisconsin Building Inspector's Association Stoughton, Wisconsin	States the Association supports adoption and implementation of the ICC codes as the base of Wisconsin's commercial building and fire codes.	Support is noted
46	Gerard J. Rabas, P.E. Meriter Hospital Madison, Wisconsin	Supports the proposed adoption of the IBC suite of codes. States he has observed the overall flow and consistency of these standards and finds them to be buildable and enforceable. Indicates Wisconsin has had a long history of writing its own building and fire codes, but unfortunately, technology and safety are developing new methods of construction faster than we can keep up with. Adoption of an international standard will allow Wisconsin to jump ahead and regain its lead in building codes.  States the IBC and IFC adopt the basic NFPA standard and provide language for enforcement in a manner never available before to the enforcement personnel.  The adoption brings the general building code in line with NFPA's <i>Life Safety Code</i> , and provides for a consistency of interpretation that may never have existed before.	Support is noted

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47	Thomas R. Johnson Village of Grafton, Inspection Department Grafton, Wisconsin	Supports the proposed adoption of the ICC codes as the base of Wisconsin's commercial building and fire codes. This adoption will align Wisconsin's codes with the latest integrated national and international standards. Such consistency can only improve building safety as well as be economically beneficial to all residents and visitors of Wisconsin.	Support is noted
48	Dave Holmes Self Chippewa Falls, Wisconsin	Indicates IBC section 3004.1 requires that hoistways for elevators which penetrate more than three stories must be vented to the outside. The area of the vent must not be less than 3 1/2% of the area of the elevator shaft, provided a minimum of 3 square feet for each elevator is provided.  Suggests the venting of each individual hoistway be independent from any other hoistway venting, and the interconnection of separate hoistways for the purpose of venting be prohibited. Suggests that keyed manual remote devices must operate the vents, and that automatic operation by fusible links or smoke sensing be prohibited. The manual devices must be provided with visual indicators for the open and closed status and be located adjacent to the fire control panel, where provided, or on the designated level adjacent to the fire control panel, where provided.	Noted. Commentor's suggested language is similar to IBC. IBC language will be retained.  Disagree. The automatic means prescribed in the IBC provide an assurance that the transgression of smoke to the upper stories due to "stack effect" will be averted prior to, or at, the arrival of the fire department. This will be one less thing the fire department will have to be concerned with during an emergency situation. If upon the arrival of the fire fighters, the vent has not opened, they have the option of breaking the glass cover that is required by this section to vent the smoke.
49	Marcia J. Carlson University of Wisconsin - Madison, Facilities Access Madison, Wisconsin	Suggests ventilation openings in a hoistway wall or in a roof of a penthouse must have guards securely anchored to the supporting structure, consisting of wire mesh or metal screen. For vents that pass through machine rooms or machinery spaces, safe and clear access around electrical and mechanical equipment must be provided and maintained.  Supports the immediate adoption of the IBC, IFC, IECC, IMC, and IFGC with some suggestions for modifications. Indicates the UW often works with design firms outside of the state that then work with Wisconsin-based design firms, and having a suite of codes which is similar to what is used in other states will help the design firms work together.	Noted. The proposed modifications to the IBC already have an opening protection requirement. Safe and clear working clearances around mechanical and electrical equipment are already covered by other codes and standards and need not be repeated in this code.  Support is noted.

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		<p>Concerned that a recommendation was made to require shielded exterior lighting. Feels that such a requirement would be unduly constraining in design and choice of products. Supports a statement that will address exterior lighting to be task-specific with minimal spillover.</p>	<p>Disagree. A complete cost benefit analysis to demonstrate energy savings for the exterior lighting system as a whole has not been provided. Owners and designers may choose to use shielded fixtures to help them meet the code requirements.</p>
		<p>Concerned that the items in the appendices (specifically E and J) will not be included in the code requirements and will be outside of local enforcement. Indicates that just the specter of local enforcement is enough to induce compliance with codes and guidelines. Relying solely on federal-level enforcement for things found in Appendix E will result in less accessibility for people with disabilities. Lack of local enforcement effectively results in no enforcement, due to the time it takes for a federal-level complaint to be acknowledged, deemed suitable for federal response, investigated, and acted upon. Indicates the general premise of the Americans With Disabilities Act is that you cannot go backwards in terms of amount of accessibility provided. Feels that dropping local enforcement is going backwards in the level of accessibility and protections for people with disabilities, and recommends the enforcement be extended to appendices E and J.</p>	<p>Disagree. Most of the provisions found in Appendix E relate to furnishings and items not included as part of the construction of a building. Also Appendix J refers to a subject that is better dealt with in Wisconsin's Historic Buildings Code. Disagree that the purpose of the code is to provide a local tool and agency for persons to file a complaint with so as to avoid dealing with the federal government.</p>
		<p>Understands that IBC would replace the fair housing law with two levels of accessibility; one level being very minimal -- not really accessible to wheelchair users, and one level (2% of units over 20 units) being sized so that with the addition of grab bars, etc., the units would be fully accessible. Feels this is a fair trade-off to what is currently required in the Wisconsin code. Indicates there may be a movement to eliminate the 2% adaptable dwelling units and only have the minimal level of accessibility. Requests that either the current level of accessible dwelling units as specified in the current Wisconsin code be maintained, or that the IBC language which offers the minimal-level dwelling units and the 2% adaptable dwelling units be used.</p>	<p>The department under a separate rule-making action will consider modifications to fair housing type provisions that reflect the state fair housing laws under s. 101.132, Stats., the latest ICC revisions as well as other documents and standards recognized by federal agencies. This separate rule-making action is to coincide with the effective date of these proposed rules, 7/1/02.</p>

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		<p>Indicates there are some areas where current chapter Comm 69 provides greater accessibility than the IBC, the Americans With Disabilities Act Accessibility Guidelines (ADAAG), and the Uniform Federal Accessibility Standards. Asks that if not all of the enhanced accessibility features of Comm 69 can be retained, that at least the following three items be retained:</p> <ol style="list-style-type: none"> <li>Comm 69.19, which allows backing into accessible parking spaces.</li> <li>Comm 69.26, which requires the minimum clear width of exterior ramps to be 40 inches, measured between handrails.</li> <li>Comm 69.30 (2), which requires the toilet stall door on an accessible stall to open 95 degrees. Feels this rule is a polite way to prohibit the installation of wall hung items behind the stall door. Feels that someone using the equipment behind the door could be hit by the opening of the stall door.</li> </ol>	<p>Disagree with the need to retain the Wisconsin requirements relating to backing into parking stalls, the 40" clear width for ramps, or to require toilet partition doors to open 95 degrees.</p> <ol style="list-style-type: none"> <li>Neither the IBC nor ICC/ANSI A117.1 standard prohibits backing into parking places.</li> <li>The 40" clear width for curb ramps was put into place to be consistent with s. 66.616, Stats. that relates to curb ramps installed on city or municipal streets and sidewalks. Feel there is a greater need to be consistent with the ADAAG standards.</li> <li>The 95-degree opening rules were put into place as a result of s. 101.13, Stats. That provision of the law applied to those buildings "the construction of which is begun after May 24, 1974 but prior to May 27, 1976". The law does not prohibit the department from making improvements and upgrades to the commercial building code as required by that same law.</li> </ol>
		<p>Feels the IMC does not provide sufficient guidance in dealing with dual air handling systems, such as those required for buildings that house both animals and humans, as occurs with research facilities. Indicates these research facilities must follow rules of the National Institutes of Health/Centers for Disease Control, and recommends that inspectors be made aware of the additional rules which must be followed, which may differ from the IBC or IMC. Recommends the Safety and Buildings Division provide similar guidance to inspectors of other facilities that must comply with rules which differ from the IBC, such as nuclear materials and research facilities.</p>	<p>Disagree. Many projects must comply with more than just the building code. There are many more standards that apply to various buildings than we can attempt to adequately cover. A note warning users of this is included.</p>
50	Monica Murphy	Indicates the Wisconsin Coalition for Advocacy (WCA) is the federally	Comment noted.

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	Wisconsin Coalition for Advocacy Milwaukee, Wisconsin	<p>designated protection and advocacy organization in Wisconsin whose mission includes advocating for individuals with disabilities to live in the most integrated setting.</p> <p>Feels the proposal to adopt the IBC could have significant impact on people with disabilities. Indicates that she has done several presentations to disability groups as well as people involved in the building field regarding the accessibility requirements under the Wisconsin fair housing law. Indicates she has always been proud that Wisconsin Law required "something more" than the federal Fair Housing Act and would hate to see Wisconsin lose the "something more" features, which provide for more accessibility.</p> <p>Explains that Wisconsin has for years required greater accessibility in bathrooms than is required by the federal law. Feels the additional features within the bathrooms may be eliminated by the proposal and the adoption of the IBC language. Realizes that codes are minimums and that architects and designers are free to design for greater accessibility, however, fears that this will not happen if those requirements disappear. Proposes the requirements that currently apply in Wisconsin for fair housing be kept, because she hates to see us take a step backwards. However, strongly supports the 2% requirement of Type A dwelling units under proposed section Comm 62.1107, and feels that both people with disabilities and the aging population would benefit from this greater accessibility.</p>	<p>The department under a separate rule-making action will consider modifications to fair housing type provisions that reflect the state fair housing laws under s. 101.132, Stats., the latest ICC revisions as well as other documents and standards recognized by federal agencies. This separate rule-making action is to coincide with the effective date of these proposed rules, 7/1/02.</p>
51	Cleo Eliason Self McFarland, Wisconsin	<p>Indicates she has served as a member of the advisory committees for the Safety and Buildings Division and most recently was a member of the Means of Egress and Accessibility Specialty Council. Supports the decision to adopt and use the IBC, but wishes to express her concerns on the following issues:</p> <p>Feels the development of the unisex toilet room has proven to be a welcome feature in many public buildings and not only for people with disabilities. Strongly supports the inclusion of the requirement under IBC 1108.2.1 that</p>	<p>Support is noted.</p> <p>Agree that the rule must be added to "permit" the use of unisex toilet rooms rather than "require" them.</p>



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		<p>requires unisex toilet rooms in certain occupancies. However, feels this conflicts with s. 101.13 (1m) (b), Stats., which prohibits the Department from requiring a unisex toilet room in public buildings. Recommends that a trade-off be proposed to allow the unisex toilet rooms to be counted against the number of plumbing fixtures in assembly and mercantile buildings.</p> <p>Explains that as a "sometime user" of mobility equipment, such as wheelchairs or motorized scooters, she is aware of the importance of maneuvering space at the pull side or latch side of doors. Strongly encourages that maneuverability space be required at the primary entrance door and all other doors, such as bedrooms, bathrooms, etc., within dwelling units, as related to fair housing.</p>	<p>The department under a separate rule-making action will consider modifications to fair housing type provisions that reflect the state fair housing laws under s. 101.132, Stats., the latest ICC revisions as well as other documents and standards recognized by federal agencies. This separate rule-making action is to coincide with the effective date of these proposed rules, 7/1/02.</p>
		<p>Indicates that in accordance with Comm 62.3600, Appendix E will not be included as part of the code. This is contrary to the current Comm 69 practice of having requirements for permanent room signage, telephones, and notification devices for people with hearing loss in hotel rooms. Recognizes that although these features are currently not addressed in plan review or inspections, by including them, an individual could file a complaint locally rather than having to go to the federal government. Feels that from the designer, building owner, or construction perspective, it makes sense to have these requirements included, otherwise they are "out of sight, out of mind."</p> <p>Concerned with the cost and availability of codes for people with disabilities. Feels that if reliance for enforcement lies with the user in any way, i.e., people with disabilities, she sincerely hopes those users do not encounter barriers in accessing the specifications involved. Suggests the following be considered: (1) when the new ADAAG is printed, Wisconsin could use this code for the technical requirements rather than using ICC/ANSI A117.1. The ADAAG standards are readily available at little or no cost; or (2) the Department could make just the accessibility requirements available to people with disabilities so that the entire IBC would not have to be</p>	<p>Disagree. If the WI administrative rules and IBC does not include all of the ADAAG provisions, architects, engineers and owners are not relieved of their responsibility to comply with the Federal Law. Wisconsinisms have been added where the IBC or ANSI standard is not clear. Purpose of code is not to provide a local means to lodge a federal complaint.</p>
			<p>Agree in concept, except the proposed ADAAG will not be available when this code is projected for adoption and printing. There may be other ways to provide the accessibility requirements to people with disabilities without the need to purchase the entire IBC.</p>