

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

**Rule No.:** SPS 360 to 366

**Relating to:** Mass timber construction

**Rule Type:** Permanent and Emergency

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

The Wisconsin Commercial Building Code currently is a roadblock to the creation of family sustaining jobs and economic development opportunities. It restricts the use of mass timber to new construction of no more than four stories, unless a variance is sought by the developer and granted by DSPS. The current version of the code is an impediment to greater prosperity for Wisconsin businesses and workers alike. Wisconsin has a vast array of forestry resources, as well as the manufacturing workforce and infrastructure to be a major factor in the mass timber industry. Changes to the commercial building code contemplated by this scope statement will eliminate unnecessary restrictions on building construction methods.

Expediently considering revisions to the mass timber aspects of the commercial building code, including but not limited to adopting the specific provisions in the 2021 IBC standards relating to mass timber, will allow for construction of commercial buildings of at least 18 stories without the need for variances. Making it easier to construct mass timber buildings will help this building material to achieve greater mainstream use. This will increase demand for the product, and by extension, spur significant economic development and the creation of family sustaining jobs in Wisconsin.

Finally, in light of recent economic changes culminating in opportunity losses within the paper industry, the Wisconsin Economic Development Corporation (WEDC) and the Wisconsin Council on Forestry are currently working with the U.S. Economic Development Administration (EDA) to convene a regional economic development summit (REDS) between regional stakeholders. The goals of this summit include the following:

- Identify Resources: Help local and regional stakeholders identify additional sources of capital investment.
- Determine Next Steps: Establish project implementation action plans.
- Build Coalitions: Strengthen existing relationships, broaden membership by adding new partners, and assign roles and responsibilities.
- Resolve Conflict: Resolve differences that have prevented the community or region from realizing its full economic growth potential.

More information on the REDS summit can be found in the letter from the EDA Chicago regional director, which is attached to this statement of scope. For the REDS summit to be as fruitful as possible, Wisconsin should have all tools available at its disposal to enhance cooperation and encourage new economic development and job creation. Among these tools is the ability to change the commercial building code to allow for greater investment in mass timber.

Therefore, for all of the reasons mentioned above, the public welfare of our state demands that restrictive provisions in the current commercial building code be reconsidered as expeditiously as possible.

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

DSPS and the Commercial Building Code Council will review and consider revisions to the commercial building code as it relates to mass timber, including but not limited to, adopting the 2021 IBC mass timber standards.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

The relevant policy is to encourage the use of a safe and available building material, mass timber, that exists in significant quantities in raw form in our state. Expediently updating the Wisconsin commercial building code's provisions relating to mass timber will assist with this goal by removing existing barriers to the use of mass timber in commercial construction. Greater demand for the timber used in these products will result in greater incentive for business to invest in this technology and create family sustaining jobs. The alternative of implementing the proposed rule would be to not take swift action to revise administrative code to remove these unnecessary barriers and continue to deny Wisconsin residents the benefit of the economic growth and family sustaining job opportunities associated with mass timber.

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

Sections 101.02 (15) (a), (b), (f), (h), (i), and (j), stats. state as follows:

(a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building. This paragraph does not apply to occupational safety and health issues covered by standards established and enforced by the federal occupational safety and health administration.

(b) The department shall administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to laundries, stores, licensed occupations, school attendance, bakeries, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, wood sawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment and frequenters of places of employment.

...

(f) The department shall investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of this subchapter.

...

(h) The department shall investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders.

(i) The department shall ascertain and fix such reasonable standards and shall prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment.

(j) The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe.

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

Approximately 100 hours.

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

Contractors, timber harvesting, processing, and manufacturing industries, persons who frequent commercial buildings, and consumers of building materials.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

No economic impact to small business is anticipated at this time.

**Contact Person:** Jon Derenne, Attorney, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

Approved for publication:



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Department Head or Authorized Signature

5/17/2021

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Date Submitted



**U.S. DEPARTMENT OF COMMERCE**  
**Economic Development Administration**  
**CHICAGO REGIONAL OFFICE**  
230 SOUTH DEARBORN Street  
CHICAGO, ILLINOIS 60604-1512

Mr. Sam Ridders  
Deputy Secretary and COO  
Wisconsin Economic Development Corporation  
201 W Washington Avenue  
Madison, WI 53703

Dear Mr. Ridders,

As you are aware, in response to paper and mill closures in Wisconsin, the Economic Development Administration's (EDA's) Chicago Regional Office is working with the Wisconsin Economic Development Corporation and the Wisconsin Council on Forestry to convene a Regional Economic Development Summit (REDS). Local and regional stakeholders conduct REDS events to convene and address economic development obstacles. EDA's Chicago Regional Economic Development Integrator, Carlann Unger, supports REDS events in the region by identifying and engaging federal agencies with relevant program resources.

REDS goals include:

- Identify Resources: Help local and regional stakeholders identify additional sources of capital investment.
- Determine Next Steps: Establish project implementation action plans.
- Build Coalitions: Strengthen existing relationships, broaden membership by adding new partners, and assign roles and responsibilities.
- Resolve Conflict: Resolve differences that have prevented the community or region from realizing its full economic growth potential.

Please note that participation in a REDS event does not in any way indicate that participants have been pre-approved or pre-selected to be considered for or to receive any type of federal award or any other type of assistance.

EDA looks forward to working with the WEDC and the Council on Forestry on this REDS effort.

Sincerely,

Susan M. Brehm  
Regional Director