

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
: CR 15-016
DEPARTMENT OF SAFETY AND :
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The 2009 International Mechanical Code (IMC) section 502.16 adopted by the Wisconsin Department of Safety and Professional Services requires a ventilation rate of one cubic foot per minute (cfm) per twelve cubic feet (ft³) of shop volume in repair garages servicing vehicles fueled by lighter than air fuels such as natural gas and hydrogen. Generally, the mechanical ventilation system must operate continuously with two exceptions. The air movement in the shop should be as uniform as possible from the floor to the ceiling with inlets uniformly arranged on exterior walls near floor level and outlets at the high point of the room on exterior walls or the roof. These IMC requirements intend to prevent the accumulation of lighter-than-air flammable and combustible gases inside repair garages. The requirements intend to prevent the accumulation of lighter-than-air flammable and combustible gases inside repair garages.

The proposed rules would exempt certain repair garages from the requirements of IMC section 502.16 through the adoption of section 2211.7 of the 2009 International Fire Code (IFC). Section 2211.7 includes an exemption for repair garages where work is not performed on the fuel system and is limited to exchange of parts and maintenance requiring no open flame or welding. Throughout this rule we will refer to the garages exempted in section 2211.7 as minor repair garages. Because IMC 502.16 is controlled by and extracted from the IFC, and the IFC has a more specific requirement, the exception to the IFC would provide an exception to IMC 502.16.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on March 30, 2015. The following people either testified at the hearing, or submitted written comments:

Matthew Mertens
Brian L. Flannery

The Department of Safety and Professional Services summarizes the comments received either by hearing testimony or by written submission as follows:

Matthew Mertens, a Fire Marshal, submitted written testimony in opposition to the proposed rules. He believes it is a bad idea to exempt a safety requirement in its entirety. He would prefer a change whereby the air exchange requirements are modified to allow for a multi-gas sensor to be used to initiate the exhaust/air changes rather than a constantly running fan.

Brian Flannery, a Building Inspector, submitted written testimony in opposition to the proposed rules. He stated that the current rule has an exception that says natural ventilation can be permitted by the code official. With the language in the proposed rule, he fears that it could be read that absolutely no ventilation is required, not even natural ventilation.

The Department of Safety and Professional Services has not its rule-making proposal in response to public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None.