

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 332

Relating to: Public Sector Employment Health and Safety Standards

Rule Type: Permanent

1. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to revise state and local government workplace health and safety standards so that they are, as required by state law, at least equal to those health and safety standards provided to private sector employees.

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

State law requires that workplace health and safety standards for state and local employees are at least as stringent as what is required by OSHA for the private sector. Currently, the department incorporates by reference the OSHA administrative code as it existed in 2010. There have been changes to the standards since the 2010 publication, and this rule project is necessary to ensure the most recent protections are applied to state and local government workplaces.

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

Section 101.055 (3) (a), Stats., provides that “The department shall adopt, by administrative rule, standards to protect the safety and health of public employees. The standards shall provide protection at least equal to that provided to private sector employees under standards promulgated by the federal occupational safety and health administration[.]”

Section 227.11 (2) (a), Stats. authorizes the department to “promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

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

The department staff time needed to revise the rules is expected to be approximately 60 hours.

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

Employees of Wisconsin state and local governments.

6. 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:

State and local public sector employees are not subject to federal regulation of health and safety standards, however state law requires workplace protections for state and local employees to be at least equivalent to what federal OSHA standards require of private sector workplaces.

7. 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.

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