



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 1, 2025

Secretary-Designee Dan Hereth
Wisconsin Department of Safety and Professional Services
4822 Madison Yards Way
Madison, WI 53705

Dear Secretary-Designee Hereth:

Construction, like many industries, is being challenged by inflation, lack of skilled workers, and supply chain issues. Unlike other industries, Wisconsin construction is also dealing with the new commercial building code (Code) that is suddenly in effect during the height of the 2025 construction season.

We, the undersigned respectfully request that the Department of Safety and Professional Services (DSPS) delay enforcement of the new Code until the start of the 2026 construction season. Doing so will not only give everyone in the Wisconsin construction industry time to acclimate to the new building rules and regulations, but also allow long-planned projects to go forward rather than literally going back to the drawing board.

While we acknowledge that the new Code (essentially the model 2021 International Energy Conservation Code (IECC) with few amendments) was proposed over two years ago, its sudden effective date was caused by the recent Wisconsin Supreme Court ruling regarding legislative involvement in the administrative rules process (see *Evers vs. Marklein II*). The result is very detrimental to Wisconsin construction.

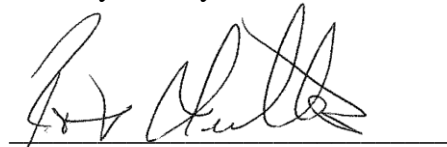
There will be significant compliance costs required on short notice, especially considering the Wisconsin construction season typically slows down from late fall to early spring due to weather. Specifically, there are large and complicated construction projects in urban areas that have been in development for over a decade due to local approvals, financing, ordinances, and the logistical challenges that exist in constructing for an area that already has large buildings and limited space to navigate. Many of those large projects, after years of work by construction, engineering and architectural firms, are about ready to break ground, but not soon enough to comply with the deadline for the old Code it was built to comply with. As a result, these significant projects will be delayed or potentially never happen.

It appears that DSPS has heard these complaints about the new Code effective date, delaying commercial plan review compliance first from September 1 until September 30, and now until October 31. Our constituents are relieved with the additional time, but in response to their requests, we ask that you delay the effective date to April 2026. Wisconsin wetland delineation is a process that identifies and maps the boundaries of wetlands on a property, and is crucial for

anyone planning a development project, as required by state and federal laws. Wetland delineation is conducted during Wisconsin's growing season (mid-April to mid-October) and has been used as a proxy for the beginning and end of Wisconsin's construction season.

The current "old" Code is essentially the 2015 IECC with exceptions that consider the nature of construction in the Badger state, referred to colloquially as "Wisconsinisms." The previous Code has been in effect for the entire Evers administration and has served the construction industry and taxpayers well by focusing on safety and the cost benefit analysis of proposed requirements. Waiting a few more months before implementing the new Code and will save time and money for those paying for the new factories, hospitals, places of worship, apartments, condominiums, and schools being constructed.

Thank you for your consideration.



ROB HUTTON
State Senator



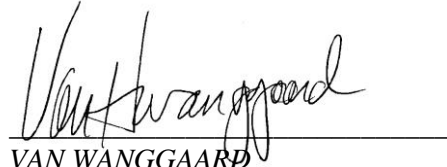
AMANDA NEDWESKI
State Representative



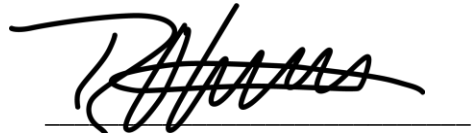
STEVE NASS
State Senator



JERRY O'CONNOR
State Representative



VAN WANGGAARD
State Senator



ROBERT WITTKÉ
State Representative



CHRIS KAPENGA
State Senator



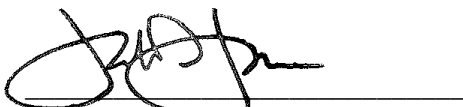
LINDEE BRILL
State Representative



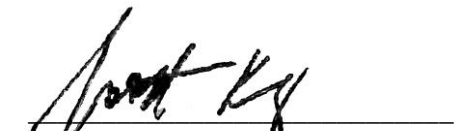
ANDRE JACQUE
State Senator



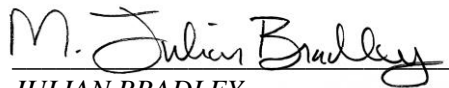
ALEX DALLMAN
State Representative



JOHN JAGLER
State Senator

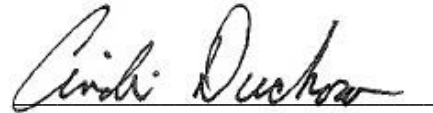


SCOTT KRUG
State Representative



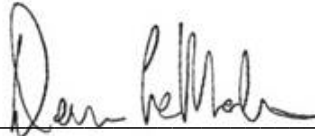
JULIAN BRADLEY

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CINDI DUCHOW

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DEVIN LEMAHIEU

State Senator



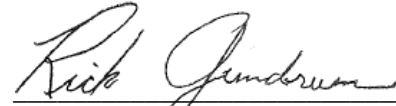
PAUL MELOTIK

State Representative



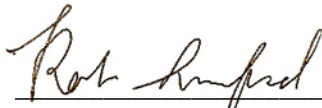
WILLIAM PENTERMAN

State Representative



RICK GUNDRUM

State Representative



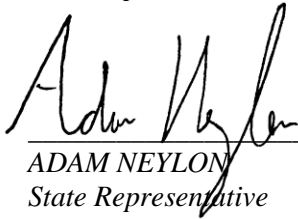
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CLINT MOSES

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ADAM NEYLON

State Representative



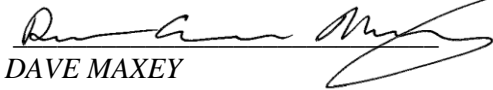
ROB BROOKS

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CHUCK WICHGERS

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State Representative



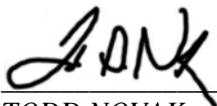
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State Representative



DAVID STEFFEN

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TODD NOVAK

State Representative



BARBARA DITTRICH

State Representative



ELIJAH BEHNKE

State Representative

DEAN KAUFERT

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