

DIVISION OF INDUSTRY SERVICES

4822 MADISON YARDS WAY

MADISON, WI 53705

<http://dps.wi.gov/programs/industry-services>

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Tony Evers, Governor

Dan Hereth, Secretary



NOTICE OF VIOLATIONS AND ORDERS

February 5, 2026

Sherry Volunteer Fire Department LLC
3942 Main Street
Milladore WI 54454

RESPONDENT: Sherry Volunteer Fire Department LLC
3942 Main Street
Milladore, WI 54454

ORDER0021125

Nature of Complaint: Concern regarding firefighter safety and training. (25 COM 0256)

Last Inspection Date: September 2025

Wis. Admin. Code § SPS 330.012 Posting department order. Upon issuance of an order of noncompliance, the employer shall post a copy of the order in accordance with Wis. Stat. § 101.055 (6) (a) 1.

INVESTIGATION NOTES: The Department of Safety and Professional Services (Department) performed a Wis. Admin. Code Chapters SPS 330 and 314 inspection/audit for compliance with the rules concerning Fire Department Safety and Health stemming from a complaint. The audit identified several areas of non-compliance and needed improvement.

Wis. Admin. Code § SPS 330.001 Purpose.

Pursuant to Wis. Stat. § 101.055 (3) (a), the purpose of this chapter is to establish minimum safety and health standards for public sector fire department employers and their employees.

Wis. Admin. Code § SPS 330.011 Inspections.

(4) Orders. Pursuant to Wis. Stat. § 101.055 (6), the department shall issue orders for violation of this chapter.

VIOLATIONS:

1. Violation: Respondent does not have a Health and Safety Officer.

Wis. Admin. Code § SPS 330.03 Fire department health and safety officer.

(1) Assignment.

- (a) Each fire department shall have a health and safety officer.
- (b) The health and safety officer shall assist the fire chief in his or her responsibility for the safety and health of the fire fighter.
- (c) The health and safety officer shall report directly to the fire chief.
- (d) The health and safety officer position may be filled by a single individual or by several individuals as determined by need and at the discretion of the fire chief. When several individuals are assigned to the position, at least one should be a member of the occupational safety and health committee. The health and safety officer position may be staffed by an existing fire department member who performs other duties in addition to those set forth in this section.

Note: The health and safety officer is distinct from the incident safety officer and may be the incident safety officer or can be a separate function.

(2) Qualifications. The health and safety officer's qualifications shall include all of the following:

- (a) Fire department membership.
- (b) Knowledge of state and local laws regulating fire fighter safety and health.
- (c) Knowledge of the potential safety and health hazards involved in fire fighting.
- (d) Knowledge of the principles and techniques of managing a safety and health program.

(3) Authority and responsibility. The health and safety officer's authority and responsibility shall include all of the following:

- (a) The authority and responsibility to identify and recommend corrections of violations of safety and health standards.
- (b) The authority and responsibility to recommend immediate correction of situations that create an imminent hazard to personnel.
- (c) The authority and responsibility to alter, suspend, or terminate activities at the emergency scene when those activities are determined by the health and safety officer to be unsafe or an imminent hazard.

(4) Functions. The health and safety officer shall do all of the following:

- (a) Be a member of the safety and health committee and maintain a liaison with staff officers, fire fighters, equipment manufacturers, regulatory agencies, safety specialists, and the fire department physician.
- (b) Develop and revise rules, regulations, and standard operating guidelines pertaining to safety and health, and report to the fire chief on the adequacy and effectiveness of the rules and regulations. The fire chief shall define the role of the health and safety officer in the enforcement of the rules and regulations.
- (c) Identify and mitigate safety and health hazards and be involved in critiques.
- (d) Ensure that training in safety procedures is provided to all fire fighters. Training shall address corrective actions recommended by accident investigations.

2. Violation: Respondent does not have a Safety and Health Committee.

Wis. Admin. Code § SPS 330.05 Occupational safety and health committee.

(1) Every fire department shall establish an occupational safety and health committee, which shall advise the fire chief on issues related to the program. The committee shall include representatives of fire department management and fire fighters or representatives of fire fighter organizations or other persons. Any representatives of a fire service organization shall be selected by the fire fighter organization. The fire chief shall appoint the other members of the committee.

(2) The committee appointed under sub. (1) shall do all of the following:

- (a) Conduct research, develop recommendations, and review matters pertaining to the program.
- (b) Hold regularly scheduled meetings, which shall occur at least biannually, and may hold special meetings as deemed necessary. The committee shall make a written record of its meetings available to all fire department members.

3. Violation: Respondent does not have a system in place to report accidents, injuries, illnesses, and deaths that are or may be job related.

Wis. Admin. Code § SPS 330.06 Records. Every fire department shall do all of the following:

(1) Establish a data collection system and maintain permanent records of all reported accidents, injuries, illnesses, and deaths that are or may be job related. The system shall include individual records of any occupational exposure to known or suspected toxic products or contagious diseases.

4. Violation: Respondent only had documentation of training of members for 2024, and no current or prior years were provided when requested. The training documentation did describe the training topics, the month the training was performed, as well as the participating members in each training, but failed to describe the duration. The documentation was digitally produced. There was no standard operating guideline provided for training or education. Following the investigation, Respondent told the Department that the training documentation provided was forged and approximately 60% of the training listed never happened. Respondent had documentation showing the National Incident Management System (NIMS) training for only one of the seventeen members.

Wis. Admin. Code § SPS 330.07 Training and education program. Every fire department shall do all of the following:

- (1) Establish and maintain a member training and education program that identifies specific goals and objectives for the prevention and elimination of occupational accidents, injuries, illnesses, exposures to communicable disease, and fatalities.
- (2) Assure that the training and education provided under this section are based upon the fire department's written standard operation guidelines.
- (3) Assure that the training and education required under this section and s. [SPS 330.08](#) are provided by a qualified instructor.

Note: The intent of this rule is not to require an instructor to be certified. Fire departments should ensure that instructors are qualified in that particular area of expertise familiar with the fire department, its organization, and its operations.

- (4) Provide training and education commensurate with the duties and functions the member is expected to perform.
- (5) Assure that a member obtains the minimum fire fighter training and education requirements before that member performs any interior structural fire fighting activity or within an IDLH environment as determined by the incident safety officer in accordance with s. [SPS 330.14 \(1\) \(g\)](#).

Note: The use of a structured on-the-job training program with close supervision can assist fire departments to utilize new members in non-IDLH environments during emergency operations.

- (6) Provide training and education to fire fighters about special hazards to which they may be exposed during a fire and other emergencies and advise of any changes that occur in relation to the special hazards. The procedures to address special hazards shall be maintained in written form. Training and education under this subsection shall be provided at least biannually.

- (7) Assure that the training and education are conducted frequently enough to ensure that each fire fighter is able to perform the assigned duties and functions satisfactorily and in a safe manner so as not to endanger other fire department members or employees.

- (8) Assure that fire fighters whose duties include interior structural fire fighting receive training and education consistent with established fire ground operating procedures. Training and education under this subsection shall be provided at least monthly.

- (9) Assure that training and education involving live fire fighting exercises meet the standards specified in NFPA 1403.

- (10) Assure that a training and education program for any fire fighter engaged in fire ground operations includes procedures to perform a safe exit from a dangerous area in the event of equipment failure or sudden change in fire conditions.

- (11) Assure that fire fighters receive training and education on the incident management system in accordance with s. [SPS 330.14 \(1\) \(c\)](#).

Wis. Admin. Code § SPS 314.01(13)(d)4. The following fire department dues entitlement records shall be generated and maintained by each fire department: Number and duration of, topic of and attendance at fire department training sessions.

Wis. Admin. Code § SPS 314.01(13)(e) Availability of records. For at least 7 years, the records specified in par. (d) shall be maintained in written form or in another form capable of conversion into written form within a reasonable amount of time; and shall be made available to the department and to the public, upon request to the fire department.

5. Violation: Members insufficiently trained. Documentation showed that only nine of the seventeen members had obtained at least Entry-Level Firefighter training. Four of the seventeen members have documentation for Driver-Operator training. One member has officer training but is not an officer. The current officers of the fire department have no documentation of officer training but claim to be grandfathered as they state they have been officers prior to Oct. 1, 2018. Both members present stated that there were no records to support these members' officer appointment date when requested.

Wis. Admin. Code § SPS 330.08 Minimum training and education standards.

- (1) No member may be permitted to participate in firefighting activities until that individual has completed the minimum training and education requirements as specified by any of the following:
 - (a) An entry-level fire fighter course approved by the technical college system board.

- (bm) An approved state apprenticeship program.
- (cm) An in-house training program approved by the technical college system board.
- (d) NFPA 1001: Standard for Fire Fighter Professional Qualifications.

(2) No member may act as a pumper or aerial operator during an emergency operation until that individual meets the minimum training and education requirements as specified by any of the following:

- (a) An entry-level driver/operator-pumper or driver/operator-aerial course approved by the technical college system board.
- (bm) An approved state apprenticeship program.
- (c) An in-house training program approved by the technical college system board.
- (d) NFPA 1002: Standard for Fire Apparatus Driver/Operator Professional Qualifications.

(3) Effective October 1, 2019, a fire officer appointed after October 1, 2018 may not act as a fire officer during an emergency operation until that individual completes NIMS training in accordance with s. [SPS 330.14](#) and obtains the minimum training and education requirements as specified by any of the following:

- (a) A fire officer course approved by the technical college system board.
- (b) An approved state apprenticeship program.
- (c) An in-house training program approved by the technical college system board.
- (d) NFPA 1021: Standard for Fire Officer Qualifications.

6. Violation: No documentation of required monthly apparatus, equipment checks, maintenance records for apparatuses, SOGs for removing apparatus or equipment from service, or records of pump testing.

Wis. Admin. Code § SPS 330.09(1)(d) Establish a preventative maintenance program that includes all of the following:

1. Inspection of all fire apparatus and equipment at least monthly and within 24 hours after any use to repair or identify and correct unsafe conditions.
2. Maintenance, inspections, and repairs of fire apparatus and equipment that follows the instructions of the manufacturer.
3. Inspection of tires for signs of damage or wear and replacement of tires when the tread wear exceeds manufacturer standards. NFPA 1911 section 8.3.6 is not included as part of this chapter.
4. Removal from service of any fire apparatus or equipment found to be unsafe, as specified by NFPA 1911. No apparatus or equipment found to be unsafe may be placed back in service until it is inspected and repaired or replaced and determined to be safe.
5. Inspection and servicing of test fire pumps and aerial devices on apparatus as specified in NFPA 1911.

7. Violation: No documentation of maintenance or inspection of portable equipment, inventory of portable equipment, ladder testing, or hose testing.

Wis. Admin. Code § SPS 330.10 Portable equipment.

(1) Inspection and testing of portable equipment. Every fire department shall do all of the following:

- (a) Visually inspect, at least monthly and within 24 hours after use, all equipment carried on fire apparatus or designated for training.
- (b) Maintain inventory records for equipment carried on each fire apparatus and for equipment designated for training.
- (c) At least annually, test all equipment carried on fire apparatus or designated for training according to the instructions and applicable standards of the manufacturer.
- (d) Remove from service and repair or replace any fire fighting equipment that is defective or unserviceable as specified in the applicable NFPA standard as specified under s. [SPS 330.02](#).
- (e) Inspect and service test all ground ladders.
- (f) Inspect and service test all fire hose.
- (g) Inspect, maintain, and test all fire extinguishers in compliance with ch. [SPS 314](#).

(2) Life safety ropes, harnesses, and hardware. Every fire department shall do all of the following:

- (a) Use life safety ropes, harnesses, and hardware that meet the standards specified in NFPA 1983.
- (b) Use Class I life safety harnesses for fire fighter attachment to aerial devices.
- (c) Use Class II and Class III life safety harnesses for fall arrest and rappelling operations.

(d) Use for training evolutions, life safety rope which is designated training rope if the rope is inspected before and after each use according to the manufacturer's instructions.

(e) Maintain records to document the use of each life safety rope used for training or at fires and other emergency incidents.

(3) Inspection and recertification of life safety rope. The following are department exceptions to the requirements in NFPA 1983:

(a) A life safety rope shall be inspected by qualified individuals before and after each use in accordance with the manufacturers' instructions.

(b) If an inspection or test of a life safety rope indicates any weakness, wear, or damage or there is any question regarding the safety or serviceability of a life safety rope, the rope shall be taken out of service and altered in such a manner that it could not be mistakenly used as a life safety rope.

(c) Unused life safety ropes, harnesses, and hardware shall be recertified in accordance with the manufacturer's instructions. NFPA 1983 section 4.4.1 and table 4.4.1 are not included as part of this chapter.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 17-067: renum. SPS 330.10 to (1) and as renumbered am. (1) (intro.), (a) to (d), (g), renum. SPS 330.13 (2) (intro.) to SPS 330.10 (2) (intro.) and as renumbered am. (2) (intro.), (a), cr. (2) (e), (3) Register September 2018 No. 753, eff. 10-1-18

8. Violation: The composite tanks as part of the SCBA were manufactured in 2002 and expired approximately ten years later. They were last hydrotested in 2010 and Respondent has no maintenance or inspection documentation for SCBA. The air compressor to fill the SCBA cylinders was last serviced in 2015, and no documentation of air quality testing was provided. Two cascade systems were found in the station with four (4) cylinders each, but neither system was compliant for hydro testing or air quality testing. No written respiratory protection program or SOGs were provided when requested. Respondent stated they do not enforce the use of SCBA in Immediately Dangerous to Life or Health (IDLH) environments. Respondent is not compliant with any of the requirements in CFR 1910.134. No documentation of fit testing was provided when requested.

Wis. Admin. Code § SPS 330.12 Self-contained breathing apparatus.

(1) Respiratory protection. Every fire department shall do all of the following:

(a) Provide, and enforce the use of, SCBA for all fire fighters engaged in interior structural fire fighting or who enter any area where the atmosphere is hazardous, is suspected of being hazardous, or may become hazardous.

(b) Provide, and enforce the use of, SCBA for all fire fighters working below ground level or inside any confined space unless the safety of the atmosphere can be established by testing and continuous monitoring.

(c) Adopt and maintain a respiratory protection program that satisfies the requirements of [29 CFR 1910.134](#).

(d) Assure that all sources of compressed breathing air, such as compressors, used for filling SCBA are tested to assure their compliance with sub. [\(4\)](#).

(e) Hydrostatically test each SCBA tank within the time limits specified by the manufacturer of the apparatus and by any federal, state, or local agency with jurisdiction over the possession and use of the apparatus.

(f) Inspect, use, and maintain all SCBA as recommended by the manufacturer.

(2) Respirator fit testing. Every fire department shall do all of the following:

(a) Conduct a fit test in accordance with [29 CFR 1910.134](#) to verify the seal and proper fit of the facepiece for each fire fighter required or qualified to use an SCBA.

(b) Conduct a fit test using a qualitative or quantitative test method.

(c) Conduct a fit test prior to initial use and at least annually thereafter.

(d) Conduct a fit test whenever a different type of SCBA is issued.

(e) Conduct a fit test whenever a fire fighter has a change in facial structure that could affect the seal of the SCBA facepiece.

(f) Ensure that SCBA is not worn by a fire fighter who has facial hair or any condition that interferes with the seal of the SCBA facepiece.

(g) Ensure that a fire fighter's corrective glasses or goggles are worn in a manner that does not interfere with the seal of the SCBA facepiece.

(h) Ensure that only a fire fighter who has been fit tested for an SCBA is permitted to function in a hazardous or IDLH atmosphere.

(3) Positive pressure.

(a) SCBA of the open-circuit design shall be of the positive pressure type and shall meet the standards specified in NFPA 1981.

(b) Paragraph (a) does not prohibit the use of SCBA if the apparatus can be switched from a demand to a positive-pressure mode.

(c) The apparatus shall be in the positive-pressure mode when fire department members are working in a hazardous atmosphere.

(d) A closed-circuit type SCBA shall be certified by the National Institute of Occupational Safety and Health and shall operate in the positive pressure mode only when worn in a hazardous or IDLH environment. The supply air tank shall have a minimum service duration of 30 minutes.

(4) CGA Standards. Compressed breathing air in an SCBA cylinder shall meet the requirements of CGA standard G-7.1, with a minimum air quality of Grade D and a water vapor level of less than 25 ppm.

(6) Teams. Fire fighters using SCBA shall operate in teams of 2 or more members who shall comply with all of the following:

(a) The team members shall be in continuous communication with each other through visual, audible, physical, safety guide rope, electronic, portable radio, or other means to coordinate their activities.

(b) The team members shall be in close enough proximity to each other so as to be able to provide assistance in case of an emergency.

9. Violation: Only one of the seventeen members had documentation showing partial NIMS training (ICS 100 & 700). Respondent stated that cattle tags were used for accountability. SOGs were not provided when requested.

Wis. Admin. Code § SPS 330.13 Personal alert safety system.

Every fire department shall provide, and enforce the use of, a PASS device to every fire fighter using SCBA while engaged in rescue, fire fighting, or other hazardous operations. Each PASS device shall be tested at least weekly and prior to each use as specified in NFPA 1982 and shall be maintained in accordance with the manufacturer's instructions.

10. Violation: The SCBA was checked and found to have dead batteries in the Personal Alert Safety System (PASS).

Wis. Admin. Code § SPS 330.14 Emergency operations.

(1) Incident management. Every fire department shall do all of the following:

(c) Provide NIMS training to all members involved in emergency operations.

Note: Information on NIMS training is available on FEMA's website at training.fema.gov/nims.

(e) Require the incident commander of an emergency operation to assign safety responsibilities to supervisory personnel at each level of operations and establish an organization with sufficient supervisory personnel to control the position and function of all fire fighters operating at the scene of that emergency operation to ensure that safety requirements are satisfied.

(f) Use a standardized system to identify and account for the assignment of each fire fighter at the scene of an emergency operation.

(3) Rescue of members.

(a) A fire fighter using SCBA and operating in an interior structural fire shall operate in a team of 2 or more fire fighters. Except in the case of a structural fire that can be controlled or extinguished by portable fire extinguishers, a back-up team of at least 2 fire fighters wearing SCBA shall be assigned to remain available to perform assistance or rescue activities. One back-up team member with a charged line shall be assigned to a safe non-affected area in or near the structure. The other back-up team member shall remain within voice contact and may be assigned to additional roles so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire fighter working at the scene. At least one additional member shall be assigned to remain outside the structural fire and monitor the operations.

Note: It is not the intent of this rule to prevent any number of persons from responding to a fire call, setting up equipment and initiating exterior suppression at the fire scene. Also, it is not the intent of this rule to prohibit an individual fire fighter from taking an action to preserve the life or safety of another person.

(b) During an emergency operation, the incident commander shall evaluate the risk to fire fighters and, if necessary, request that at least a basic life support ambulance service provider be available at the scene.

11. Violation: There were four (4) unsecured compressed gas cylinders used for a cascade system.

Wis. Admin. Code § SPS 330.145 Facility safety. Fire department buildings and facilities shall comply with chs. SPS 332 and 361 to 366.

12. Violation: No records showing members physical capability.

Wis. Admin. Code § SPS 330.15 Physical and medical capabilities.

(1) The employer shall assure that fire fighters who are expected to do structural fire fighting are physically capable of performing duties which may be assigned to them during emergency operations.

(2) The fire chief may not permit a fire fighter with known heart disease, epilepsy, or emphysema to participate in fire department emergency operations unless a physician's certificate of the fire fighter's fitness to participate in such operations is provided.

13. Violation: No member assistance referral program in place.

Wis. Admin. Code § SPS 330.16 Member assistance referral program.

(1) Every fire department shall establish and adopt a written policy statement for an employee assistance program that identifies and assists members with personal problems, alcohol or substance abuse, stress, or emotional, physical, and mental health issues that are adversely affecting their job performance. The assistance program shall include a resource list of available services and methods for referring a member to the appropriate mental or health care services for the recovery of the member's health and job performance.

(2) Through the program established under sub. (1), every fire department shall provide health promotion activities that identify a fire fighter's physical and mental health risk factors and provide education and counseling to fire fighters for the purpose of preventing health problems and enhancing overall well-being.

(3) The use of municipal or county programs shall meet the requirements of this section.

14. Violation: No records for hazardous materials training or SOGs for hazardous materials operations.

Wis. Admin. Code § SPS 330.20 Hazardous materials. Fire departments engaged in emergency operations relating to hazardous materials shall comply with s. [29 CFR 1910.120](#) as adopted by reference in ch. [SPS 332](#).

15. Violation: No records for Confined Space Training or SOGs for confined space operations.

Wis. Admin. Code § SPS 330.21 Confined spaces. Fire departments engaged in emergency operations relating to confined spaces shall comply with s. [29 CFR 1910.146](#) as adopted by reference in ch. [SPS 332](#).

16. Violation: No list present of inspectable properties. Respondent had fire prevention inspection documentation for the spring and fall of 2019, the fall of 2020, the fall of 2021, the spring of 2022, and the spring and fall of 2023. No inspection records for 2024 or 2025 were present. With no list of occupancies, it is impossible to determine what percentage of the inspections were completed.

Wis. Admin. Code § SPS 314.01(13) Fire chief and fire department duties. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) *Authorized deputy of the department.* The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

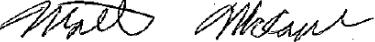
(b) *Fire prevention inspections.*

1. 'General.' The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.
2. 'Determining the buildings that are to be inspected.' The fire chief shall be responsible for determining those public buildings and places of employment that are to be inspected, for each municipality for which the fire department has responsibility.
3. 'Scheduling of inspections.' Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, except as provided in subds. 4. to 7.

You are hereby ordered to have the above violations corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. These corrections shall be made by the compliance date noted, and upon correction of violations, Rick Sommerfeld and Matthew McCasland must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation. Every day during which any person or corporation, or any officer, agent or employee of a person or corporation fails to observe and comply with any order of the department or to perform any duty specified under this subchapter shall constitute a separate and distinct violation of the order or of the requirements of this subchapter, whichever is applicable. Wis. Stat. § 101.02 (12).

If you have any questions regarding this matter, please feel free to contact me at the number listed below or Rick Sommerfeld by phone at (715) 944-4114 or by email at Richard.sommerfeld@wi.gov.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 9/2025
PHONE: (608) 266-9814	
EMAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE: 	DATE: February 5, 2026
	INVESTIGATION SOURCE: Other COMPLIANCE DATE: 6/5/2026

cc: Rick Sommerfeld

April Hammond