

2005 DRAFTING REQUEST

Bill

Received: **09/27/2004**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - public health**

Extra Copies: **DAK**

Submit via email: **NO**

Pre Topic:

DOA:.....Jablonsky, BB0033 -

Topic:

Lead Registry

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rryan 10/26/2004	wjackson 10/27/2004	rschluet 10/27/2004	_____	Inorthro 10/27/2004		S&L
/2	rryan 01/04/2005	wjackson 01/04/2005	chaugen 01/05/2005	_____	sbasford 01/05/2005		

FE Sent For:

<END>

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/?	rryan	/1 WLj 10/27					
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FE Sent For:

10
27
4
<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Lead Registry
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: HRT
- SBO analyst: Susan Jablonsky
 - Phone: 7-9546
 - Email: sue.jablonsky@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: 435

DHFS

Department of Health and Family Services
2005-2007 Biennial Budget Statutory Language Request
September 21, 2004

Lead Registry

Current Language

Current language under Chapter 254 requires that DHFS maintain a Registry of pre-1978 properties certified to be lead-free or lead-safe. If a child under 6 years of age living in such a property is found to have an elevated blood level (EBL) and the property owner receives written notice from a health department, the property owner must participate in the Registry. Under the mandatory component of the Registry property owners are required to certify their properties as lead-free or lead-safe within one year of notification. Currently, lead-safe certificates can be issued for intervals of less than 12 months.

Proposed Change

- ✓ Repeal s. 254.171 to eliminate the mandatory component of the Lead Registry.
- ✓ Amend Chapter 254.166(2)(d) to require rather than permit local public health departments (LPHDs) to issue an order that requires reduction or elimination of an imminent lead hazard. Also amend 254.166(2)(e) to change the language from "If an order is issued" to "When an order is issued" (by a local public health department).

In addition, amend 254.179(1)(c) 2, 2a, 2b and 2c to remove all references to a certificate of lead-safe status for an interval of less than 12 months.

*OK to just repeal
254.179(1)(c) 2, a., b., & c.*

Effect of the Change

The proposed changes will eliminate the mandatory component of the state Registry and strengthen language requiring local public health departments to issue an order that requires reduction or elimination of an imminent lead hazard when lead hazards are present. In addition, the proposed change will remove references to a certificate of lead safe status with a duration of less than 12 months.

Rationale for the Change

The mandatory portion of the Registry requires the state to duplicate work that is currently being performed by LPHDs on a permissive basis. Under the proposal, the statutory provision requiring the state to perform these functions would be repealed, and the statutes would be amended to require LPHDs to issue an order that requires reduction or elimination of an

imminent lead hazard when lead hazards are present. LPHDs are in a better position than the state to issue and follow up on orders related to lead hazards because on-site follow-up is necessary to determine where the child with an EBL was poisoned. Poisoning may have occurred in any place where the child spends time such as the child's current home, a former home, the home of a relative or in a day care setting.

In addition, the proposal would repeal all statutory language that refers to certificates of less than 12 months. This will allow Registry eligibility standards to be set at a minimum greater than 9 months. The 9-month lead-safe certificate has not been issued to date. This change simplifies the Registry by bringing it into conformity with current practice.

Desired Effective Date:	Upon passage.
Agency:	DHFS
Agency Contact:	Cindy Daggett
Phone:	266-5380

Ryan, Robin

From: Ryan, Robin
Sent: Thursday, September 30, 2004 2:56 PM
To: Jablonsky, Sue
Subject: Lead Registry

I have a couple questions on the Lead Registry draft (BB0033)

1. The instructions say to repeal s. 254.171 to eliminate the mandatory component of the Lead Registry. The only place that the registry is referenced is in s. 254.179 (1) (d), which directs DHFS to promulgate rules on the mechanism for creating a registry of all premises for which a certificate of lead-free or lead-safe status is issued.

Section 254.171 requires that if an owner of a dwelling in which a child under 6 years of age resides receives notice that the child has an elevated blood lead level, the owner must obtain a certificate of lead-free or lead-safe status.

I assume that I should not repeal the requirement that the owner obtain a certificate of lead-free or lead-safe status, but should just make it clear that DHFS is not required to maintain a registry of all dwellings for which a certificate is issued. Should I just modify the registry requirement under s. 254.179 (1) (d), or repeal s. 254.179 (1) (d)?

2. Should I amend s. 254.166 so that only a local health department may issue an order requiring the elimination or an imminent lead hazard or should DHFS also still be able to issue such an order?

Thanks

Ryan, Robin

From: Jablonsky, Sue
Sent: Wednesday, October 20, 2004 3:08 PM
To: Ryan, Robin
Subject: FW: Fwd: FW: LRB Draft: 05-0037/1 Eliminate tanning facilities regulation

-----Original Message-----

From: Daggett, Cynthia
Sent: Tuesday, October 19, 2004 3:33 PM
To: Jablonsky, Sue
Subject: Re: Fwd: FW: LRB Draft: 05-0037/1 Eliminate tanning facilities regulation

DPH comments on lead registry.

-----Original Message-----

Date: 10/19/2004 02:55 pm -0500 (Tuesday)
From: Thomas Sieger
To: Daggett, Cynthia
CC: Bruce, Shelley
Subject: Re: Fwd: FW: LRB Draft: 05-0037/1 ~~Eliminate tanning facilities regulation~~

Cindy - see comments below in red. These are also the things Sue Jablonsky and I discussed.

>>> Cynthia Daggett 10/18/04 03:26PM >>>

In addition to Sue's questions, we had questions from the LRB drafter, Robin Ryan.

I have a couple questions on the Lead Registry draft (BB0033)

1. The instructions say to repeal s. 254.171 to eliminate the mandatory component of the Lead Registry.

The only place that the registry is referenced is in s. 254.179 (1) (d), which directs DHFS to promulgate rules on the mechanism for creating a registry of all premises for which a certificate of lead-free or lead-safe status is issued.

Section 254.171 requires that if an owner of a dwelling in which a child under 6 years of age resides receives notice that the child has an elevated blood lead level, the owner must obtain a certificate of lead-free or lead-safe status.

I assume that I should not repeal the requirement that the owner obtain a certificate of lead-free or lead-safe status, but should just make it clear that DHFS is not required to maintain a registry of all dwellings for which a certificate is issued. Should I just modify the registry requirement under s. 254.179 (1) (d), or repeal s. 254.179 (1) (d)?

s 254.17 should be repealed - this will eliminate the requirement for owners to obtain a certificate of lead-free or lead-safe (and therefore put the property into the registry) when they receive notice of a child with an elevated blood lead level.

s 254.179(1)(d) should not be repealed.

the effect will be to eliminate automatic requirements for owners to obtain lead-free or lead-safe certificates - otherwise referred to as the mandatory registry. The registry itself will remain intact as a voluntary program.

2. Should I amend s. 254.166 so that only a local health department may issue an order requiring the elimination or an imminent lead hazard or should DHFS also still be able to

ANSWER

Issue such an order?

ANSWER
s 254.166 should not be amended in this manner as DHFS must retain the ability to issue orders. However, we discussed amending 254.166 (2)(d) to require (shall language), rather just permit (may language), the local health department to issue orders to reduce or eliminate lead hazards. This would replace the requirement under s 254.171 for owners to correct lead hazards identified in their properties through the registry process. It also provides more flexibility for local health departments working with owners with special circumstances and closes loopholes for owners that were contained in s254.171.

Thanks

If you responded directly to Sue and she is forwarding the responses to Robin, that is fine. But, I thought Sue had other questions.

>>> Thomas Sieger 10/18/04 03:15PM >>>

Cindy - I will look over the draft tanning language that you forwarded. But with regard to the registry, after we spoke last week, I called Sue Jablosnky (?) directly - and I believe answered her questions regarding the registry. Is there any additional follow-up necessary?

Tom

>>> Cynthia Daggett 10/18/04 02:51PM >>>

Tanning language. Please let me know if you or your staff see any problems. Thank you.

Also, have you had a chance to look at the Lead Registry draft questions? I should get back to the LRB drafter this week. Should I set up a time to discuss?

P/C to Tom Siegen 10/21/04

DHFS has to make available a certit. of lead-safe status that is valid for < 12 mos - doesn't want to ~~do~~ have certifs for this short a duration

→ Requirement comes from 254.179(1)(c)2. a, b, & c. they have a certit. of 9 mos. but haven't used it.

Followup call from DPH - can just ~~do~~ repeal 254.179(1)(c)2. a, b, & c.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0315

RLR: /:....
Wlj

In 10/26/04

Wanted
by 10/28

DOA:.....Jablonsky, BB0033 - Lead Registry ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

RMR

DO NOT GEN

1 AN ACT ...; relating to: investigation and remediation of lead hazards.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

HEALTH ✓

Current law requires DHFS to implement a statewide lead poisoning or lead exposure prevention and treatment program. DHFS may designate local health departments as DHFS's agents for administering and enforcing elements of the program.

Under
Current
Law
lead

If DHFS is notified that a child under six years of age has an elevated blood level, DHFS must ensure that an investigation is conducted of the dwelling where the child resides and of any educational or child care facility the child attends. DHFS may also investigate a dwelling or educational or child care facility if a child under six years of age who resides in the dwelling or attends the facility has blood lead poisoning or lead exposure. If DHFS determines that a lead hazard is present in a dwelling or educational or child care facility, the department may take a variety of actions, including notifying the occupants of the dwelling or facility, notifying the owner of the dwelling or facility, posting notice of the lead hazard, or ordering the owner of the dwelling or facility to reduce or eliminate the hazard. If DHFS notifies an owner of a dwelling that a child under six years of age who resides in the dwelling has an elevated blood level, the owner must obtain either a certificate of lead-free status or a certificate of lead-safe status for the dwelling. DHFS must promulgate rules specifying the standards for obtaining certificates of lead-free or lead-safe

lead

DHFS

status and the duration for which such certificates are valid. DHFS may not authorize issuance of successive certificates of lead-free status valid for less than 12 months unless the applicant for the certificate makes a special showing of need for a certificate of less than 12 months. Finally, DHFS must promulgate rules for maintaining a statewide registry of all certificates of lead-free or lead-safe status that have been issued.

that is valid for

This bill provides that if DHFS determines that a lead hazard is present in any dwelling or educational or child care facility, the local health department must issue and DHFS may issue an order requiring the owner of the premises to reduce or eliminate the lead hazard. The bill eliminates the requirement that the owner of a dwelling obtain a certificate of lead-free or lead-safe status if DHFS notifies the owner that a child under six years of age who resides in the dwelling has an elevated blood level. Finally, the bill eliminates the requirement that DHFS promulgate rules related to issuing certificates of lead-safe status that are valid for less than 12 months.

WA lead

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 254.15 (1)[✓] of the statutes is amended to read:

2 254.15 (1) Develop and implement a comprehensive statewide lead poisoning

3 or lead exposure prevention and treatment program that includes lead poisoning or

4 lead exposure prevention grants under s. 254.151; any childhood lead poisoning

5 screening requirement under rules promulgated under ss. 254.158 and 254.162; any

6 requirements regarding care coordination and follow-up for children with lead

7 poisoning or lead exposure required under rules promulgated under s. 254.164;

8 departmental responses to reports of lead poisoning or lead exposure under s.

9 254.166; any lead investigation requirements under rules promulgated under ss.

10 254.167; any lead inspection requirements under rules promulgated under 254.168;

11 any lead hazard reduction requirements under rules promulgated under s. 254.172;

12 certification, accreditation and approval requirements under ss. 254.176 and

SECTION #. 254.166 (Title) of the statutes is amended to read:

SECTION 1

(S) 254.166 (Title) ~~Departmental response~~ Response to reports of lead poisoning or lead exposure (B)

1 254.178; any certification requirements and procedures under rules promulgated
2 under s. 254.179; and any fees imposed under s. 254.181.

3 History: 1979 c. 221; 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1993 a. 27 ss. 434, 435; Stats. 1993 s. 254.15; 1993 a. 183; 1993 a. 450 ss. 21, 43; 1999 a. 113, 186.

SECTION 2. 254.166 (2) (d) of the statutes is amended to read:

4 254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of
5 a lead hazard. The

6 (2m) If the department determines that a lead hazard is present in any
7 dwelling or premises, the local health department shall and the department may
8 issue an order that requires reduction or elimination of an imminent lead hazard
9 within 5 days after the order's issuance and reduction or elimination of other lead
10 hazards within 30 days after the order's issuance, except that, for orders that are
11 issued between October 1 and May 1 and that relate only to exterior lead hazards
12 that are not imminent lead hazards, the order may require elimination or reduction
13 of the lead hazard no earlier than the June 1 immediately following the order's
14 issuance. If the ~~department~~ agency that issued the order determines that the owner
15 has good cause for not complying with the order within the 5-day or 30-day time

16 period, ~~the department~~ it ^{the agency} may extend the time period within which the owner is
17 required to comply with the order. The failure to comply with ~~the department's~~ an
18 order within the time prescribed or as extended by ~~the department~~ shall be prima
19 facie evidence of negligence in any action brought to recover damages for injuries
20 incurred after the time period expires. If an order to conduct lead hazard reduction
21 is issued by the department or by a local health department and if the owner of the
22 dwelling or premises complies with that order, there is a rebuttable presumption that
23 the owner of the dwelling or premises has exercised reasonable care with respect to
24 lead poisoning or lead exposure caused, after the order has been complied with, by

1 lead hazards covered by the order, except that with respect to interim control
 2 activities the rebuttable presumption continues only for the period for which the
 3 interim control activity is reasonably expected to reduce or eliminate the lead
 4 hazard.

History: 1979 c. 221; 1989 a. 31; 1993 a. 27 s. 433; Stats. 1993 s. 254.14; 1993 a. 450 ss. 39 to 41; Stats. 1993 s. 254.166; 1999 a. 113.

5 **SECTION 3.** 254.166 (2) (e) of the statutes is renumbered 254.166 (2r) and
 6 amended to read:

7 254.166 (2r) ~~If an order is issued under par. (d),~~ The department may conduct
 8 or require a certified lead risk assessor or other person certified under s. 254.176 to
 9 conduct a lead investigation, a check of work completed, and dust tests for the
 10 presence of hazardous levels of lead to ensure compliance with ~~the~~ an order issued
 11 under sub. (2m).

History: 1979 c. 221; 1989 a. 31; 1993 a. 27 s. 433; Stats. 1993 s. 254.14; 1993 a. 450 ss. 39 to 41; Stats. 1993 s. 254.166; 1999 a. 113.

12 **SECTION 4.** 254.171 of the statutes is repealed.

13 **SECTION 5.** 254.173 (3) (c) 1. of the statutes ^{as affected by 1999 Wisconsin Act 13,} is amended to read:

14 254.173 (3) (c) 1. The owner receives an order under s. 254.166 (2) (d) (2m) and
 15 fails to comply with the order.

History: 1999 a. 113.

16 **SECTION 6.** 254.179 (1) (c) 2. (intro.) of the statutes is amended to read:

17 254.179 (1) (c) 2. (intro.) The standards limiting the length of validity of a
 18 certificate of lead-safe status, including the condition of a premises, dwelling, or unit
 19 of a dwelling, the type of lead hazard reduction activity that was performed, if any,
 20 and any other requirements that must be met to maintain certification, unless the
 21 certificate is earlier revoked because of erroneous issuance or because the premises,
 22 dwelling or unit of the dwelling is not safe from lead-bearing paint hazards. The
 23 rules shall specify that the face of the certificate shall indicate the certificate's length

1 of validity. ~~The rules shall further specify that applications for certificates of~~
2 ~~lead-safe status for identical premises may be made only as follows:~~

3 History: 1999 a. 113. **SECTION 7.** 254.179 (1) (c) 2. a., b. and c. of the statutes are repealed. [✓] [✓] [✓]

4 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0315/1

RLR:wj:ts

2

In 1/04/05

DOA:.....Jablonsky, BB0033 - Lead Registry

RMR

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: investigation and remediation of lead hazards.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Current law requires DHFS to implement a statewide lead poisoning or lead exposure prevention and treatment program. DHFS may designate local health departments as DHFS's agents for administering and enforcing elements of the program.

Under current law if DHFS is notified that a child under six years of age has an elevated blood lead level, DHFS must ensure that an investigation is conducted of the dwelling where the child resides and of any educational or child care facility the child attends. DHFS may also investigate a dwelling or educational or child care facility if a child under six years of age who resides in the dwelling or attends the facility has blood lead poisoning or lead exposure. If DHFS determines that a lead hazard is present in a dwelling or educational or child care facility, DHFS may take a variety of actions, including notifying the occupants of the dwelling or facility, notifying the owner of the dwelling or facility, posting notice of the lead hazard, or ordering the owner of the dwelling or facility to reduce or eliminate the hazard. If DHFS notifies an owner of a dwelling that a child under six years of age who resides in the dwelling has an elevated blood lead level, the owner must obtain either a certificate of lead-free status or a certificate of lead-safe status for the dwelling. DHFS must promulgate rules specifying the standards for obtaining certificates of

safe

lead-free or lead-safe status and the duration for which such certificates are valid. DHFS may not authorize issuance of successive certificates of lead-free status valid for less than 12 months unless the applicant for the certificate makes a special showing of need for a certificate that is valid for less than 12 months. Finally, DHFS must promulgate rules for maintaining a statewide registry of all certificates of lead-free or lead-safe status that have been issued.

This bill provides that if DHFS determines that a lead hazard is present in any dwelling or educational or child care facility, the local health department must issue and DHFS may issue an order requiring the owner of the premises to reduce or eliminate the lead hazard. The bill eliminates the requirement that the owner of a dwelling obtain a certificate of lead-free or lead-safe status if DHFS notifies the owner that a child under six years of age who resides in the dwelling has an elevated blood lead level. Finally, the bill eliminates the requirement that DHFS promulgate rules related to issuing certificates of lead-safe status that are valid for less than 12 months.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 254.15 (1) of the statutes is amended to read:
2 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
3 or lead exposure prevention and treatment program that includes lead poisoning or
4 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
5 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
6 requirements regarding care coordination and follow-up for children with lead
7 poisoning or lead exposure required under rules promulgated under s. 254.164;
8 departmental responses to reports of lead poisoning or lead exposure under s.
9 254.166; any lead investigation requirements under rules promulgated under ss.
10 254.167; any lead inspection requirements under rules promulgated under 254.168;
11 any lead hazard reduction requirements under rules promulgated under s. 254.172;
12 certification, accreditation and approval requirements under ss. 254.176 and

1 254.178; any certification requirements and procedures under rules promulgated
2 under s. 254.179; and any fees imposed under s. 254.181.

3 SECTION 2. 254.166 (title) of the statutes is amended to read:

4 254.166 (title) ~~Departmental response~~ Response to reports of lead
5 poisoning or lead exposure.

6 SECTION 3. 254.166 (2) (d) of the statutes is amended to read:

7 254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of
8 a lead hazard. The

9 (2m) If the department determines that a lead hazard is present in any
10 dwelling or premises, the local health department shall and the department may
11 issue an order that requires reduction or elimination of an imminent lead hazard
12 within 5 days after the order's issuance and reduction or elimination of other lead
13 hazards within 30 days after the order's issuance, except that, for orders that are
14 issued between October 1 and May 1 and that relate only to exterior lead hazards
15 that are not imminent lead hazards, the order may require elimination or reduction
16 of the lead hazard no earlier than the June 1 immediately following the order's
17 issuance. If the ~~department~~ agency that issued the order determines that the owner
18 has good cause for not complying with the order within the 5-day or 30-day time
19 period, ~~the department~~ the agency may extend the time period within which the
20 owner is required to comply with the order. The failure to comply with ~~the~~
21 department's an order within the time prescribed or as extended by ~~the department~~
22 shall be prima facie evidence of negligence in any action brought to recover damages
23 for injuries incurred after the time period expires. If an order to conduct lead hazard
24 reduction is issued by the department or by a local health department and if the
25 owner of the dwelling or premises complies with that order, there is a rebuttable

1 presumption that the owner of the dwelling or premises has exercised reasonable
2 care with respect to lead poisoning or lead exposure caused, after the order has been
3 complied with, by lead hazards covered by the order, except that with respect to
4 interim control activities the rebuttable presumption continues only for the period
5 for which the interim control activity is reasonably expected to reduce or eliminate
6 the lead hazard.

7 **SECTION 4.** 254.166 (2) (e) of the statutes is renumbered 254.166 (2r) and
8 amended to read:

9 254.166 (2r) ~~If an order is issued under par. (d),~~ The department may conduct
10 or require a certified lead risk assessor or other person certified under s. 254.176 to
11 conduct a lead investigation, a check of work completed, and dust tests for the
12 presence of hazardous levels of lead to ensure compliance with ~~the~~ an order issued
13 under sub. (2m).

14 **SECTION 5.** 254.171 of the statutes is repealed.

15 **SECTION 6.** 254.173 (3) (c) 1. of the statutes, as affected by 1999 Wisconsin Act
16 113, is amended to read:

17 254.173 (3) (c) 1. The owner receives an order under s. 254.166 ~~(2)(d)~~ (2m) and
18 fails to comply with the order.

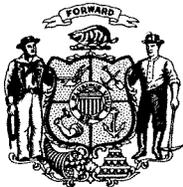
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21 certificate of lead-safe status, including the condition of a premises, dwelling, or unit
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23 and any other requirements that must be met to maintain certification, unless the
24 certificate is earlier revoked because of erroneous issuance or because the premises,
25 dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The

1 rules shall specify that the face of the certificate shall indicate the certificate's length
2 of validity. ~~The rules shall further specify that applications for certificates of~~
3 ~~lead-safe status for identical premises may be made only as follows:~~

4 **SECTION 8.** 254.179 (1) (c) 2. a., b. and c. of the statutes are repealed.

5 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0315/2

RLR:wlj:ch

DOA:.....Jablonsky, BB0033 - Lead Registry

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** investigation and remediation of lead hazards.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Current law requires DHFS to implement a statewide lead poisoning or lead exposure prevention and treatment program. DHFS may designate local health departments as DHFS's agents for administering and enforcing elements of the program.

Under current law if DHFS is notified that a child under six years of age has an elevated blood lead level, DHFS must ensure that an investigation is conducted of the dwelling where the child resides and of any educational or child care facility the child attends. DHFS may also investigate a dwelling or educational or child care facility if a child under six years of age who resides in the dwelling or attends the facility has blood lead poisoning or lead exposure. If DHFS determines that a lead hazard is present in a dwelling or educational or child care facility, DHFS may take a variety of actions, including notifying the occupants of the dwelling or facility, notifying the owner of the dwelling or facility, posting notice of the lead hazard, or ordering the owner of the dwelling or facility to reduce or eliminate the hazard. If DHFS notifies an owner of a dwelling that a child under six years of age who resides in the dwelling has an elevated blood lead level, the owner must obtain either a certificate of lead-free status or a certificate of lead-safe status for the dwelling. DHFS must promulgate rules specifying the standards for obtaining certificates of

lead-free or lead-safe status and the duration for which such certificates are valid. DHFS may not authorize issuance of successive certificates of lead-safe status valid for less than 12 months unless the applicant for the certificate makes a special showing of need for a certificate that is valid for less than 12 months. Finally, DHFS must promulgate rules for maintaining a statewide registry of all certificates of lead-free or lead-safe status that have been issued.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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6 requirements regarding care coordination and follow-up for children with lead
7 poisoning or lead exposure required under rules promulgated under s. 254.164;
8 ~~departmental~~ responses to reports of lead poisoning or lead exposure under s.
9 254.166; any lead investigation requirements under rules promulgated under ss.
10 254.167; any lead inspection requirements under rules promulgated under 254.168;
11 any lead hazard reduction requirements under rules promulgated under s. 254.172;
12 certification, accreditation and approval requirements under ss. 254.176 and

1 254.178; any certification requirements and procedures under rules promulgated
2 under s. 254.179; and any fees imposed under s. 254.181.

3 SECTION 2. 254.166 (title) of the statutes is amended to read:

4 **254.166 (title) Departmental response Response to reports of lead**
5 **poisoning or lead exposure.**

6 SECTION 3. 254.166 (2) (d) of the statutes is amended to read:

7 254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of
8 a lead hazard. The

9 **(2m) If the department determines that a lead hazard is present in any**
10 **dwelling or premises, the local health department shall and the department may**
11 **issue an order that requires reduction or elimination of an imminent lead hazard**
12 **within 5 days after the order's issuance and reduction or elimination of other lead**
13 **hazards within 30 days after the order's issuance, except that, for orders that are**
14 **issued between October 1 and May 1 and that relate only to exterior lead hazards**
15 **that are not imminent lead hazards, the order may require elimination or reduction**
16 **of the lead hazard no earlier than the June 1 immediately following the order's**
17 **issuance. If the ~~department~~ agency that issued the order determines that the owner**
18 **has good cause for not complying with the order within the 5-day or 30-day time**
19 **period, ~~the department~~ the agency may extend the time period within which the**
20 **owner is required to comply with the order. The failure to comply with ~~the~~**
21 **~~department's~~ an order within the time prescribed or as extended by ~~the department~~**
22 **shall be prima facie evidence of negligence in any action brought to recover damages**
23 **for injuries incurred after the time period expires. If an order to conduct lead hazard**
24 **reduction is issued by the department or by a local health department and if the**
25 **owner of the dwelling or premises complies with that order, there is a rebuttable**

1 presumption that the owner of the dwelling or premises has exercised reasonable
2 care with respect to lead poisoning or lead exposure caused, after the order has been
3 complied with, by lead hazards covered by the order, except that with respect to
4 interim control activities the rebuttable presumption continues only for the period
5 for which the interim control activity is reasonably expected to reduce or eliminate
6 the lead hazard.

7 **SECTION 4.** 254.166 (2) (e) of the statutes is renumbered 254.166 (2r) and
8 amended to read:

9 254.166 (2r) ~~If an order is issued under par. (d),~~ The department may conduct
10 or require a certified lead risk assessor or other person certified under s. 254.176 to
11 conduct a lead investigation, a check of work completed, and dust tests for the
12 presence of hazardous levels of lead to ensure compliance with the an order issued
13 under sub. (2m).

14 **SECTION 5.** 254.171 of the statutes is repealed.

15 **SECTION 6.** 254.173 (3) (c) 1. of the statutes, as affected by 1999 Wisconsin Act
16 113, is amended to read:

17 254.173 (3) (c) 1. The owner receives an order under s. 254.166 (2)(d) (2m) and
18 fails to comply with the order.

19 **SECTION 7.** 254.179 (1) (c) 2. (intro.) of the statutes is amended to read:

20 254.179 (1) (c) 2. (intro.) The standards limiting the length of validity of a
21 certificate of lead-safe status, including the condition of a premises, dwelling, or unit
22 of a dwelling, the type of lead hazard reduction activity that was performed, if any,
23 and any other requirements that must be met to maintain certification, unless the
24 certificate is earlier revoked because of erroneous issuance or because the premises,
25 dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The

1 rules shall specify that the face of the certificate shall indicate the certificate's length
2 of validity. ~~The rules shall further specify that applications for certificates of~~
3 ~~lead-safe status for identical premises may be made only as follows:~~

4 **SECTION 8.** 254.179 (1) (c) 2. a., b. and c. of the statutes are repealed.

5 (END)