



1995 SENATE BILL 434

November 22, 1995 - Introduced by Senators MOORE, BURKE, GEORGE and RISSER,
cosponsored by Representatives BOCK, R. YOUNG, BOYLE, RILEY and BALDWIN.
Referred to Committee on Environment and Energy.

1 **AN ACT** *to renumber* 144.955 (1m) (a) to (e); *to renumber and amend* 146.815
2 (1); *to amend* 59.97 (1), 60.61 (2) (a), 62.23 (7) (a), 144.442 (4) (c) 1., 144.955
3 (intro.) and 146.82 (2) (a) 8.; and *to create* 1.11 (2) (c) 3m., 15.255 (2), 20.455
4 (1) (e) and (f), 36.25 (38), 144.442 (9m) (b) 5. c., 144.442 (9m) (c) 8. c., 144.76 (7)
5 (am), 144.955 (1m) (b), 144.957, 146.815 (1) (b), 146.815 (2) (c), 165.35 and
6 250.04 (3) (b) 5. of the statutes; **relating to:** the concentration of industrial
7 facilities, requirements for and issuance of environmental permits for certain
8 industrial facilities, enforcement of environmental laws, mitigation of
9 environmental hazards in certain areas, the content of patient health care
10 records, creating an environmental justice board, requiring an annual report
11 on the correlation between certain health problems and the environment,
12 granting rule-making authority and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates an environmental justice board (board) in the department of justice. The bill requires the board to study the status of environmental justice in this state. Environmental justice is defined as the state of affairs in which no racial, cultural, ethnic or economic community or sector of the workforce is disproportionately exposed to the health and safety hazards and the economic and aesthetic costs of environmental pollution.

As part of the study of environmental justice, the board is required to prepare an inventory of affected communities in this state. The first inventory must be

completed by January 15, 1997. An affected community is a city, village, town, neighborhood or other area that contains or is adjacent to a disproportionately large number of industrial facilities or sites or facilities where wastes have been disposed of that may cause environmental pollution. An industrial facility is a solid or hazardous waste facility or a facility that is required to file toxic chemical release forms under what is commonly known as the community right-to-know law. The requirement to file a toxic chemical release form is triggered by the presence at a facility of a specified amount of certain toxic substances. The bill also requires the board to submit, by January 15, 1999, recommendations for legislation to prevent and mitigate environmental injustice and to promote environmental justice.

Under this bill, beginning on February 1, 1997, and ending on June 30, 2001, the department of natural resources (DNR) may not issue certain types of licenses and permits, including air pollution control permits and water pollution discharge permits, for a proposed industrial facility if the site of the proposed industrial facility is in an affected community or would result in the creation of an affected community, unless there is no feasible alternative site that is not in an affected community and would not create an affected community, the license or permit applicant enters into an agreement with a committee appointed by the governing body of the political subdivision in which the site is located to compensate the affected community and the applicant agrees to implement a pollution prevention program.

The bill requires the board to conduct an education and assistance program to provide information to individuals, groups and local governmental officials in affected communities about the causes of environmental injustice and means to prevent and mitigate environmental injustice and to assist them to prevent and mitigate environmental injustice. The bill also requires the board to administer a program to provide grants to citizen groups and local units of government to promote environmental justice.

Under the bill, persons who apply for certain types of licenses and permits, including air pollution control permits and water pollution discharge permits, for proposed industrial facilities must provide information concerning the potential for public exposure to toxic chemicals through releases from the industrial facilities if the industrial facilities would be located in or would create an affected community. The bill also requires DNR to give priority, in certain programs, to cleanups of environmental pollution at sites located in affected communities or cleanups that would produce reductions in environmental injustice.

Current law requires state agencies to prepare environmental impact statements on proposed major actions that would significantly affect the quality of the human environment. This bill requires each environmental impact statement to include a description of the effect that the proposed action would have on the statewide distribution of industrial facilities and on the concentration of industrial facilities in affected communities. The bill requires DNR to prepare an environmental impact statement for a permit for a proposed industrial facility if construction of the industrial facility would affect or create an affected community.

Currently, hospital inpatient health care records must include, if obtainable, information about the patient's occupation, the industry in which he or she is

employed and if there may be a correlation between the patient's health problems and the patient's or his or her parents' occupation.

This bill requires that a hospital inpatient's health care record indicate the presence of facilities that may be sources of environmental pollution in proximity to the patient's home or place of employment. The bill also requires that if the patient's physician reasonably believes that the patient's health problems are related to exposure to environmental pollution, he or she must ensure that the patient's health care record contains specified information about the exposure. The department of health and social services must, under this bill, compile records of health problems related to environmental pollution, conduct studies of the correlation between the incidences of these health problems and the environment in which people having the problems live and work and report its findings annually to the board.

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.** 1.11 (2) (c) 3m. of the statutes is created to read:

2 1.11 **(2)** (c) 3m. The effect that the proposed action and alternatives to the
3 proposed action would have on the statewide distribution of industrial facilities, as
4 defined in s. 165.35 (1) (e), and on the concentration of industrial facilities in affected
5 communities, as defined in s. 165.35 (1) (a);

6 **SECTION 2.** 15.255 (2) of the statutes is created to read:

7 15.255 **(2)** ENVIRONMENTAL JUSTICE BOARD. (a) In this subsection:

8 1. "African American" means a person whose ancestors originated in any of the
9 black racial groups of Africa.

10 2. "American Indian" means a person who is enrolled as a member of a federally
11 recognized American Indian tribe or band or who possesses documentation of at least
12 one-fourth American Indian ancestry or documentation of tribal recognition as an
13 American Indian.

1 3. “Asian” means a person whose ancestors originated in Asia south and
2 southeast of the Himalayas and west of Wallace’s Line in the Malay Archipelago.

3 4. “Hispanic” means a person of any race whose ancestors originated in Mexico,
4 Puerto Rico, Cuba, Central America or South America or whose culture or origin is
5 Spanish.

6 5. “Minority group member” means any of the following:

7 a. An African American.

8 b. An American Indian.

9 c. A Hispanic.

10 d. An Asian.

11 (b) There is created in the department of justice an environmental justice board
12 consisting of the following members appointed by the attorney general for 3-year
13 terms:

14 1. Three residents of affected communities, as defined in s. 165.35 (1) (a).

15 2. Two representatives of political subdivisions serving an affected community.

16 3. Two representatives of industrial facilities, as defined in s. 165.35 (1) (e).

17 4. One civil rights advocate.

18 5. One environmental advocate.

19 6. Two minority group members.

20 (c) The board shall be assisted by a technical advisory committee consisting of
21 the following members:

22 1. A representative of the department of natural resources, a representative of
23 the department of agriculture, trade and consumer protection, a representative of
24 the department of justice, a representative of the department of development and a

1 representative of the department of health and social services, each appointed by the
 2 secretary of the respective department.

3 2. Three other members each of whom is a technical expert in a field such as
 4 sociology, economics, toxicology, public health or law, appointed by the attorney
 5 general.

6 **SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 7 the following amounts for the purposes indicated:

			1995-96	1996-97
20.455 Justice, department of				
(1) LEGAL SERVICES				
(e) Environmental justice board	GPR	B	-0-	-0-
(f) Environmental justice; commu-				
nity grants	GPR	B	150,000	150,000

14 **SECTION 4.** 20.455 (1) (e) and (f) of the statutes are created to read:

15 20.455 (1) (e) *Environmental justice board.* Biennially, the amounts in the
 16 schedule for the operation of the environmental justice board and the study under
 17 s. 165.35 (2).

18 (f) *Environmental justice; community grants.* Biennially, the amounts in the
 19 schedule for environmental justice community grants under s. 165.35 (4).

20 **SECTION 5.** 36.25 (38) of the statutes is created to read:

21 36.25 (38) ENVIRONMENTAL JUSTICE COMMUNITY EDUCATION AND ASSISTANCE
 22 PROGRAM. Through the extension, the board shall assist the environmental justice
 23 board in implementing the environmental justice community education and
 24 assistance program under s. 165.35 (3).

1 **SECTION 6.** 59.97 (1) of the statutes is amended to read:

2 59.97 (1) PURPOSE. It is the purpose of this section to promote the public health,
3 safety, convenience and general welfare; to encourage planned and orderly land use
4 development; to protect property values and the property tax base; to permit the
5 careful planning and efficient maintenance of highway systems; to ensure adequate
6 highway, utility, health, educational and recreational facilities; to recognize the
7 needs of agriculture, forestry, industry and business in future growth; to encourage
8 uses of land and other natural resources which are in accordance with their character
9 and adaptability; to provide adequate light and air, including access to sunlight for
10 solar collectors and to wind for wind energy systems; to encourage the protection of
11 groundwater resources; to preserve wetlands; to conserve soil, water and forest
12 resources; to protect the beauty and amenities of landscape and man-made
13 developments; to provide healthy surroundings for family life; to prevent the
14 concentration of environmentally polluting facilities and activities; and to promote
15 the efficient and economical use of public funds. To accomplish this purpose the
16 county board of any county may plan for the physical development and zoning of
17 territory within the county as set forth in this section and shall incorporate therein
18 the master plan adopted under s. 62.23 (2) or (3) and the official map of any city or
19 village in the county adopted under s. 62.23 (6).

20 **SECTION 7.** 60.61 (2) (a) of the statutes is amended to read:

21 60.61 (2) (a) Regulate, restrict and determine: the areas within which
22 agriculture, forestry, mining and recreation may be conducted; the location of roads,
23 schools, trades and industries; the location, height, bulk, number of stories and size
24 of buildings and other structures; the percentage of a lot which may be occupied; the
25 size of yards, courts and other open spaces; the density and distribution of

1 population; the location of buildings designed for specified uses; the trades,
2 industries or purposes that may be engaged in or subject to regulation; the number,
3 spacing and concentration of environmentally polluting facilities and activities; and
4 the uses for which buildings may not be erected or altered.

5 **SECTION 8.** 62.23 (7) (a) of the statutes is amended to read:

6 62.23 (7) (a) *Grant of power.* For the purpose of promoting health, safety,
7 morals or the general welfare of the community, the council may regulate and restrict
8 by ordinance, subject to par. (hm), the height, number of stories and size of buildings
9 and other structures, the percentage of lot that may be occupied, the size of yards,
10 courts and other open spaces, the density of population, the number, spacing and
11 concentration of environmentally polluting facilities and activities, and the location
12 and use of buildings, structures and land for trade, industry, mining, residence or
13 other purposes if there is no discrimination against temporary structures. This
14 subsection and any ordinance, resolution or regulation enacted or adopted under this
15 section, shall be liberally construed in favor of the city and as minimum
16 requirements adopted for the purposes stated. This subsection may not be deemed
17 a limitation of any power granted elsewhere.

18 **SECTION 9.** 144.442 (4) (c) 1. of the statutes is amended to read:

19 144.442 (4) (c) 1. The department shall promulgate by rule criteria for
20 determining the ranking of sites and facilities which are included in the inventory
21 under par. (a), based on the degree to which sites or facilities present a substantial
22 danger to public health or welfare or the environment and the potential urgency of
23 taking remedial action. To the extent applicable, the criteria shall be based on the
24 population at risk, the potential for contamination of drinking water supplies, the
25 potential for other direct human contact, the potential for destruction of sensitive

1 ecosystems, the hazard potential of the hazardous substances which may be released
2 and other appropriate factors. The criteria shall give priority to sites and facilities
3 located in affected communities identified under s. 165.35 (2) (a). The department
4 is not required to use hazard ranking criteria promulgated by the federal
5 environmental protection agency under 42 USC 9601, et seq.

6 **SECTION 10.** 144.442 (9m) (b) 5. c. of the statutes is created to read:

7 144.442 **(9m)** (b) 5. c. The greatest reduction of environmental injustice, as
8 defined in s. 165.35 (1) (c).

9 **SECTION 11.** 144.442 (9m) (c) 8. c. of the statutes is created to read:

10 144.442 **(9m)** (c) 8. c. The greatest reduction of environmental injustice, as
11 defined in s. 165.35 (1) (c).

12 **SECTION 12.** 144.76 (7) (am) of the statutes is created to read:

13 144.76 **(7)** (am) If sufficient funds are not available for all appropriate actions
14 under par. (a) at all sites in this state, the department shall give priority to actions
15 at sites located in affected communities, as identified under s. 165.35 (2) (a).

16 **SECTION 13.** 144.955 (intro.) of the statutes, as affected by 1995 Wisconsin Act
17 27, is amended to read:

18 144.955 **(1m)** PROMOTION OF HAZARDOUS POLLUTION PREVENTION. (intro.) In
19 carrying out the duties under ss. 36.25 (30) and 560.19 and this section, the
20 department, the department of development, the council and the program shall
21 ~~promote~~ do all of the following:

22 (a) Promote all of the following techniques for hazardous pollution prevention:

23 **SECTION 14.** 144.955 (1m) (a) to (e) of the statutes are renumbered 144.955 (1m)
24 (a) 1. to 5.

25 **SECTION 15.** 144.955 (1m) (b) of the statutes is created to read:

1 144.955 **(1m)** (b) Encourage all industrial facilities, as defined in s. 165.35 (1)
2 (e), and other facilities located in affected communities, as identified under s. 165.35
3 (2) (a) to participate in the program.

4 **SECTION 16.** 144.957 of the statutes is created to read:

5 **144.957 Environmental justice. (1) DEFINITIONS.** In this section:

6 (a) “Affected community” means a community identified under s. 165.35 (2) (a).

7 (b) “Environmental justice” has the meaning given in s. 165.35 (1) (d).

8 (c) “Industrial facility” has the meaning given in s. 165.35 (1) (e).

9 (d) “Permit” means an air pollution control permit, as defined in s. 144.30 (3),
10 an operating license under s. 144.44 (4), a license under s. 144.64 (2), a permit under
11 s. 144.85, a license required under s. 144.942 (2), a permit issued under s. 147.02 or
12 a permit issued under s. 147.021.

13 (e) “Political subdivision” means a city, village or town.

14 (f) “Toxic chemical” means a substance listed under 42 USC 11023 (c).

15 **(2) GENERAL.** Before granting a permit for a new industrial facility, the
16 department shall consider the effect that the proposed industrial facility will have
17 on the distribution of all industrial facilities and on the concentration of industrial
18 facilities in affected communities.

19 **(3) PERMITTING REQUIREMENT.** If the site of a proposed industrial facility is in
20 an affected community or if the construction of a proposed industrial facility would
21 result in the site meeting the criteria under s. 165.35 (1m), the department shall
22 require the applicant to provide information reasonably ascertainable on the
23 potential for public exposure to toxic chemicals through releases from the industrial
24 facility including all of the following:

1 (a) A description of any releases that may be expected to result from normal
2 operations or accidents at the industrial facility, including releases associated with
3 transportation to or from the industrial facility.

4 (b) A description of the possible ways that humans may be exposed to toxic
5 chemicals as a result of a release from the facility, including the potential for
6 groundwater or surface contamination, air emissions or food chain contamination.

7 (c) The potential extent and nature of human exposure to toxic chemicals that
8 may result from a release.

9 **(3m)** ENVIRONMENTAL IMPACT STATEMENT. The department shall prepare an
10 environmental impact statement under s. 1.11 (2) for a permit for a proposed
11 industrial facility if the proposed industrial facility would affect an affected
12 community or if the construction of the proposed industrial facility would result in
13 the site of the proposed industrial facility meeting the criteria under s. 165.35 (1m).

14 **(4)** ENFORCEMENT. The department shall, by rule, establish procedures to
15 ensure that all environmental laws and all emissions and discharge limits, design
16 standards and other conditions of permits for industrial facilities in an affected
17 community are strictly enforced. The procedures may include environmental
18 monitoring and reporting requirements and compliance inspections and shall be in
19 addition to the enforcement procedures that apply outside of affected communities.

20 **(5)** MORATORIUM. (a) If the site of a proposed industrial facility is in an affected
21 community or if the construction of a proposed industrial facility would result in the
22 area surrounding or adjacent to the site of the proposed industrial facility meeting
23 the criteria under s. 165.35 (1m), the department shall deny any application for a
24 permit for the industrial facility unless all of the following apply:

1 1. There is no feasible alternative site for the industrial facility that is not in
2 an affected community and that would not create an affected community.

3 2. The applicant enters into an agreement, with a local committee consisting
4 of 4 residents of the affected community appointed by the governing body of the
5 political subdivision in which the affected community is located or, if the affected
6 community is located in more than one political subdivision, with a local committee
7 consisting of 4 residents of the affected community appointed by the governing body
8 of each of the political subdivisions in which the affected community is located, to
9 provide compensation to the affected community. The department shall make the
10 compensation agreement a part of any permit for the industrial facility. A
11 compensation agreement is enforceable as are all other terms of the permit.
12 Compensation may take any form agreed to by the applicant and the local committee,
13 including any of the following:

14 a. Job training or educational programs for residents of the affected
15 community.

16 b. Hiring preference at the industrial facility for residents of the affected
17 community.

18 c. Health benefits for residents of the affected community.

19 d. Recreational, cultural or other community facilities in the affected
20 community.

21 3. The applicant agrees to implement a pollution prevention program in
22 cooperation with the University of Wisconsin-Extension and the local committee
23 appointed under par. (a) 2.

1 (b) The governing body of a political subdivision is not required to appoint a
2 local committee under par. (a) 2. A local committee is not required to enter into an
3 agreement under par. (a) 2.

4 (c) Paragraph (a) does not apply after June 30, 2001.

5 **SECTION 17.** 146.815 (1) of the statutes is renumbered 146.815 (1) (intro.) and
6 amended to read:

7 146.815 (1) (intro.) Patient health care records maintained for hospital
8 inpatients shall include, if obtainable, the all of the following:

9 (a) The inpatient's occupation and the industry in which the inpatient is
10 employed at the time of admission, plus the inpatient's usual occupation.

11 **SECTION 18.** 146.815 (1) (b) of the statutes is created to read:

12 146.815 (1) (b) The presence of facilities that may be the source of
13 environmental pollution, as defined in s. 144.01 (3), in proximity to the inpatient's
14 home or place of employment.

15 **SECTION 19.** 146.815 (2) (c) of the statutes is created to read:

16 146.815 (2) (c) If the physician of a hospital inpatient reasonably believes that
17 the inpatient's health problems may be related to the exposure of the inpatient or his
18 or her parents to environmental pollution, as defined in s. 144.01 (3), the physician
19 shall ensure that the inpatient's health care record contains information, if
20 available, from the inpatient or his or her family about all of the following:

21 1. The exposure.

22 2. The proximity of the home and place of employment of the inpatient or his
23 or her parents to a facility that the inpatient or his or her family believes is a source
24 of environmental pollution.

1 3. The nature of the hazardous substance, as defined in s. 144.01 (4m), that is
2 generated, used, transported, stored, treated or disposed of at the facility.

3 **SECTION 20.** 146.82 (2) (a) 8. of the statutes is amended to read:

4 146.82 (2) (a) 8. To the department under ~~s. ss. 250.04 (3) (b) 4. and 5. and~~
5 255.04. The release of a patient health care record under this subdivision shall be
6 limited to the information prescribed by the department under ~~s. ss. 250.04 (3) (b)~~
7 4. and 5. and 255.04.

8 **SECTION 21.** 165.35 of the statutes is created to read:

9 **165.35 Environmental justice board. (1) DEFINITIONS.** In this section:

10 (a) “Affected community” means a city, village, town, neighborhood or other
11 area in which a disproportionately large number of industrial facilities or sites or
12 facilities in the inventory under s. 144.442 (4) (a) are located or that is adjacent to
13 a disproportionately large number of industrial facilities or sites or facilities in the
14 inventory under s. 144.442 (4) (a).

15 (b) “Board” means the environmental justice board.

16 (c) “Environmental injustice” means the state of affairs in which
17 environmental justice is lacking.

18 (d) “Environmental justice” means the state of affairs in which no racial,
19 cultural, ethnic or economic community and no sector of the workforce is
20 disproportionately exposed to the health and safety hazards and the economic and
21 aesthetic costs of environmental pollution.

22 (e) “Industrial facility” means any facility that is required to submit a toxic
23 chemical release form under s. 166.20 (5) (a) 4. or that is required to be licensed under
24 s. 144.44 (4) or 144.64 (2).

1 **(1m)** RULES. The board shall promulgate rules specifying the criteria for
2 identifying affected communities. The board may promulgate rules for the
3 administration of this section.

4 **(2)** STUDY. The board shall conduct a study of the status of environmental
5 justice in this state. The board shall report each phase of its findings to the attorney
6 general, the governor and the secretary of the department of natural resources, and
7 to the legislature under s. 13.172 (2). The study shall consist of the following phases:

8 (a) *Inventory*. By January 15, 1997, the board shall prepare an inventory of
9 affected communities in this state. The board shall prepare an updated inventory
10 by January 15 of every odd-numbered year beginning with 1999.

11 (b) *Study*. By January 15, 1998, the board shall complete a study of issues
12 related to the extent, causes, consequences, prevention and mitigation of
13 environmental injustice in this state including all of the following:

14 1. A review of past enforcement actions taken by the federal environmental
15 protection agency, the department and the department of natural resources for
16 violations affecting human health in any affected community.

17 1m. A review of the effects of environmental injustice, including health and
18 safety hazards, the aesthetic costs of environmental pollution, the inability to use
19 polluted land, the problems of obtaining insurance and other economic costs.

20 2. A review of factors, including economic factors, that may have caused
21 industrial facilities to be concentrated in affected communities.

22 3. A review of statutes, rules and policies used by state, regional and local
23 governments, and a review of the role played by these entities in influencing or
24 making siting and land use decisions that may have caused industrial facilities to
25 be concentrated in affected communities.

1 4. A review of methodologies by which state, regional and local governments
2 might become more specifically aware of situations in which neighborhoods are at
3 particularly high risk for potential threats to human health.

4 5. A review of the enforcement of statutes and rules related to industrial
5 facilities to assess whether actual enforcement practices have resulted in uneven
6 enforcement outcomes and to determine whether alternative or stronger
7 enforcement measures could be taken, or whether other methods could be used to
8 allocate resources, in order to more equitably protect affected communities.

9 6. A review of the efforts made by state and local agencies to ensure equitable
10 representation of affected communities in their workforces and to help youth from
11 affected communities learn about career opportunities in the environmental field.

12 7. A review of methods used by the department of natural resources in
13 communicating with affected communities and recommendations on how the
14 department of natural resources can improve its communications with affected
15 communities.

16 8. A review of approaches to ensure consideration of environmental justice
17 issues when formulating and implementing policies, procedures and legislation
18 within state agencies and other institutions.

19 (c) *Legislative recommendations.* By January 15, 1999, the board shall prepare
20 recommendations for legislation to prevent and mitigate environmental injustice
21 and to promote environmental justice in this state. Legislative recommendations
22 under this paragraph shall include measures to do all of the following:

23 1. Reduce the generation and incidental transportation, storage, treatment
24 and disposal of hazardous waste, as defined in s. 144.61 (5).

1 1m. Reduce the production, use and incidental transportation and storage of
2 toxic chemicals listed under 42 USC 11023 (c).

3 2. Empower and assist affected communities, and communities threatened
4 with becoming affected communities through the siting of new industrial facilities,
5 to prevent and mitigate environmental injustice in their communities.

6 3. Target state resources to affected communities to reduce the health and
7 safety hazards and the economic and aesthetic costs of environmental pollution in
8 those affected communities.

9 4. Ensure that environmental and health standards and other laws relating to
10 the siting, design and operation of industrial facilities are strictly enforced in
11 affected communities.

12 5. Prevent the clustering of industrial facilities.

13 **(3) COMMUNITY EDUCATION AND ASSISTANCE.** In cooperation with the University
14 of Wisconsin-Extension, the board shall conduct an education and assistance
15 program for affected communities. The program shall do all of the following:

16 (a) Provide information to individuals, citizen groups and local governmental
17 officials in affected communities regarding the causes and nature of environmental
18 injustice and means available for the prevention and mitigation of environmental
19 injustice in their communities.

20 (b) Encourage individuals, citizen groups and local governmental officials in
21 affected communities to become involved in efforts to investigate environmental
22 problems and to prevent or mitigate environmental injustice in their communities.

23 (c) Provide technical assistance to individuals, citizen groups and local
24 governmental officials in affected communities in efforts to investigate

1 environmental problems or to prevent or mitigate environmental injustice in their
2 communities.

3 (4) COMMUNITY GRANTS. (a) The board shall administer an environmental
4 justice community grants program. A citizen group or local unit of government from
5 an affected community or from a community threatened with becoming an affected
6 community through the siting of new industrial facilities may apply for a grant to
7 enable the group or government to promote environmental justice and to prevent or
8 mitigate environmental injustice through involvement in governmental processes
9 related to the siting, design and operation of industrial facilities and through other
10 appropriate activities.

11 (b) A basic grant under this subsection may not exceed \$5,000 and may be used
12 for any of the following purposes:

13 1. Studies related to the possible health hazards or other effects of proposed or
14 existing industrial facilities in the community.

15 2. Community education activities.

16 3. Any other activity approved by the board.

17 (c) In addition to a grant under par. (b), the board may award a grant of up to
18 \$10,000 under this subsection for the preparation of expert testimony or the hiring
19 of expert witnesses.

20 **SECTION 22.** 250.04 (3) (b) 5. of the statutes is created to read:

21 250.04 (3) (b) 5. The department shall compile records, including patient
22 health care records, of the incidence in this state of acute or chronic health problems
23 that are attributable or related to exposure to environmental pollution, as defined
24 in s. 144.01 (3). The department shall conduct studies of the correlation between the
25 incidence of these health problems and the environment in which the persons with

1 the health problems live and work, including the proximity to facilities that may be
2 sources of environmental pollution. The department shall annually report its
3 findings under this subdivision to the environmental justice board.

4 **SECTION 23. Nonstatutory provisions.**

5 (1) TERMS OF ENVIRONMENTAL JUSTICE BOARD MEMBERS. Notwithstanding the
6 length of terms specified in section 15.255 (2) (b) of the statutes, as created by this
7 act, the initial members of the environmental justice board shall be appointed for the
8 following terms:

9 (a) One member appointed under section 15.255 (2) (b) 1. of the statutes, one
10 member appointed under section 15.255 (2) (b) 2. of the statutes, one member
11 appointed under s. 15.255 (2) (b) 3. and one member appointed under section 15.255
12 (2) (b) 6. of the statutes for terms expiring on May 1, 1999.

13 (b) One member appointed under section 15.255 (2) (b) 1. of the statutes, one
14 member appointed under section 15.255 (2) (b) 2. of the statutes, the member
15 appointed under section 15.255 (2) (b) 4. and one member appointed under section
16 15.255 (2) (b) 6. of the statutes for terms expiring on May 1, 1998.

17 (c) One member appointed under section 15.255 (2) (b) 1. of the statutes, one
18 member appointed under section 15.255 (2) (b) 3. of the statutes and the member
19 appointed under section 15.255 (2) (b) 5. of the statutes for terms expiring on May
20 1, 1997.

21 **SECTION 24. Initial applicability.**

22 (1) LICENSE AND PERMIT INFORMATION AND MORATORIUM. The treatment of section
23 144.957 (3) and (5) of the statutes first applies to applications for permits and
24 licenses received on the effective date of this subsection.

1 **SECTION 25. Effective dates.** This act takes effect on the day after
2 publication, except as follows:

3 (1) **AFFECTED COMMUNITIES.** The treatment of sections 144.442 (4) (c) 1. and
4 (9m) (b) 5. c. and 8. c., 144.76 (7) (am), 144.955 (1m) (intro.) and (a) to (e) and 144.957
5 (3), (3m) and (5) of the statutes, the creation of section 144.955 (1m) (b) of the statutes
6 and SECTION 24 (1) of this act take effect on February 1, 1997.

7

(END)