

2001 DRAFTING REQUEST

Bill

Received: 06/07/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike Bruhn

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Military Affairs - haz materials

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Require Level A teams to meet the highest standards for hazardous materials response.

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>
/?	nelsorp1 09/04/2001	jdye 09/14/2001		_____			S&L
/1			jfrantze 09/14/2001	_____	lrb_docadmin 09/14/2001	lrb_docadmin 09/20/2001	

FE Sent For:

LA intra

<END>

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Requester's email:

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Instructions:

See Attached

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1/?	nelsorp1	1 9/14 jld	8 9/14	8 9/14			

FE Sent For:

<END>

RPN
2

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 6-5-01

Legislator, agency, or other person requesting this draft _____

Person submitting request (name and phone number) Rep. Gunderson 266-3363

Persons to contact for questions about this draft (names and phone numbers) MIKE BRUNN
266-3363

Describe the problem, including any helpful examples. How do you want to solve the problem?

Clarify that each LEVEL A regional emergency response team must meet the highest standards for hazardous materials response.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67). This was included in the 2001-2003 Budget, but ~~removed~~ JFC removed it. (Bill section 2870)

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

166.20(1)(ge)

(ge) "Level A release" means a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel because of any of the following conditions:

166.20(1)(ge)1.

1. Substances with a high degree of hazard to the skin are known or suspected to be present and skin contact is possible.

166.20(1)(ge)2.

2. There are present, or there is a potential for, high atmospheric levels of substances that are harmful to the skin or capable of being absorbed through intact skin.

166.20(1)(ge)3.

3. Operations at the site of the release involve a high potential for exposure to liquids or particulates that are harmful to the skin or capable of being absorbed through intact skin.

166.20(1)(ge)4.

4. Response operations must be conducted in confined, poorly ventilated areas and the absence of conditions under subs. 1. to 3. has not been established.

166.20(1)(ge)5.

5. The quantity of the substance or location of the release causes response operations to be beyond the capability or resources of the county response team.

166.20(1)(gi)

(gi) "Level B release" means a release of a hazardous substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel, but less skin protection than a level A release, because operations at the site of the release do not involve a high potential for exposure to liquids or particulates that are harmful to the skin or capable of being absorbed through intact skin and any of the following conditions exists:

166.20(1)(gi)1.

1. The type and concentration of substances in the atmosphere have been identified and are dangerous to respiration but are not harmful to skin or capable of being absorbed through intact skin.

166.20(1)(gi)2.

2. The atmosphere contains less than 19.5% oxygen but does not contain substances that are harmful to skin or capable of being absorbed through intact skin.

166.20(1)(gi)3.

3. Vapors or gases are present that have not been completely identified but it is known that those vapors or gases are not harmful to skin or capable of being absorbed through intact skin. 166.20(1)(ge)

166.20(1)(gi)4.

4. The quantity of the substance is of a diminutive amount and response operations may be conducted within the training competencies of the team.

166.215 Hazardous substance emergency response.

166.215(1)

- (1) *Beginning July 1, 2001, the division shall contract with ~~no fewer than 7 and no more than~~ 9 regional emergency response teams, ~~each of which will~~ one of which shall be located in LaCrosse County. Each regional emergency response team, each of which will assist in the emergency response to level A releases in a region of this state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The division may only contract with a local agency, as defined in s. 166.22 (1) (c), under this subsection. **A member of a regional emergency response team shall meet the highest standards for a hazardous materials responder specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association standards 472. Regional Teams must have some members trained in each appropriate specialty area.** Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd).*

166.20(2)(bm)

(bm) Promulgate rules establishing standards to determine all of the following:

166.20(2)(bm)1.

1. If a regional or county local emergency response team has made a good faith effort to identify a person responsible for a release of a hazardous substance under s. 166.215 (3) or 166.22 (4).

166.21(2m)(e)

- (e) Identification of a county emergency response team that is capable of responding to a level B release that occurs at any place in the county and whose members meet the standards for hazardous **materials technicians** in 29 CFR 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and 472.

166.22(3m)

(3m) The division shall reimburse a county local emergency response team for costs incurred by the team in responding to a hazardous substance discharge under sub. (3). Reimbursement under this subsection is limited to the amount appropriated under s.

20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the county ~~local~~ emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the county ~~local~~ emergency response team.

LRB-3402
RPN
jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen regional

1 AN ACT ... relating to: ~~22~~ emergency response team requirements.

Analysis by the Legislative Reference Bureau

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

2

(END)



DOA:.....Uecker - Remove requirement that a level A team be located in La Crosse County

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

NO
4

Level A releases involve the release of hazardous substances that require the highest level of protective equipment for personnel because of the high degree of risk to the skin and respiratory system.

1 AN ACT ... relating to the budget.

Analysis by the Legislative Reference Bureau

~~VETERANS AND MILITARY AFFAIRS~~

~~Under current law, prior to July 1, 2001, the division of emergency management in DMA (division) was required to contract with no fewer than seven nor more than nine regional emergency response teams. The 1999 biennial budget act, 1999 Wisconsin Act 9, requires the division, beginning on July 1, 2001, to contract with nine regional emergency response teams, one of which must be located in La Crosse County. Regional emergency response teams respond to level A releases of hazardous substances, which are the most serious releases. This bill requires the regional emergency response teams to have members that meet the highest standards required under federal law and the National Fire Protection Association and that are trained in each of the appropriate specialty areas under the National Fire Protection Association standard. The bill also requires regional emergency response teams to file annual financial reports with the adjutant general.~~

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:

X
1 SECTION 1. 166.215 (1) of the statutes is amended to read:

2 166.215 (1) Beginning July 1, 2001, the division shall contract with no more
3 than 9 regional emergency response teams, one of which shall be located in La Crosse
4 County. Each regional emergency response team shall assist in the emergency
5 response to level A releases in a region of this state designated by the division. The
6 division shall contract with at least one regional emergency response team in each
7 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
8 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional
9 emergency response team shall meet the highest standards for a hazardous
10 materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and ~~national fire~~
11 ~~protection association~~ National Fire Protection Association standards NFPA 471
12 and 472. Regional emergency response teams shall have at least one member that
13 is trained in each of the appropriate specialty areas under National Fire Protection
14 Association standard NFPA 472. Payments to regional emergency response teams
15 under this subsection shall be made from the appropriation account under s. 20.465
16 (3) (dd) Regional emergency response teams that receive funding under this section
17 shall file an annual financial report with the adjutant general in a format prescribed
18 by the department of military affairs no later than 90 days after the end of the fiscal
19 year of the team's sponsoring public agency.

20 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 14, 2001

MEMORANDUM

To: Representative Gunderson

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-3402/1 Require Level A teams to meet the highest standards for hazardous materials response.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~X~~ JACKET FOR ASSEMBLY _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.