



## 2009 SENATE BILL 445

January 7, 2010 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Commerce, Utilities, Energy, and Rail.

1     **AN ACT to repeal** 167.11; and **to amend** 20.143 (3) (a), 20.143 (3) (ma) and 560.01  
2             (2) (b) of the statutes; **relating to:** labeling requirements for certain substances  
3             that may create a fire hazard when mixed with organic matter (suggested as  
4             remedial legislation by the Department of Commerce).

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits any person from selling or distributing a package of a substance that, when mixed with organic matter, will cause spontaneous combustion under reasonably anticipated conditions of use or handling unless the package bears a label warning that the substance will create a fire hazard when mixed with organic matter. This bill repeals that prohibition.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Commerce and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**SENATE BILL 445****SECTION 1**

1           **SECTION 1.** 20.143 (3) (a) of the statutes is amended to read:

2           20.143 (3) (a) *General program operations.* The amounts in the schedule for  
3 general program operations relating to the regulation of industry, buildings and  
4 safety under chs. 101, 107, 145 and 168 and ss. 32.19 to 32.27, 167.10, ~~167.11~~ and  
5 167.27.

6           **SECTION 2.** 20.143 (3) (ma) of the statutes is amended to read:

7           20.143 (3) (ma) *Federal aid-program administration.* All moneys received  
8 from the federal government, as authorized by the governor under s. 16.54, to fund  
9 the state’s administrative costs for general program operations relating to the  
10 regulation of industry, buildings and safety under chs. 101, 107, 145 and 168 and ss.  
11 32.19 to 32.27, 167.10, ~~167.11~~ and 167.27.

12           **SECTION 3.** 167.11 of the statutes is repealed.

NOTE: The Department of Commerce reports that the repealed section is outdated and duplicative because the labeling and handling of spontaneously combustible organic substances are now regulated adequately and more effectively by the Department of Commerce and other agencies under more recent statutes and federal law. In its request to the Law Revision Committee for this remedial legislation, the Department of Commerce summarized the rationale for the requested repeal as follows:

This law was enacted in the early 1960s in reaction to an incident involving the inappropriate use of chlorine-based swimming pool sanitizer. These types of sanitizers are now classified as pesticides — Section 94.681 (1) (b) 2., Stats., “for use in controlling algae, fungi, bacteria [and] other microscopic organisms.” Section 94.676 (7), Stats., addresses misbranded pesticides as not containing “a warning or caution statement which may be necessary and which, if complied with, is adequate to protect health and the environment.” Section ATCP 33.10 [33.01], Wisconsin Administrative Code, addresses the labeling of storage containers for such pesticides, and requires this labeling to comply with the federal Insecticide, Fungicide and Rodenticide Act — 7 USC 136 et seq. — and with regulations issued under that Act.

Chemical-based swimming pool sanitizers are also classified as oxidizers — and the storage, handling, and use of oxidizers are regulated through Chapter Comm 14, Wisconsin Administrative Code, by either the National Fire Protection Association’s NFPA 1 Uniform Fire Code or the International Fire Code. In addition, the design and construction of public buildings and places of employment, which include such oxidizers, are regulated through Chapters Comm 60 to 66, Wisconsin Administrative Code, by the International Building Code and the International Fire Code.

As a consequence of these statutory and administrative actions that have occurred subsequent to the enactment of s. 167.11, Stats., packages containing

