

2015 DRAFTING REQUEST

Bill

Received: **12/12/2014** Received By: **tdodge**
For: **Mary Lazich (608) 266-5400** Same as LRB: **-2489**
May Contact: By/Representing: **Tom Lyons**
Subject: **Health - public health** Drafter: **tdodge**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lazich@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exceptions to testing and reporting of lead tests in certain instances

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 1/5/2015		_____			
/P1	tdodge 2/19/2015	rschluet 1/8/2015	_____	lparisi 1/8/2015		State
/P2	tdodge 3/19/2015	kfollett 3/19/2015	_____	mbarman 2/20/2015		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	tdodge 5/8/2015	kfollett 5/8/2015	_____	sbasford 3/19/2015		State
/1			_____	sbasford 5/8/2015	mbarman 5/21/2015	State

FE Sent For:

→ AT
Intro.

<END>

Dodge, Tamara

From: Lyons, Tom
Sent: Thursday, December 11, 2014 5:15 PM
To: Dodge, Tamara
Subject: Draft Request

To follow up with our conversation earlier, DHS 163.14(8) requires the recording of tests lead tests. We would like to create an exception for situations where a contractor assumes the presence of lead, proceeds in a lead safe way as outlined in Chapter 163 but not subjected to additional testing or reporting requirements.

I hope this makes sense. If not, please give me a call.

Tom Lyons
Office of State Senator Mary Lazich
28th Senate District

Dodge, Tamara

From: Lyons, Tom
Sent: Friday, December 12, 2014 11:22 AM
To: Dodge, Tamara
Subject: DHS Drafting

1. Add a definition to DHS Chapter 163.03 for “Partial lead inspection” to clarify in instances where the site can be assumed to be contaminated, negating the need for full testing.
2. An exception should be created for work being done under DHS Chapter 163.14(11). This section of the administrative code is to be used during renovations in a situation where lead can be assumed to be present. Full compliance with DHS Chapter 163.14(11) makes the work required under DHS Chapter 163.14(8)(c) through 163.14(8)(f) unnecessary.



In: 1/5/15

Due Friday 1/9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

S

1 AN ACT ...; relating to: exemption from lead inspection requirements for
2 renovators who complete partial lead inspection.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Health Services (DHS) to develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead investigation requirements and lead hazard reduction requirements. DHS has promulgated rules regarding lead inspections to test for the presence of lead-based paint and regarding renovation activities on certain dwellings constructed before 1978 (target housing) and certain buildings constructed before 1978 that are occupied by children (lead-suspect, child-occupied facilities). This bill specifies that a person who is performing a renovation on a lead-suspect, child-occupied facility or target housing assuming that it contains a lead hazard and who complies with the laws, including rules, regarding the renovation is considered to have completed a partial lead inspection. A person who completes a partial lead inspection, under the bill, is not required to perform a lead inspection.

For further information see the *state* 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

2

SECTION 1. 254.173 of the statutes is created to read:

3

254.173 Partial lead inspection for renovations. (1) DEFINITIONS.

4

(a) "Lead inspection" means an on-site^s investigation of each painted, varnished, or otherwise coated surface to determine the presence of lead.

6

(b) "Lead-suspect, child-occupied facility" means a building or portion of a building, constructed before 1978, that meets any of the following criteria:

8

1. A facility licensed or certified to provide day care services.

9

2. A public or private school or preschool attended by a registered child younger than 6 years of age, including a state-operated residential treatment center.

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11

3. A building or portion of a building visited by the same child under 6 years of age, on at least 2 different days within any week provided that each day's visit lasts at least 3 hours and the combined annual visits last at least 60 hours.

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(c) "Renovation" means a work activity that disturbs paint in or on target housing or a child-occupied facility. "Renovation" does not include lead hazard abatement, minor repair and maintenance activities, emergency renovation, or the razing of an entire building.

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(d) "Target housing" means any dwelling structure, constructed before 1978, all or part of which is used or intended to be used for human habitation as a home or residence except for any of the following dwellings:

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1. A dwelling for the elderly or persons with disabilities, unless a child under 6 years of age resides in, or is expected to reside in, the dwelling.

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2. A dwelling in which the living area is not separated from the sleeping area.

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(2) PARTIAL LEAD INSPECTION. A person who is performing a renovation on a lead-suspect^s child-occupied facility or target housing under the assumption that the

1 facility or housing contains a lead hazard and who complies with this subchapter and
2 rules promulgated by the department pertaining to all of the following is considered
3 to have completed a partial lead inspection:

4 (a) Limitations on who may conduct a renovation on target housing or
5 lead-suspect, child occupied facilities.

6 (b) Lead-safe work protocols.

7 (c) Requirements for supervision for the renovation.

8 (d) Requirements for ensuring compliance with applicable local, state, and
9 federal requirements.

10 (e) Work place requirements designed to protect occupants of the target
11 housing or lead-suspect, child-occupied facility during a renovation.

12 (f) Interior lead-safe work practices.

13 (g) Exterior lead-safe work practices.

14 (h) Work practices that are prohibited during a renovation of target housing or
15 a lead-suspect, child-occupied facility.

16 (i) Wastewater, air emission, and solid waste handling from a renovation.

17 (j) Methodologies for cleaning the work areas at the end of each work day during
18 the renovation and at the end of the renovation.

19 (k) Visual inspection of the work areas after renovation and cleaning of the
20 work area.

21 (L) Cleaning verification for interior work areas after the renovation, cleaning,
22 and visual inspection or dust clearance testing.

23 (m) Reporting requirements for renovation.

24 (3) A person who completes a partial lead inspection under sub. (2) is not
25 required to perform a lead inspection under the rules promulgated by the

EXEMPTION FROM LEAD INSPECTION.

✓
1 department pertaining to lead inspections for a renovation on target housing or a
2 lead-suspect, child-occupied facility.

3 (END)

LRB-895 2/13/15

Define

"Partial lead inspection" means an on-site investigation of one or more painted, varnished, or otherwise coated building components to determine the presence of lead but not a surface-by-surface investigation

for "lead-safe" renovation = 40 CFR 745.80 to 745.92
"residential property renovation"

Eliminate most of current sub.(2).



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0895/P1
TJD:kjf:rs

P2

In: 2/19/15

Due Friday
2/20 if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

and certain lead-safe renovations

1 AN ACT *to create* 254.173 of the statutes; relating to: exemption from lead
2 inspection requirements for renovators who complete partial lead inspections

Analysis by the Legislative Reference Bureau

Current law requires the Department of Health Services (DHS) to develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead investigation requirements and lead hazard reduction requirements. DHS has promulgated rules regarding lead inspections to test for the presence of lead-based paint and regarding renovation activities on certain dwellings constructed before 1978 (target housing) and certain buildings constructed before 1978 that are occupied by children (lead-suspect, child-occupied facilities). This bill specifies that a person who is performing a renovation on a lead-suspect, child-occupied facility or target housing assuming that it contains a lead hazard and who complies with the laws, including rules, regarding the renovation is considered to have completed a partial lead inspection. A person who completes a partial lead inspection, under the bill, is not required to perform a lead inspection.

Insert
Analysis
no 91

For further information see the *state* 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. 254.173 of the statutes is created to read:

2 **254.173 Partial lead inspection for renovations. (1) DEFINITIONS.**

3 (a) "Lead inspection" means an on-site investigation of each painted,
4 varnished, or otherwise coated surface to determine the presence of lead.

5 (b) "Lead-suspect, child-occupied facility" means a building or portion of a
6 building, constructed before 1978, that meets any of the following criteria:

7 1. A facility licensed or certified to provide day care services.

8 2. A public or private school or preschool attended by a registered child younger
9 than 6 years of age, including a state-operated residential treatment center.

10 3. A building or portion of a building visited by the same child under 6 years
11 of age, on at least 2 different days within any week provided that each day's visit lasts
12 at least 3 hours and the combined annual visits last at least 60 hours.

13 *Insert 2-13* (c) "Renovation" means a work activity that disturbs paint in or on target
14 housing or a child-occupied facility. "Renovation" does not include lead hazard
15 abatement, minor repair and maintenance activities, emergency renovation, or the
16 razing of an entire building.

17 ~~(e)~~ (d) "Target housing" means any dwelling structure, constructed before 1978,
18 all or part of which is used or intended to be used for human habitation as a home
19 or residence except for any of the following dwellings:

20 1. A dwelling for the elderly or persons with disabilities, unless a child under
21 6 years of age resides in, or is expected to reside in, the dwelling.

22 2. A dwelling in which the living area is not separated from the sleeping area.

23 (2) PARTIAL LEAD INSPECTION. A person who is performing a renovation on a
24 lead-suspect child-occupied facility or target housing under the assumption that the
25 facility or housing contains a lead hazard and who complies with this subchapter and

1 rules promulgated by the department pertaining to all of the following is considered
2 to have completed a partial lead inspection:

3 (a) Limitations on who may conduct a renovation on target housing or
4 lead-suspect, child occupied facilities.

5 (b) Lead-safe work protocols.

6 (c) Requirements for supervision for the renovation.

7 (d) Requirements for ensuring compliance with applicable local, state, and
8 federal requirements.

9 (e) Workplace requirements designed to protect occupants of the target housing
10 or lead-suspect, child-occupied facility during a renovation.

11 (f) Interior lead-safe work practices.

12 (g) Exterior lead-safe work practices.

13 (h) Work practices that are prohibited during a renovation of target housing or
14 a lead-suspect, child-occupied facility.

15 (i) Wastewater, air emission, and solid waste handling from a renovation.

16 (j) Methodologies for cleaning the work areas at the end of each work day during
17 the renovation and at the end of the renovation.

18 (k) Visual inspection of the work areas after renovation and cleaning of the
19 work area.

20 (L) Cleaning verification for interior work areas after the renovation, cleaning,
21 and visual inspection or dust clearance testing.

22 (m) Reporting requirements for renovation.

23 (2) (3) EXEMPTION FROM LEAD INSPECTION. A person who completes a partial lead
24 inspection under sub. (2) is not required to perform a lead inspection under the rules

full

PARTIAL LEAD INSPECTION

1 promulgated by the department pertaining to lead inspections for a renovation on
2 target housing or a lead-suspect, child-occupied facility

(END)

if the renovation is
performed under lead-safe
practices according to

40 CFR 745.80 to 745.92 or rules
promulgated by the department
to enforce 40 CFR 745.80 to 745.92

3
Insert 4-3

1 INSERT ANALYSIS

no P This bill specifies that a person who completes a partial lead inspection is not required to perform a full lead inspection under the rules promulgated by DHS pertaining to lead inspections for a renovation on target housing or a lead-suspect, child-occupied facility if the renovation is performed under lead-safe practices according to federal lead-safe renovation regulations or rules promulgated by DHS to enforce those federal regulations. A partial lead inspection is defined in the bill as an on-site investigation of one or more, but not every, painted, varnished, or otherwise coated building components to determine the presence of lead. Also under the bill, if a renovation is performed on a lead-suspect, child-occupied facility or target housing under the assumption that the facility or housing contains a lead hazard and in compliance with state law and federal lead-safe renovation regulations or rules promulgated by the department to those regulations, DHS may not require the person performing the renovation to conduct a full lead inspection or the report on a full lead inspection under rules promulgated by DHS pertaining to lead inspections.

2 END INSERT ANALYSIS

3 INSERT 2-13

4 (c) "Partial lead inspection" means an on-site investigation of one or more
5 painted, varnished, or otherwise coated building components to determine the
6 presence of lead, but not a surface-by-surface investigation.

7 END INSERT 2-13

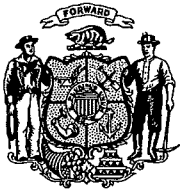
8 INSERT 4-3

9 **(3) EXEMPTION FROM LEAD INSPECTION; LEAD-SAFE RENOVATION.** If a renovation is
10 performed on a lead-suspect, child-occupied facility or target housing under the
11 assumption that the facility or housing contains a lead hazard and in compliance
12 with this subchapter and 40 CFR 745.80 to 745.92 or rules promulgated by the
13 department to enforce 40 CFR 745.80 to 745.92, the department may not require the
14 person performing the renovation to conduct a full lead inspection or the report on

1 a full lead inspection under rules promulgated by the department pertaining to lead
2 inspections.

3 END INSERT 4-3

4



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0895/P2 P3
TJD:kjf:jf

Due Today
(Thurs 3/19) if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

sampling or testing during

1 AN ACT to create 254.173 of the statutes; relating to: exemption from lead
2 inspection requirements for partial lead inspections and certain lead-safe
3 renovations.

Insert A1

Analysis by the Legislative Reference Bureau

Insert A2

Current law requires the Department of Health Services (DHS) to develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead investigation requirements and lead hazard reduction requirements. DHS has promulgated rules regarding lead inspections to test for the presence of lead-based paint and regarding renovation activities on certain dwellings constructed before 1978 (target housing) and certain buildings constructed before 1978 that are occupied by children (lead-suspect, child-occupied facilities). This bill specifies that a person who completes a partial lead inspection is not required to perform a full lead inspection under the rules promulgated by DHS pertaining to lead inspections for a renovation on target housing or a lead-suspect, child-occupied facility if the renovation is performed under lead-safe practices according to federal lead-safe renovation regulations or rules promulgated by DHS to enforce those federal regulations. A partial lead inspection is defined in the bill as an on-site investigation of one or more, but not every, painted, varnished, or otherwise coated building components to determine the presence of lead. Also under the bill, if a renovation is performed on a lead-suspect, child-occupied facility or target housing under the assumption that the facility or housing contains a lead hazard and in compliance with state law and federal lead-safe renovation regulations or rules promulgated by the department to those

regulations, DHS may not require the person performing the renovation to conduct a full lead inspection or the report on a full lead inspection under rules promulgated by DHS pertaining to lead inspections.

For further information see the *state* 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:

← Insert 2-1

1 SECTION 1. 254.173 of the statutes is created to read:

2 **254.173 Partial lead inspection for renovations. (1) DEFINITIONS.**

3 (a) "Lead inspection" means an on-site investigation of each painted,
4 varnished, or otherwise coated surface to determine the presence of lead.

5 (b) "Lead-suspect, child-occupied facility" means a building or portion of a
6 building, constructed before 1978, that meets any of the following criteria:

7 1. A facility licensed or certified to provide day care services.

8 2. A public or private school or preschool attended by a registered child younger
9 than 6 years of age, including a state-operated residential treatment center.

10 3. A building or portion of a building visited by the same child under 6 years
11 of age, on at least 2 different days within any week provided that each day's visit lasts
12 at least 3 hours and the combined annual visits last at least 60 hours.

13 (c) "Partial lead inspection" means an on-site investigation of one or more
14 painted, varnished, or otherwise coated building components to determine the
15 presence of lead, but not a surface-by-surface investigation.

16 (d) "Renovation" means a work activity that disturbs paint in or on target
17 housing or a child-occupied facility. "Renovation" does not include lead hazard
18 abatement, minor repair and maintenance activities, emergency renovation, or the
19 razing of an entire building.

1 (e) "Target housing" means any dwelling structure, constructed before 1978,
2 all or part of which is used or intended to be used for human habitation as a home
3 or residence except for any of the following dwellings:

4 1. A dwelling for the elderly or persons with disabilities, unless a child under
5 6 years of age resides in, or is expected to reside in, the dwelling.

6 2. A dwelling in which the living area is not separated from the sleeping area.

7 (2) EXEMPTION FROM LEAD INSPECTION; PARTIAL LEAD INSPECTION. A person who
8 completes a partial lead inspection is not required to perform a full lead inspection
9 under the rules promulgated by the department pertaining to lead inspections for a
10 renovation on target housing or a lead-suspect, child-occupied facility if the
11 renovation is performed under lead-safe practices according to 40 CFR 745.80 to
12 745.92 or rules promulgated by the department to enforce 40 CFR 745.80 to 745.92.

13 (3) EXEMPTION FROM LEAD INSPECTION; LEAD-SAFE RENOVATION. If a renovation is
14 performed on a lead-suspect, child-occupied facility or target housing under the
15 assumption that the facility or housing contains a lead hazard and in compliance
16 with this subchapter and 40 CFR 745.80 to 745.92 or rules promulgated by the
17 department to enforce 40 CFR 745.80 to 745.92, the department may not require the
18 person performing the renovation to conduct a full lead inspection or the report on
19 a full lead inspection under rules promulgated by the department pertaining to lead
20 inspections.

21 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0895/P3ins
TJD:.....

1 INSERT A1

no # If the presence of lead-bearing paint or a lead hazard is assumed and lead hazard reduction activities are performed in a lead-safe manner, then sampling or testing of dwellings or premises for the presence of lead-bearing paint or a lead hazard is not required under current law.

2 END INSERT A1

3 INSERT A2

no # Under this bill, if the presence of lead-bearing paint of a lead hazard is assumed and a renovation of a dwelling, unit of a dwelling, or premises is performed in a lead-safe manner, any person who performs sampling or testing of a surface in the dwelling or premises relating to that renovation is not necessary to comply with any requirements *established* by DHS for a lead inspection. *required*

4 END INSERT A2

5 INSERT 2-1

6 SECTION 1. 254.18 (title) of the statutes is amended to read:

7 **254.18 (title) Lead hazard reduction in dwellings and premises;**
8 **renovations.**

History: 1999 a. 113.

9 SECTION 2. 254.18 of the statutes is renumbered 254.18 (1).

10 SECTION 3. 254.18 (2) of the statutes is created to read:

11 254.18 (2) If the presence of lead-bearing paint of a lead hazard is assumed and
12 a renovation of a dwelling, unit of a dwelling, or premises is performed in a lead-safe
13 manner, any person who performs sampling or testing of a surface in the dwelling
14 or premises relating to that renovation is not necessary to comply with any
15 requirements *established* by the department for a lead inspection. *required*

16 END INSERT 2-1



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0895/P3
TJD:kjf:jf

Due Fri
5/8

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

This bill creates an exemption from lead inspection requirements for lead sampling or testing done in certain renovations.

Resen

- 1 **AN ACT to renumber 254.18; to amend 254.18 (title); and to create 254.18 (2)**
- 2 **of the statutes; relating to: exemption from lead inspection requirements for**
- 3 **sampling or testing during certain lead-safe renovations.**

Analysis by the Legislative Reference Bureau

Current law requires the Department of Health Services (DHS) to develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead investigation requirements and lead hazard reduction requirements. If the presence of lead-bearing paint or a lead hazard is assumed and lead hazard reduction activities are performed in a lead-safe manner, then sampling or testing of dwellings or premises for the presence of lead-bearing paint or a lead hazard is not required under current law. DHS has promulgated rules regarding lead inspections to test for the presence of lead-based paint and regarding renovation activities on certain dwellings constructed before 1978 and certain buildings constructed before 1978 that are occupied by children. Under ~~this~~ bill, if the presence of lead-bearing paint or a lead hazard is assumed and a renovation of a dwelling, unit of a dwelling, or premises is performed in a lead-safe manner, any person who performs sampling or testing of a surface in the dwelling or premises relating to that renovation is not required to comply with any requirements established by DHS for a lead inspection.

the

For further information see the *state* 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. 254.18 (title) of the statutes is amended to read:

2 **254.18 (title) Lead hazard reduction in dwellings and premises;**
3 **renovations.**

4 SECTION 2. 254.18 of the statutes is renumbered 254.18 (1).

5 SECTION 3. 254.18 (2) of the statutes is created to read:

6 254.18 (2) If the presence of lead-bearing paint ^{or} of a lead hazard is assumed and
7 a renovation of a dwelling, unit of a dwelling, or premises is performed in a lead-safe
8 manner, any person who performs sampling or testing of a surface in the dwelling
9 or premises relating to that renovation is not required to comply with any
10 requirements established by the department for a lead inspection.

11

(END)

Parisi, Lori

From: Sen.Lazich
Sent: Wednesday, May 20, 2015 3:27 PM
To: LRB.Legal
Cc: Dodge, Tamara
Subject: Draft Review: LRB -0895/1 Topic: Exceptions to testing and reporting of lead tests in certain instances

Please Jacket LRB -0895/1 for the SENATE.