

Report From Agency

RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE 24-082

Ch. DHS 163, 181 and 182

Basis and Purpose of Proposed Rule

In 2021, the Centers for Disease Control and Prevention ("CDC") lowered the blood lead level at which it recommends intervention in cases of lead poisoning. The CDC now recommends public health interventions at 3.5 µg/dL, rather than 5 µg/dL, the current value provided in s. 254.11 (9), Stats. The Department is therefore obligated, by s. 254.156, Stats., to promulgate a rule defining "lead poisoning or lead exposure" in s. DHS 181.03 (10) to correspond to the blood lead level specification set by the CDC.

Sections DHS 163.03 (67) and 182.03 (10) also contain definitions of lead poisoning or lead exposure that are inconsistent with the blood lead level specification set by the CDC. Therefore, the Department will modify these definitions to correspond to the CDC blood lead reference value.

Based on the mandate to promulgate rules under s. 254.156, Stats., there are no reasonable alternatives to the proposed rulemaking.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The Legislative Council Rules Clearinghouse did not offer any recommendations to the Department on the proposed rule.

The issues raised by each small business during the public hearing(s).

Final Regulatory Flexibility Analysis

No comments were raised by small businesses during the public hearing.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

Not applicable, no changes were made to the rule's analysis.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

Not applicable.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

The proposed rule includes no fees and requires no special equipment or other items of value in order for business or local units of government to comply with this rule. The proposed rule will not affect the number or types of blood lead test results requiring reporting since all blood lead tests are already required to be reported electronically. Therefore, there will be no increase in costs to laboratories and medical providers related to reporting under this rule.

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

Not applicable.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

Analysis

No changes were made to the rule's analysis or fiscal estimate/economic impact analysis.

Fiscal Estimate/Economic Impact Analysis

No changes were made to the rule's analysis or fiscal estimate/economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on February 10, 2025. A public hearing was held on February 28, 2025, in a Teams Meeting. Public comments on the proposed rule were accepted until end of business on February 28, 2025.

List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.

[illegible]

Summary of Public Comments to the Proposed Rule and the Agency's response to those comments, and an explanation of any modification made in the proposed rule as a result of public comments or testimony received at the Public Hearing.

[illegible]

Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		x	
Department response to Rules Clearinghouse recommendations	x		
Final Regulatory Flexibility Analysis	x		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis	x		
Public Hearing Summary	x		
List of Public Hearing Attendees and Commenters	x		
Summary of Public Comments and Department Responses	x		
Fiscal Estimate/Economic Impact Analysis		x	
Revised Fiscal Estimate/Economic Impact Analysis			x
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			x
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			x
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			x
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			x