

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| <p>1. Type of Estimate and Analysis<br/><input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>  | <p>2. Date<br/>12/11/2018</p>                                 |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br/>DHS 181, Reporting of Blood Lead Test Results</p>  |   |
| <p>4. Subject<br/>Amendments to ch. DHS 181 to comply with statutes governing Wisconsin's lead poisoning prevention program include updating the blood lead reference value, updating forfeiture amounts, and updating and clarifying reporting requirements to reflect current definitions, standards and best practices.</p>  |   |
| <p>5. Fund Sources Affected<br/><input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>   | <p>6. Chapter 20, Stats. Appropriations Affected<br/>None</p> |
| <p>7. Fiscal Effect of Implementing the Rule<br/><input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs<br/><input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>   |   |
| <p>8. The Rule Will Impact the Following (Check All That Apply)<br/><input type="checkbox"/> State's Economy   <input checked="" type="checkbox"/> Specific Businesses/Sectors<br/><input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers<br/><input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>   |   |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br/>\$ 0</p>  |   |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?<br/><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>  |   |
| <p>11. Policy Problem Addressed by the Rule<br/>Ch. 254 was revised to lower the definition of "lead poisoning or lead exposure" from a level of lead in the blood of 10 or more micrograms per 100 milliliters of blood, to a level of lead in the blood of 5 or more micrograms per 100 milliliters of blood.<br/><br/>2015 Wisconsin Act 55 amended s. 254.30 (2) (a) stats., and increased the maximum forfeiture penalty from \$1,000 to \$5,000 per violation per day in compliance with federal requirements.<br/><br/>Chapter DHS 181 has not been substantially revised since 2002 and is in need of several corrections and clarifications to reflect current definitions, standards, and best practices.</p> |   |
| <p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.<br/>Laboratories that process and analyze blood lead samples, clinical providers such as physicians, nurses, directors of blood drawing sites, hospital administrators, and local health officers.</p>  |   |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA.<br/>Local health departments participated in the development of this EIA.</p>  |   |
| <p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)<br/>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. Therefore, there will be no</p>  |   |

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increase in costs to laboratories and medical providers related to reporting under this rule.

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**15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule**

This rule revision brings the rule in line with recent revisions to state statute, Ch. 254, Environmental Health, and corresponding federal CDC guidelines and EPA requirements by lowering the definition of "lead poisoning or lead exposure" to the CDC level of 5 micrograms per deciliter or blood and increasing the maximum forfeiture penalty from \$1,000 to \$5,000 per violation per day. Other revisions to the rule simplified the language and removed obsolete language to make it easier to read and understand.

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**16. Long Range Implications of Implementing the Rule**

These revisions bring ch. DHS 181 into compliance with state statute and federal rules and ensures clear standards for the submittal of blood lead test results for all persons tested in Wisconsin to the Department of Health Services for purposes of tracking, surveillance, and the provision of appropriate services to persons identified with elevated blood lead levels.

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**17. Compare With Approaches Being Used by Federal Government**

The CDC provides grants to states and collects from these states their state data on blood lead testing. The federal government aggregates these data for the country but does not directly collect blood lead test results on its own.

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**18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)**

Illinois, Iowa, Michigan, and Minnesota each have state blood lead test result reporting requirements. They are similar, with minor differences in the contents required for reporting, the timing of reporting based on blood lead test results, and the format required for reporting.

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**19. Contact Name**

Shelley Bruce

**20. Contact Phone Number**

608-267-0928

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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