

LAK:jal;

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1 **AN ACT** *to create* 15.107 (19) and 16.03 of the statutes; **relating to:** a Wisconsin
2 interagency nanotechnology council.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Special Committee on Nanotechnology. It responds to the committee’s instruction to create an interagency workgroup related to nanotechnology.

This draft creates the Wisconsin interagency nanotechnology council, attached to the department of administration, consisting of specified member agencies and divisions. The draft directs the council to meet periodically to share information on nanotechnology and to coordinate state activities related to nanotechnology, and to establish a system to accept, review, analyze, and report on petitions submitted by the public alleging public health or environmental quality risks posed by nanoscale materials.

3 **SECTION 1.** 15.107 (19) of the statutes is created to read:

4 15.109 **(19)** (a) *Creation.* There is created a Wisconsin interagency nanotechnology
5 council, attached to the department of administration under s. 15.03.

6 (b) *Members.* The Wisconsin interagency nanotechnology council shall consist of the
7 following members or their designees:

8 1. The secretary of the department of administration.

9 2. The secretary of the department of agriculture, trade and consumer protection.

10 3. The secretary of the department of commerce.

11 4. The administrator of the division of emergency management in the department of
12 military affairs.

13 5. The secretary of the department of health services.

1 6. The secretary of the department of natural resources.

2 7. The director of the state laboratory of hygiene.

3 8. The secretary of the department of workforce development.

4 (c) *Functions*. The council shall perform the functions specified under s. 16.03.

5 **SECTION 2.** 16.03 of the statutes is created to read:

6 16.03 WISCONSIN INTERAGENCY NANOTECHNOLOGY COUNCIL. The Wisconsin interagency
7 nanotechnology council shall perform all of the following functions:

8 (1) PERIODIC MEETING; COLLABORATION. The council shall meet at least twice annually
9 to discuss and report to one another on scientific research and emerging issues related to
10 nanotechnology and to coordinate state activities related to nanotechnology.

11 (2) PUBLIC PETITIONS. The council shall establish a system to accept petitions from state
12 residents alleging that a particular nanoscale material or use of a nanoscale material that is
13 present in this state or reasonably expected to become present in this state would pose a
14 potential risk to the health of Wisconsin citizens, including workers who may be exposed to
15 the material, or environmental quality. A petition shall include all of the following:

16 (a) Objective, peer-reviewed scientific data or other reliable literature indicating the
17 likelihood of the risk.

18 (b) Available information on regulation by other jurisdictions of the nanoscale material
19 or use.

20 (c) Information on alternatives to the nanoscale material or use.

21 (d) Information on whether risks related to the nanoscale material or use may be avoided
22 or mitigated by labelling, manufacturing or handling restrictions, disposal requirements, or
23 other methods.

1 (e) Any other information reasonably requested by the council to support the evaluation
2 of a petition.

3 (3) INITIAL PETITION REVIEW. The council shall perform an initial review of each petition
4 to determine whether it is reasonably probable that the allegation of risk in the petition has
5 merit. The council shall inform the petitioner of its determination in writing within 60 days
6 after a complete petition, including any additional information requested under sub. (2) (e),
7 is received.

8 (4) PETITION ANALYSIS. If the council determines that an allegation of risk in a petition
9 has merit under sub. (3), it shall analyze the allegations contained in the petition. In
10 conducting this analysis, the council shall assign tasks, as appropriate and necessary, to the
11 agencies represented on the council for the evaluation of public health or environmental risk
12 associated with a nanoscale material or use identified in the petition. Agencies may be
13 assigned to utilize existing agency authority and interagency processes to facilitate the
14 evaluation, and may be assigned to conduct or arrange for testing of nanoscale materials.

15 (5) REPORTING. The council shall [within __ days/months of performing an analysis
16 under sub. (4)] prepare a report setting forth the results of its analysis and distribute the report
17 to the petitioner, the governor, and to the appropriate standing committees of the legislature
18 under s. 13.172 (3). The report shall also be posted on an internet website as directed by the
19 council. The report may include:

20 (a) Recommendations for information collection on the import, manufacture, or use of
21 the nanoscale material in the state.

22 (b) Recommendations for research or studies relating to the nanoscale material that the
23 state should conduct, encourage, or monitor.

