



## WISCONSIN LEGISLATIVE COUNCIL

### NANOTECHNOLOGY

Room 413 North  
State Capitol

December 7, 2010  
10:00 a.m. – 3:20 p.m.

[The following is a summary of the December 7, 2010 meeting of the Special Committee on Nanotechnology. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

#### Call to Order and Roll Call

Chair Benedict called the committee to order. The roll was called and a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Chuck Benedict, Chair; Sen. Sheila Harsdorf; Rep. Terese Berceau; and Public Members Jeff Cernohous, Michael Cronin, George Gruetzmacher, Robert Hamers, Doug Hansmann, George Lisensky, and Pamela Owen.

COMMITTEE MEMBERS EXCUSED: Sen. Mark Miller, Vice-Chair; Rep. Pat Strachota, and Public Members James Hamilton and Richard Peterson.

COUNCIL STAFF PRESENT: Mary Matthias and Pam Shannon, Senior Staff Attorneys, and Larry Konopacki, Staff Attorney.

#### Approval of the Minutes from the October 26, 2010 Meeting

The minutes from the October 26, 2010 meeting were approved by the committee.

#### Discussion of Committee Assignment

Chair Benedict explained that the committee would begin by wrapping up any remaining discussion on Memo No. 2 from the previous committee meeting, followed by discussion of WLC: 0037/1 and Memo No. 3. He noted that depending on the decisions made by the committee at this

meeting, the committee could finish its business at this meeting or might need to have one additional meeting early next year.

- Wrap-up of Memo No. 2, *Recommendations for Legislation* (October 19, 2010).

Chair Benedict explained that during the committee's previous discussion of Memo No. 2, the goal was to tease out potential policy recommendations that would garner unanimous or near-unanimous support from the committee, and would have some prospect of success in the legislative process. He noted that two such proposals were contained in WLC: 0037/1 and Memo No. 3, which would be discussed later in the meeting. Chair Benedict asked if there were any remaining items in Memo No. 2 that members wanted to discuss. No specific additional discussion items were identified.

- WLC: 0037/1, relating to establishing a nanotechnology information hub and a nanotechnology council.

Discussion of WLC: 0037/1 began with a short summary of the bill draft provided by Legislative Council staff. The initial committee discussion on the bill draft focused on identifying obstacles and opportunities for businesses involved with nanoscale materials, how to balance being proactive with respect to potential problems with promoting the nanotechnology industry, and what issues are appropriate for state versus federal regulation. Members noted that there is a lack of information on what regulation, if any, is prudent at this stage of the development of this industry. Several members supported the general idea of a nanotechnology information hub as embodied in the bill draft.

The committee also discussed the creation of one or more geographical "clusters" of nanotech businesses, the benefits of such an arrangement, and the need to have state program benefits available to all businesses in the state regardless of their location. The committee talked about other entities in the state that are conducting similar programs to those that would be undertaken by a nanotechnology information hub, the scope of the tasks that would be assigned to the nanotechnology hub under the bill draft, and whether the hub should have authority to require participants to provide information on the nanomaterials they use or manufacture. The committee worked through those issues individually, requesting that staff make the following revisions to the draft:

- Require that the nanotechnology hub include sufficient technical expertise on staff.
- Focus on three primary tasks: environmental health, workplace safety, and business development.
- Reorganize the hub's tasks by type of activity.
- Explicitly require the hub to foster communication and cooperation between the private and public sectors, and require the hub to actively engage interested parties by holding periodic events to bring people interested in nanotechnology together.
- Require the hub to establish an interactive Internet platform for receiving and disseminating information.
- Shift the hub's assignment from helping businesses to comply with rules and regulations to connecting those businesses with resources to help them comply.
- Remove the explicit requirement that the hub consult with regulators regarding proposed regulations.

- Remove the requirement that the hub report periodically and instead allow the hub to report at the discretion of the nanotechnology council.
  - Direct the nanotechnology council to seek ways for the hub to sustain its own funding, and specify that the University of Wisconsin (UW) Board of Regents is required to maintain the hub for only five years.
  - Require the hub to inform the public about the benefits and risks of nanomaterials instead of requiring the hub to develop and implement a program to educate the public on this issue.
  - Require the hub to inform interested parties about funding related to nanotechnology instead of requiring the hub to monitor and provide information on these opportunities.
  - Allow the hub to seek funding to support its own activities.
  - Add deadlines for the nomination and appointment of initial nanotechnology council members and the first meeting date of the council.
- Memo No. 3, *Options for Legislation--Interagency Collaboration on Nanotechnology* (November 30, 2010).

Legislative Council staff provided a brief overview of the proposal outlined in Memo No. 3. The committee discussed the potential levels of responsibility that could be given to an interagency workgroup, the expertise in state agencies for evaluating and making recommendations on nanomaterials, and how the workgroup's petition process would function.

The committee asked staff to prepare a bill draft that would formalize such a workgroup, assign it to receive and investigate petitions on particular nanomaterials, and report its findings. In this draft, staff was directed to do the following:

- Utilize existing state agency statutory authorities.
- Build on existing interagency processes for investigating hazards associated with identified materials.
- Include the Department of Commerce in the workgroup.
- Direct the workgroup to report to the Legislature on additional authority that one or more agency may need to adequately address identified problems.
- Clarify that agencies may conduct testing or arrange for testing, but would not be required to do so.
- Set a meaningful initial review standard that a petitioner must meet before an in-depth review of a nanomaterial by the workgroup would be required.
- Allow the workgroup to request additional data from petitioners if necessary to evaluate a petition.

- Allow the workgroup to make its initial determination based on the likelihood that the material poses a risk to human health or the environment, and to decline to review a petition for a material that is unlikely to cause such harm.
- Require the workgroup to issue public reports on all decisions to grant or deny a petition to investigate a nanomaterial and on investigations of any nanomaterial undertaken as the result of a petition, including information on potential risks identified by the workgroup.

### **Discussion of Committee Assignment**

Chair Benedict asked committee members if they would be interested in preparing letters to the Wisconsin Congressional delegation, federal agency heads, or other federal officials requesting action on issues related to nanotechnology. Committee members were interested in doing so. Some pointed out that changes must be made to federal laws to “capture” nanomaterials under existing regulations and others noted that some of the regulatory options that the committee considered are more appropriately handled at the federal level instead of by individual states. It was also noted that these communications could be a signal to other states and the federal government about the types of programs and priorities that this committee supports, based on its study.

The committee staff was directed to prepare a range of possible topics for these letters for review at the committee’s next meeting, and specifically to include the following points:

- Workplace safety law thresholds should be adjusted to capture potentially harmful nanomaterials.
- Federal chemicals regulations should be based on material particle size and shape in addition to chemical composition.
- Research on nanotechnology risks should be prioritized.

### **Plans for Future Meetings**

The next meeting of the committee is scheduled for *Wednesday, January 26, 2011*. Chair Benedict indicated that this will be the final meeting of the committee.

### **Adjournment**

The meeting was adjourned at 3:20 p.m.

LAK:jal