

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 representatives of the University of Wisconsin and 8 state agencies, as follows:

- The secretary of the department of administration.
- The secretary of the department of agriculture, trade and consumer protection.
- The secretary of the department of commerce.
- The administrator of the division of emergency management in the department of military affairs.
- The secretary of the department of health services.
- The secretary of the department of natural resources.
- The director of the state laboratory of hygiene.
- The secretary of the department of workforce development.

The draft directs the council to meet periodically to share information on nanotechnology and to coordinate state activities related to nanotechnology.

The draft directs the council to establish a system to accept and review petitions submitted by the members of the public alleging public health or environmental quality risks posed by nanoscale materials, and to make recommendations based on its review of a petition.

A petition must allege that a particular nanoscale material or use of a nanoscale material that is present in this state, or reasonably expected to

become present in this state, would pose a potential risk to the health of Wisconsin citizens, including workers who may be exposed to the material, or to environmental quality.

A petition must include all of the following:

1. Identification of objective, peer-reviewed scientific data or other reliable literature indicating the likelihood of the risk alleged in the petition.
2. Information on all of the following:
  - Regulation of the nanoscale material or use by other jurisdictions, if any.
  - Alternatives to the nanoscale material or use.
  - Whether risks related to the nanoscale material or use may be avoided or mitigated by labelling, manufacturing or handling restrictions, disposal requirements, or other methods.
3. Any other information reasonably requested by the council to support the evaluation of the petition.

The council must perform an initial review of each petition to determine whether it is reasonably probable that the allegation of risk in the petition has merit. The council must inform the petitioner of its determination, in writing, within 60 days after the council receives a complete petition, including any additional information requested by the council.

If, upon initial review, the council determines that an allegation of risk in a petition has merit, it must analyze the allegations contained in the petition. In conducting this analysis, the council must assign tasks, as appropriate and necessary, to the agencies represented on the council for the evaluation of public health, occupational health, or environmental risk associated with a nanoscale material or use identified in the petition.

The council may direct an agency to utilize its existing authority and interagency processes to facilitate the evaluation of a petition. The council may direct an agency to conduct or arrange for testing of nanoscale materials.

The council must prepare a report setting forth the results of its analysis and distribute the report to the petitioner, the governor, and to the appropriate standing committees of the legislature and post it on an internet website as directed by the council. The report may include any of the following:

- Recommendations for the collection and reporting of information related to the import, manufacture, or use of the nanoscale material in the state.
- Recommendations for research or studies relating to the nanoscale material that the state should conduct, encourage, or monitor.
- Recommendations that existing regulatory authority should be exercised by one or more state agencies to address identified or potential risks related to the nanoscale material or use.
- Recommendations for federal regulations that should be developed or implemented or research that should be conducted or sponsored by the federal government.
- Recommendations for state legislation that should be developed or enacted to address identified or potential risks related to the nanoscale material or use.

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

2           15.109 (19) (a) *Creation*. There is created a Wisconsin interagency nanotechnology  
3 council, attached to the department of administration under s. 15.03.

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

- 6           1. The secretary of the department of administration.
- 7           2. The secretary of the department of agriculture, trade and consumer protection.
- 8           3. The secretary of the department of commerce.
- 9           4. The administrator of the division of emergency management in the department of  
10 military affairs.
- 11           5. The secretary of the department of health services.
- 12           6. The secretary of the department of natural resources.
- 13           7. The director of the state laboratory of hygiene.
- 14           8. The secretary of the department of workforce development.
- 15           9. The president of the University of Wisconsin System.

1           10. The chancellor of the University of Wisconsin–Madison, but only if the University  
2 of Wisconsin–Madison is not under the control of the Board of Regents of the University of  
3 Wisconsin System.

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 to environmental quality. A petition shall include all of the following:

16           (a) Identification of objective, peer–reviewed scientific data or other reliable literature  
17 indicating the likelihood of the risk alleged in the petition.

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

19           (c) Information on alternatives to the nanoscale material or use, if any.

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

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

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

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

14           **(5) REPORTING.** The council shall prepare a report setting forth the results of its analysis  
15 and distribute the report to the petitioner, the governor, and to the appropriate standing  
16 committees of the legislature under s. 13.172 (3). The report shall also be posted on an internet  
17 website as directed by the council. The report may include:

18           (a) Recommendations for the collection and reporting of information related to the  
19 import, manufacture, or use of the nanoscale material in the state.

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

22           (c) Recommendations that existing regulatory authority should be exercised by one or  
23 more state agencies to address identified or potential risks related to the nanoscale material  
24 or use.

1           (d) Recommendations for federal regulations that should be developed or implemented  
2 to regulate the nanoscale material or use or research related to the nanoscale material or use  
3 that should be conducted or sponsored by the federal government.

4           (e) Recommendations for state legislation that should be developed or enacted to  
5 address identified or potential risks related to the nanoscale material or use.

6

(END)