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Cross-reference: See definitions in s. 250.01.

SUBCHAPTER I

GENERAL PROVISIONS

254.01 Definitions. In this chapter:

- (1) "Environmental health" means the assessment, management, control and prevention of environmental factors that may adversely affect the health, comfort, safety or well-being of individuals.
- (2) "Human health hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public.

History: 1993 a. 27; 2007 a. 130.

254.015 Departmental power; designation. The department may designate a local health department to carry out a function of the department under this chapter.

History: 1993 a. 27.

254.02 Health risk assessments.

- (1) In this section:

- (a) "Adverse health effect" means a condition that results in human morbidity, mortality, impaired reproductive function or toxicity or teratogenic, carcinogenic or mutagenic effects.
 - (b) "Health risk assessment" means the determination of the relationship between the magnitude of exposure to environmental hazards and the probability of occurrence of adverse health effects.
- (2) The department is the lead state agency for health risk assessment.
- (3)
- (a) The department of agriculture, trade and consumer protection, the department of corrections, the department of safety and professional services, and the department of natural resources shall enter into memoranda of understanding with the department to establish protocols for the department to review proposed rules of those state agencies relating to air and water quality, occupational health and safety, institutional sanitation, toxic substances, indoor air quality, or waste handling and disposal.
 - (b) The department shall review proposed rules in the areas under par. (a) and make recommendations to the appropriate state agency if public health would be adversely impacted or if prevention of human health hazards or disease is not adequately addressed by the proposed rules. The department shall make recommendations for enforcement standards to address public health concerns of the proposed rules.
- (4) The department and the state laboratory of hygiene shall enter into a memorandum of understanding that delineates the public health testing and consultative support that the state laboratory of hygiene shall provide to local health departments.
- (5) The department shall assess the acute or chronic health effect from occupational or environmental human health hazards exposure as follows:
- (a) The chief medical officer for environmental health shall establish a system for assessment, collection and surveillance of disease outcome and toxic exposure data.
 - (b) State agencies and local health departments shall report known incidents of environmental contamination to the department. The department shall investigate human health implications of an incident and determine the need to perform a health risk assessment. The department may require the party that is responsible for an incident to perform a health risk assessment.
- (6) State agencies that require health risk assessments as part of their permit issuance or regulatory responsibilities shall enter into a memorandum of understanding with the department that permits the state health officer to establish a risk management protocol to review and make recommendations on the completeness of the health risk assessments.

History: 1993 a. 27; 1995 a. 27 ss. 6327, 9116 (5); 2011 a. 32; 2015 a. 55.

254.04 Authority of department of safety and professional services. Nothing in this chapter affects the authority of the department of safety and professional services relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.60; 1993 a. 27 s. 81; Stats. 1993 s. 254.78; 1995 a. 27 ss. 6344, 9116 (5); 2011 a. 32; 2015 a. 55 s. 4093; Stats. 2015 s. 254.04.

254.05 Joint employment. The department and the department of safety and professional services may employ experts, inspectors or other assistants jointly.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.61; 1993 a. 27 s. 82; Stats. 1993 s. 254.79; 1995 a. 27 ss. 6345, 9116 (5); 2011 a. 32; 2015 a. 55 s. 4094; Stats. 2015 s. 254.05.

SUBCHAPTER II

TOXIC SUBSTANCES

254.11 Definitions. In this subchapter:

- (1) "Asbestos" means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinolite or fibrous anthophyllite.
- (2) "Asbestos abatement activity" means any activity which disturbs asbestos-containing material, including but not limited to the repair, enclosure, encapsulation or removal of asbestos-containing material and the renovation or demolition of any part of a structure.

- (3)** "Asbestos-containing material" means asbestos or any material or product which contains more than one percent of asbestos.
- (4)** "Asbestos management activity" means an inspection for asbestos-containing material, the design of an asbestos response action or the development of an asbestos management plan.
- (4g)** "Certificate of lead-free status" means a certificate issued by a certified lead risk assessor or other person certified under s. 254.176 that documents a finding by the assessor that a premises, dwelling or unit of a dwelling is free of lead-bearing paint as of the date specified on the certificate.
- (4h)** "Certificate of lead-safe status" means a certificate issued by a certified lead risk assessor or other person certified under s. 254.176 that documents that the assessor detected no lead-bearing paint hazards affecting the premises, dwelling or unit of the dwelling on the date specified on the certificate.
- (5)** "Dwelling" means any structure, all or part of which is designed or used for human habitation.
- (5m)** "Elevated blood lead level" means a level of lead in blood that is any of the following:
 - (a)** Twenty or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test.
 - (b)** Fifteen or more micrograms per 100 milliliters of blood, as confirmed by 2 venous blood tests that are performed at least 90 days apart.
- (6)** "Fibrous" means having parallel sides and a length which is at least 3 times the diameter and which results in an aspect ratio of 3 to one or more.
- (7)** "Hematofluorometer" means an instrument used in identification of minute amounts of a substance in human blood by detection and measurement of the characteristic wavelength of the light emitted by the substance during fluorescence.
- (7g)** "Imminent lead hazard" means a lead hazard that, if allowed to continue, will place a child under 6 years of age at risk of developing lead poisoning or lead exposure, as determined by the department or other state agency, a local health department or a federal agency.
- (7r)** "Interim control activity" means any set of measures designed to temporarily reduce human exposure or likely exposure to a lead hazard, including specialized cleaning, repair, maintenance, painting, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.
- (8)** "Lead-bearing paint" means any paint or other surface coating material containing more than 0.06 percent lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint, more than 0.5 percent lead by weight in the dried film of applied paint, or more than 1 milligram of lead per square centimeter in the dried film of applied paint.
- (8d)** "Lead-bearing paint hazard" has the meaning specified by rule by the department.
- (8g)** "Lead hazard" means any substance, surface or object that contains lead and that, due to its condition, location or nature, may contribute to the lead poisoning or lead exposure of a child under 6 years of age.
- (8j)** "Lead hazard abatement" means any set of measures designed to permanently eliminate a lead hazard, including all of the following:
 - (a)** The removal of lead-bearing paint and lead-contaminated dust, the permanent containment or encapsulation of lead-bearing paint, the replacement of surfaces or fixtures painted with lead-bearing paint, and the removal or covering of lead-contaminated soil.
 - (b)** All preparation, clean-up, disposal and postabatement clearance testing activities associated with the measures under par. (a).
- (8n)** "Lead hazard reduction" means actions designed to reduce human exposure to lead hazards, including lead hazard abatement and interim control activities involving lead-bearing paint or lead-contaminated dust or soil or clearance activities that determine whether an environment contains a lead hazard.
- (8s)** "Lead investigation" means a measure or set of measures designed to identify the presence of lead or lead hazards, including examination of painted or varnished surfaces, paint, dust, water and other environmental media.
- (8u)** "Lead management activity" means a lead investigation or the design or management of lead hazard reduction.
- (9)** "Lead poisoning or lead exposure" means a level of lead in the blood of 5 or more micrograms per 100 milliliters of blood.
- (9g)** "Lead risk assessor" has the meaning specified by rule by the department.
- (9r)** "Occupant" means a person who leases or lawfully resides in a dwelling or premises.
- (10)** "Owner" means a person who has legal title to any dwelling or premises.

(10m) "Premises" means any of the following:

- (a)** An educational or child care facility, including attached structures and the real property upon which the facility stands, that provides services to children under 6 years of age.
 - (b)** Other classes of buildings and facilities, including attached structures and real property upon which the buildings or facilities stand, that the department determines by rule to pose a significant risk of contributing to the lead poisoning or lead exposure of children under 6 years of age.
- (11)** "Public employee" has the meaning given under s. 101.055 (2) (b).
- (12)** "School" means any local education agency, as defined in 20 USC 3381, the owner of any nonpublic, nonprofit elementary or secondary school building or any governing authority of any school operated under 20 USC 921 to 932.
- (13)** "Third-party payer" means a disability insurance policy that is required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health maintenance organization or preferred provider plan under ch. 609; a health care coverage plan offered by the state under s. 40.51 (6); a self-insured health plan offered by a city or village under s. 66.0137 (4), a local governmental unit or technical college district under s. 66.0137 (4m), a town under s. 60.23 (25), a county under s. 59.52 (11) (c), or a school district under s. 120.13 (2) (b); or a health care plan operated by a cooperative association organized under s. 185.981.