

16-0

ASA 1 TO AB 806

Motion:

Move to amend LRBA1641/1 to delete the material on page 1, lines 8 to 11 and page 2, lines 1 to 4, and substitute :

"(b) 1. Immunity under par. (a) for the first 30 days after an owner acquires a dwelling or unit of a dwelling applies only if all of the following occur:

a. The owner obtains a certificate of lead-free status or a certificate of lead-safe status for the dwelling or unit.

b. The person issuing the certificate certifies that the property was in compliance with the standards to obtain the certificate before that 30-day period ended.

2. Immunity under par. (a) for the additional 60 days following first 30 days after an owner acquires a dwelling or unit of a dwelling applies only if all of the following occur:

a. The owner obtains a certificate of lead-free status or a certificate of lead-safe status for the dwelling or unit.

b. The person issuing the certificate certifies that the property was in compliance with the standards to obtain the certificate before that 60-day period ended."

90

ASA 1 TO ASSEMBLY BILL 806

*8/8 filed*

Motion:

Move to amend the amendment on page 7, line 20, after the period, insert the following:

A certificate of lead-safe status obtained under this section may not be for less than 12 months in duration.

*Trigger is the child.*

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Note:

Under the substitute amendment, where a child has an elevated blood lead level, as defined in the bill, the owner is required to obtain either a certificate of lead-free status or a certificate of lead-safe status. Under this motion, if the owner obtains a lead-safe certificate, it must be for a period of at least one year.

*6 to 12 months*

ASA 1 TO AB 806

State Residential Lead Liability Fund

Motion:

Move to delete all of the provisions in ASA 1 relating to the state residential lead liability fund. Instead, require the Office of the Commissioner of Insurance (OCI) to prepare a report, by October 1, 2002, that determines whether insurance providing residential property owners with liability coverage for lead-bearing paint hazards is either sufficiently affordable or sufficiently available in the private insurance market. Specify that if OCI makes a determination that such insurance is either not sufficiently affordable or sufficiently available, OCI would be required to submit drafting instructions to the Legislative Reference Bureau to create a state residential lead liability fund and to include this proposed legislation in its 2003-05 biennial budget request.

LEAD-BASED PAINT HAZARDS

ASA 1 to AB 806

Motion:

Move to amend LRB a1639/1 on page 2, line 2 by deleting " 40<sup>th</sup>" and inserting "52<sup>nd</sup>." In addition, clarify that this amendment would affect the duration of a certificate of lead-safe status, rather than a certificate of lead-free status.

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Note:

The amendment would modify the definition of "certificate of lead-safe status" to specify that it may not be less than 12 months in duration. This motion would modify the amendment to specify that this amendment would not take effect until 52 months after the general effective date of the substitute amendment. This is 36 months after the effective date of the immunity provisions in the substitute amendment.

As a result, the duration of a certificate of lead-safe status could be less than one-year prior to that time.

LEAD-BASED PAINT HAZARD

ASA 1 to AB 806

Motion:

Move to amend ASA 1 to AB 806 to require the Secretary of DOA to transfer an amount of funding, equivalent to the GPR funding provided in the amendment (\$735,000) to the general fund, once the Secretary determines that sufficient program revenues are available from the fees paid for certificates of lead-free and lead-safe status and lead worker certifications to fund DHFS on-going administrative costs for the program.

15-1  
passes

Representative Riley

ASA 1 TO ASSEMBLY BILL 806

Oil Overcharge Revenues

Motion:

Move to provide all of the unallocated oil overcharge revenue and accrued interest to support energy-efficient window replacements in buildings subject to lead hazard abatement.

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Note:

It is estimated that there is approximately \$350,000 available from oil overcharge funds that may be used to support the these window replacement activities throughout the state.

[Change to Amendment: \$350,000 PR]



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 1, 2000

TO: INTERESTED LEGISLATORS AND OTHER INTERESTED PERSONS

FROM: Pam Shannon, Senior Staff Attorney

SUBJECT: Assembly Substitute Amendment 1 (LRBs0347/1) to Assembly Bill 806,  
Relating to Lead Poisoning

This memorandum describes the provisions of Assembly Substitute Amendment 1 (LRBs0347/1) ("the Substitute Amendment") to 1999 Assembly Bill 806, ~~relating to conducting lead investigations, lead-bearing paint hazard control, requirements for certification of lead-free or lead-safe status for dwellings and premises, immunity from liability for lead poisoning or lead exposure, a state residential lead liability fund, granting rule-making authority, requiring the exercise of rule-making authority and making appropriations.~~ *which relates gov to lead bearing paint hazards* On February 28, 2000, the Assembly Committee on Housing introduced Assembly Substitute Amendment 1, by unanimous consent, adopted the Substitute Amendment on a vote of Ayes, 6; Noes, 1, and recommended passage of Assembly Bill 806, as amended, also on a vote of Ayes, 6; Noes, 1.

The Substitute Amendment, with significant modifications, is based on 1999 Senate Bill 232, which is the product of the Joint Legislative Council's Special Committee on Lead Poisoning Prevention and Control, chaired by Senator Robert Jauch. Senate Bill 232 is currently in the Senate Committee on Economic Development, Housing and Government Operations. Senate Substitute Amendment 1 to Senate Bill 232 was introduced by Senator Robert Wirsch on February 29, 2000. It is identical to Assembly Substitute Amendment 1 to Assembly Bill 806.

*JS*

### A. CURRENT LAW

Under current law, the Department of Health and Family Services (DHFS) is required to develop and implement a comprehensive statewide lead poisoning prevention and treatment program. Among other things, DHFS may promulgate rules governing a number of activities relating to lead poisoning or lead exposure, prevention and treatment. Before promulgating these rules, DHFS must consult with a technical advisory committee that includes representatives from local health departments, the housing industry, health professions and persons who are certified to perform or supervise lead hazard reduction or lead management activities. Also

under current law, a city, village, town or other political subdivision may enact and enforce ordinances that establish systems of lead poisoning or lead exposure control with the same or higher standards than those specified under the DHFS program.

**B. THE SUBSTITUTE AMENDMENT**

**1. Legislative Findings and Purpose**

The Substitute Amendment states that the Legislature finds that the most common cause of childhood lead poisoning is ingestion of lead-contaminated dust and chips from lead-bearing paint and that even low blood lead levels can cause significant nervous system problems for young children. The Substitute Amendment further states that the Legislature encourages property owners to address the problems associated with lead-bearing paint by bringing their properties into compliance with applicable state standards. The Legislature finds that an appropriate method to so encourage property owners is to hold them not liable with respect to a person who develops lead poisoning or lead exposure in the property if they meet certain requirements. The Substitute Amendment states that these standards and this restriction on liability will reduce the exposure of children and others to lead-bearing paints, improve the quality of the state's housing stock and result in greater availability of insurance coverage for lead hazards.

**2. Immunity From Liability for Lead Poisoning or Lead Exposure**

The Substitute Amendment provides that a property owner and his or her employes and agents are immune from civil and criminal liability and may not be subject to agency administrative proceedings (other than for the enforcement of rules relating to lead poisoning promulgated by DHFS) for their acts or omissions related to lead poisoning or lead exposure, if at the time the poisoning or exposure occurred, a certificate of lead-free status or a certificate of lead-safe status was in effect for the dwelling or unit. There are five exceptions to this grant of immunity including, for example, where the owner or his or her employe or agent obtained the certificate by fraud. *The standards that must be met in order to obtain a certificate are discussed in item 3.a, below.*

The Substitute Amendment provides that the grant of immunity cannot be interpreted or applied in any manner to impair the right of a municipality to enforce its ordinances.

*temporary*  
This immunity is also provided to owners and their employes and agents for acts or omissions related to lead poisoning or lead exposure that occur during the first 30 days after the owner acquires a dwelling or unit, unless the poisoning or exposure results from a lead hazard created by the owner, employe or agent. This immunity is extended for an additional 60 days if, during the initial 30-day period, the owner or his or her employe or agent has done one of the following with respect to the property: (a) completed a lead investigation report or entered into a contract for a lead investigation; (b) entered into a contract for lead hazard reduction; (c) registered for a course under s. 254.179 (1) (e); or (d) received certification to perform or supervise lead hazard reduction or a lead management activity. *followed*

*However immunity only applies if the owner obtains a cert. of lead free or safe status for the dwelling or unit and the person issuing the certificate before (that 30 day period ended) second that 60 day period ended*



If an owner receives written notice from DHFS or a local health department that a child under age six residing in the dwelling or unit has an elevated blood lead level, the owner must obtain a certificate of lead-free or lead-safe status in a timely manner, based on the reasonable availability of lead risk assessors or other certified persons and on the time required for the issuance of a certificate of lead-free or lead-safe status.

"Elevated blood lead level" is defined as a level of lead in the blood that is either 20 or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test or 15 or more micrograms per 100 milliliters of blood, as confirmed by two venous blood tests performed at least 90 days apart.

**3. Rule Requirements**

The Substitute Amendment provides that after reviewing municipal ordinances and in consultation with the technical advisory committee, DHFS shall, by use of a research-based methodology, promulgate as rules all of the following:

a. The standards for issuance of a certificate of lead-free status or a certificate of lead-safe status, the procedures by which such certificates may be issued or revoked and the period of validity of the certificates.

b. A mechanism for creating a registry of all premises, dwellings or units of dwellings for which a certificate of lead-free or lead-safe status is issued.

c. The requirements for a course of up to 16 hours that a property owner or his or her employe or agent may complete in order to receive certification of completion and the scope of lead investigation and lead hazard reduction activities that the owner, employe or agent may perform following certification, to the extent consistent with federal law, that are preliminary to activities and standards required to obtain a certificate of lead-free or lead-safe status.

The DHFS must submit the proposed rules to the Legislative Council Staff no later than the first day of the seventh month after publication of this act. Also, DHFS must review these rules by January 1, 2003 and every two years thereafter and promulgate changes to the rules if necessary in order to maintain consistency with federal law.

The Substitute Amendment adds as members of the technical advisory committee advocates for persons at risk of lead poisoning.

**4. DHFS Lead Investigation**

Under the Substitute Amendment, if DHFS is notified that a child under age six who occupies a dwelling or premises has an elevated blood lead level, DHFS must conduct a lead investigation of the dwelling or premises or ensure that such an investigation is conducted. The DHFS may waive this requirement for the City of Milwaukee. The Substitute Amendment defines "lead investigation" as 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. DHFS must notify the occupant or his or her representative of

*4. In submitting rules DHFS must include summary of rules and standards under item 3(a) also include in summary*  
*requires that the membership of ADPK rules include*  
*differs the standards develop*

the results of any lead investigations conducted and any action taken to reduce or eliminate the lead hazard. A certified lead risk assessor or other person certified by DHFS who conducts an investigation must do so and issue a report in accordance with DHFS rules and, if the report indicates that the dwelling or premises meets criteria for issuance of a certificate of lead-free or lead-safe status, issue the appropriate certificate. DHFS may promulgate rules governing lead hazard reduction that are consistent with federal law.

### 5. Sampling and Testing

The Substitute Amendment provides that sampling and testing of dwellings, units of dwellings or premises for the presence of lead-bearing paint or a lead hazard is not required before lead hazard reduction activities are conducted if the presence of lead-bearing paint or a lead hazard is assumed and the lead hazard reduction activities are performed in a lead-safe manner.

### 6. Insurance

*Sub Amend #1*

The Substitute Amendment creates a State Residential Lead Liability Fund in the Office of the Commissioner of Insurance, to issue policies that insure residential property against liability resulting from lead-bearing paint hazards if a certificate of lead-free status or a certificate of lead-safe status is in effect for the property. The State Residential Lead Liability Fund must offer policies that insure residential property in Wisconsin against liability resulting from lead-bearing paint hazards if the fund manager (i.e., the Commissioner of Insurance) makes a determination, as specified by rule, that insurance providing residential property owners with liability coverage for lead-bearing paint hazards is not either sufficiently affordable or sufficiently available in the private insurance market. Prior to making the determination, the manager must work with insurers to encourage the offering of this coverage in the private market. A policy may be issued by the fund only for property for which a certificate of lead-free status or a certificate of lead-safe status is in effect.

The manager is required to promulgate rules specifying premiums, coverage limits and covered expenses for policies issued by the fund and may promulgate other rules necessary to administer the fund. The manager must specify premiums at a level that the manager determines will be sufficient to pay all costs of the fund. The manager must, on an ongoing basis, review the cost and availability of insurance in the private insurance market that provides residential property owners with liability coverage for lead-bearing paint hazards and periodically submit a report to the Legislature on the cost and availability of this insurance in the private market. The State Residential Lead Liability Fund terminates if, after eight years, the manager has not made the determination that liability coverage is not sufficiently affordable or sufficiently available in the private insurance market.

### 7. Admissibility of Lead Dust Test Results

The Substitute Amendment provides that the results of a test for the presence of lead in dust are not admissible in a civil or criminal action or an administrative proceeding unless the test was conducted by a person certified for this purpose by DHFS.

8. Fees and Funding

The Substitute Amendment authorizes DHFS to impose a fee of \$50 for issuance of a certificate of lead-free status and a fee of \$25 for issuance for a certificate of lead-safe status. However, the fees may not exceed the actual costs of issuance of certificates and of maintaining the registry. The department must review the fees every two years and adjust the fees to reflect the actual costs. The Substitute Amendment also authorizes DHFS to request a supplement of general purpose revenues from the Joint Committee on Finance (JCF) to pay initial costs of establishing a registry of properties that are issued certificates of lead-free or lead-safe status. To request this supplement, DHFS must submit a plan to JCF to expend not more than \$520,000 for fiscal year 2000-01. The Substitute Amendment increases the JCF appropriation by \$520,000 for fiscal year 2000-01 for this purpose.

In addition, the Substitute Amendment provides for an increase in the appropriation to DHFS by \$215,000 for fiscal year 2000-01 to provide 5.0 FTE positions on January 1, 2001, for activities relating to certification for the performance of lead paint hazard reduction.

The Substitute Amendment also directs DHFS, in submitting its 2001-03 biennial budget request, to submit a proposal, including a request for additional funding, to conduct lead paint hazards outreach and abatement activities.

9. Proposal on Rehabilitation of Rental Property

The Substitute Amendment requires the Wisconsin Housing and Economic Development Authority, as part of its 2001-03 biennial budget request, to submit a proposal to rehabilitate rental property for low-income persons in Wisconsin.

10. Effective Dates and Initial Applicability

Under the Substitute Amendment, a number of provisions take effect on the day after publication. Several provisions, including those relating to immunity from liability and creation of the State Residential Lead Liability Fund, have a 16-month delayed effective date. The Substitute Amendment provides that the immunity provisions first apply to lead poisoning or lead exposure that occurs on the effective date.

If you would like any further information on this Substitute Amendment, please feel free to contact me at the Legislative Council Staff offices.

PS:wu:ksm:rv;wu

*Handwritten notes:*  
- "9. Funding" (circled)  
- "GPR" (circled)  
- "is program supplements"  
- "to general fund amt of fund = to GPR fund provided in SA (\$750,000) once sec determines that such prog revs are avail from fees pd for certs of lead free/safe status & lead workers certs" (circled)  
- "Sub Am direct sec of adm to allocate all avail oil overcharge funds that have not been approved for expnd for the prog" (circled)  
- "window placements in rental owned by persons who are efficient" (circled)  
- "Sec of adm transfer" (circled)  
- "DHFS on going adm costs for the prog" (circled)  
- "Sec of adm a cert of lead free/safe status" (circled)  
- "as of effect date of bill" (circled)  
- "earnings on those funds for energy" (circled)



February 29, 2000

To: Chairman John Gard  
Joint Committee on Finance  
Fr: Tim Ballering, President  
Apartment Association of Southeastern Wisconsin

On behalf of the Apartment Association of Southeastern Wisconsin (ASSEW), I write to respectfully ask for Joint Finance Committee consideration of ASA 1 to Assembly Bill 806, relating to lead paint hazards. This substitute amendment was recently approved with strong bipartisan support in the Assembly Housing Committee, after a lengthy process of discussion involving the ASSEW, the Wisconsin Apartment Association, the Wisconsin Realtors Association, the City of Milwaukee, the Department of Health and Family Services (DHFS) and others.

While much of the workings of the bill have yet to be established through the rule-making process, ASA 1 represents an important framework to develop a workable remedy for childhood lead exposure associated with lead-based paint in Wisconsin rental housing.

Under the approved ASA 1, rental housing owners will be compelled to meet state standards in their treatment of lead-based paint surfaces as this will afford them liability protection. This important incentive to improve lead-based paint surfaces will ultimately serve the important goal of reducing childhood exposure to lead-based paint.

Importantly, ASA 1 responds to landlord liability issues brought about by the recent Wisconsin Supreme Court decision in *Antwaun v. Heritage Mutual Insurance Company* in which lack of knowledge of deteriorating paint was not an adequate defense in a case involving lead exposure. The resultant explicit duty to test does not serve the ultimate goal of remediation of lead-based paint hazards. This bill eliminates this cost-enhancing, time-consuming requirement by giving rental property owners the go-ahead to treat the paint surface without having to pay for an expensive and time-consuming test process. It is also my understanding that DHFS has a concern with the validity of some of the testing and are wary of opening the testing floodgates.

Because of the ongoing need to maintain paint surfaces, the intention is to have the state certificate of lead-safe be time-specific. Owners who conduct more extensive remediation will have extended lead-safe certification effective dates.

Though the bill does not interfere with the private right to sue, it does afford rental property owners whose property is certified as lead-free or lead-safe with liability protection while the certification is effective.

Thank you for your consideration in scheduling this important bill for Joint Finance Committee consideration.

cc: Senator Bob Jauch  
Representative Tom Syron  
Apartment Association of Southeastern Wisconsin, Inc.  
1442 North Farwell, Suite 102 • Milwaukee, Wisconsin 53202 • 414-276-9637

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*Exclusively Representing the Interest of the Rental Housing Industry in the Greater Milwaukee Area*



State of Wisconsin  
**Department of Health and Family Services**

Tommy G. Thompson, Governor  
Joe Lekan, Secretary

**TESTIMONY ON LRB 4539/1  
(SUBSTITUTE AMENDMENT TO SB 232)  
DEPARTMENT OF HEALTH AND FAMILY SERVICES**

**FEBRUARY 23, 2000**

Thank you for this opportunity to testify on this substitute amendment to Senate Bill 232 as we continue to try to forge public policy that protects children from blood lead poisoning.

Since we last met and agreed in principle on virtually all aspects of a desired substitute amendment to the original Legislative Council Committee bill, LRB 4539/1 has been offered that nevertheless has a number of problems. Before DHFS can support this substitute amendment to SB 232, we need resolution on a number of concerns.

**1) RECOGNITION OF A BROADER GROUP OF CERTIFIED LEAD INVESTIGATION PROFESSIONALS**

- (1) Amend Section 2: There should be recognition of a broader class of certified professionals that can accomplish certificate issuance for lead hazard abatement. s.254.11 (4g) only names certified lead risk assessors as able to issue certificates of lead-free status. The bill should also include certified lead inspectors and other persons appropriately credentialed by the department.

This same concern applies to the language under:

- Section 15, page 8, lines 18-19
- Section 22 page 10, lines 10 and 14-15.

**2) STATE – MILWAUKEE STANDARD-SETTING**

- (a) **Section 9:** DHFS opposes the language in Section 9 and other parts of the draft that introduced language which usurps the state authority to establish minimum uniform state standards relating to issuance of lead-free and lead-safe certificates for dwellings and (associated) the limited immunity. There already exists language under s.254.154 that protects a municipality's ability "to enact and enforce ordinances establishing a system of lead poisoning or lead exposure control that provides the same or higher standards than those set forth in this subchapter."

Milwaukee is ostensibly concerned that the limited immunity conferred by meeting the state standards established under this bill will inhibit the city's ability to impose higher standards. However, current law further provides that "Nothing in this subchapter may be interpreted or applied in any manner to impair the right of any person, entity, municipality or other political subdivision to sue for damages or equitable relief or to restrain a violation of such an ordinance."

Technical Advisory Group established under the bill already contains Milwaukee representation.

**3) TSCA TECHNICAL CORRECTION**

Remove the second sentence of **Section 16** that would bind DHFS rules to meet but not exceed EPA section 402 language. Other instances of this reference have already been appropriately removed. Wisconsin is already bound to be as protective as EPA's section 402.

**4) OTHER TECHNICAL CORRECTIONS**

- **Section 22.** Rewrite 254.172(1) to mirror the language found later (under page 14, line 12) by replacing "are not preempted by federal law" with "are in compliance with federal law."
- **Section 23.** Remove the exclusion of administrative ch. 227 hearings from the section on immunity conditions and restrictions. This exclusion imposes a "Catch-22" for our public health inspectors because the immunity exists unless it can be shown by clear and convincing evidence that the property is no longer protected by the certificate. The only avenue is through a Chapter 227 hearing. This same concern is presented later in section 23, on page 12, line 15.

**5) MAX CEILING ON FEES**

**Section 28.** DHFS opposes the long-range ceiling imposed on certificate fees. We accept these maximum fees established initially for the support of the certification program and registry. However, the amount of program revenues that will be available to support program costs cannot be estimated at this point with any reliability. If fewer certificates are registered than is needed to support registry costs, the department has no recourse other than through the lengthy budget process, where the need for a fee increase can be buried by bigger issues. The process to move a fee increase into and through the budget process takes years rather than allowing for the flexibility found under administrative rules and with the oversight of the Technical Advisory Group. The current language will not provide the flexibility or quick response necessary if the registry is operating in the red.

**6) INSUFFICIENT DURATION OF PROJECT POSITIONS**

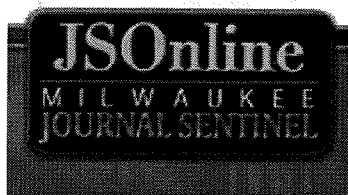
**Section 33.** Finally, the duration of the five project positions established under the bill is inadequate. The state cannot expect to attract suitable candidates to a project position of only six months when that position comes without many of the benefits that are only vested after 6 months of service. Short of our original proposal to create 5.0 permanent positions, this bill should extend the project positions for at least three years. Funding for these 5.0 FTE could change to program revenues after the registry is implemented.

Thank you for considering these concerns. DHFS would gladly support the bill upon amending the bill to fix the problems outlined above.

The proper location of language specific to limited immunity tied to any Milwaukee ordinances that may impose higher standards than the state standards is in section 23, s. 254.173. A new subsection that would treat this concern could be drafted as follows:

*Section 23. 254.173 (4) Immunity; Exception. Notwithstanding (1)-(2), an owner of a dwelling or a unit of a dwelling and his or her employees and agents are not immune for civil or criminal liability for their acts or omissions related to an ordinance enacted and enforced by any city, village, town or other political subdivision.*

- (b) **Section 10.** Similarly the language on line 1 of page 7 “rather than the rules under s. 254.179 (1) (a)” should be struck. DHFS cannot support the supplanting of state standards even while the department does support the existence of any city ordinance that is more protective.
- (c) **Section 11.** DHFS also opposes the amendment to section 11 that essentially excuses Milwaukee from the same degree of protection offered to our children regarding the level of blood poisoning that triggers a public health response.  
The current consolidated contracts signed by local public health departments in order to receive GPR funding describe the program quality criteria, which require an investigation into any case of a child’s blood lead poisoning greater than 15 mg/dl or two consecutive readings of 20 mg/dl.  
(page 7, lines 15-16)
- The Centers for Disease Control report that blood lead levels as low as 10 mg/dl affect a child’s development. Public health departments now investigate for the cause of lead poisoning at varying blood lead levels. Availability of resources is generally the driving force. The Department currently conducts lead investigations or ensures that one is conducted when a child has an elevated blood lead of 20 mg/dl or higher. To do less is poor public policy.
- As revealed at the hearing, Milwaukee’s current standard is to only conduct lead investigations when a child has been identified as having a blood lead at or greater than 25 mg/dl. The reason for this lower standard of public health protection for lead-poisoned children is attributed to a lack of staffing.
- (d) **Section 27.** If Milwaukee is allowed under this bill to be exempt from state standards, Wisconsin runs the risk of being out of compliance with the Federal Environmental Protection Agency. Non-compliance with EPA standards will result in EPA intervention to directly administer the federal standards in Wisconsin. To avoid this drastic outcome, language governing how a test is to be performed should be excluded from “rules for dwelling and premises” Specifically, delete “including the level of testing and sampling required to be performed.” (page 13, lines 13-14)
- (e) **Section 32.** Delete lines 9-13 on page 17. DHFS opposes the nonstatutory provision that directs DHFS to consider Milwaukee’s standards in establishing state standards. The



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# Residents speak out on bill to regulate lead-based paint

By Joanne M. Haas  
Special to the Journal Sentinel

Last Updated: Feb. 23, 2000

**Madison** - Sheila Rucks of Milwaukee says she must sell her N. 39th St. home to the city because she cannot afford to make the house a lead-safe environment for her already lead-poisoned daughters, ages 2 and 4.

"I don't understand why these landlords don't want to fix the properties," Rucks said of property owners - including the one who sold her the flawed home without telling her about the lead paint.

She told her story to the Assembly Housing Committee on Wednesday during a Capitol public hearing on a proposal to battle what some call Wisconsin's public health emergency - poisonous lead paint found in the state's aging housing stock.

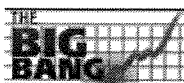
Rucks was one of about 200 who crowded the room for testimony on the latest version of Senate Bill 232, the product of the Legislative Council on Lead Poisoning, headed by Sen. Robert Jauch (D-Poplar).

The bill is designed to establish a lead paint "standard of care" that protects both public health and property rights.

The standard would mandate that property owners safely contain or remove known lead-based paint dangers; it would establish an independent risk-assessment and cleanup review system under state auspices; it would reward lead-safe properties with protections against civil lawsuits; and it would create a state insurance pool to back up good-faith cleanup efforts.

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Jauch said the goal of the measure is to "make sure there is affordable housing in Wisconsin."

Jauch also said landlords are concerned with recent state Supreme Court rulings that declared property owners responsible for testing for lead-paint problems - a responsibility that has some fearing business-breaking lawsuits.

Jauch said children in the state are poisoned nearly three times the national average, and only 12% of Wisconsin's children have been tested. Lead poisoning is caused by ingesting paint chips or dust. It triggers neurological problems and possible death.

"Hours and hours of work and lots of compromises" were made among the landlords, tenants, state leaders, real estate agents and others who carved out the most recent version, said Rep. Tom Sykora (R-Chippewa Falls), chairman of the Housing Committee.

Still, some speakers Wednesday had problems with the measure.

Laurie Casey, another Milwaukee mother of a lead-poisoned child, worried about fallout for renters from a provision calling for state investigation of any home where a child younger than 6 is detected with an elevated blood lead level.

Casey, a renter, said she feared that provision would lead to housing discrimination against families with young children.

And Tim Ballering, president of the Apartment Association of Southeast Wisconsin, testified that while the state needs to do something about lead, it may not be this version of the bill. He suggested if the measure cannot be repaired for passage in this session, legislators should "scrap it" and revive the process next session.

Appeared in the Milwaukee Journal Sentinel on Feb. 24, 2000.

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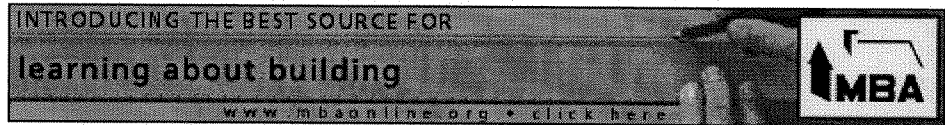
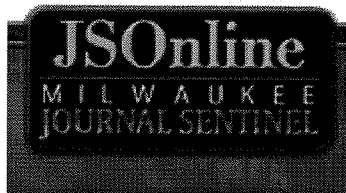
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## Lead-paint law reported on fast track

By Michele Derus of the Journal Sentinel staff

Last Updated: Feb. 17, 2000

Wisconsin's apartment, realty and insurance industries have forged an agreement that sources predict will lead to the passage next month of legislation governing lead-based paint dangers in housing.

Those involved intend the agreement to establish a lead paint "standard of care" protecting both public health and property rights.

That standard of care would mandate that property owners safely contain or remove known lead-based paint dangers, establish an independent risk-assessment and cleanup review system under state auspices, reward lead-safe properties with protections against civil lawsuits, and create a state insurance pool to back up good-faith cleanup efforts, industry sources said.

The agreement is being drafted this weekend as a new version of Wisconsin Senate Bill 232, and is slated for a public hearing at 10:30 a.m. Wednesday before the Assembly Housing Committee in Madison.

Despite only six weeks remaining before the end of this Legislature's session, proponent Sen. Robert Jauch (D-Poplar) said, "I'm totally convinced the time has never been better for adopting a lead-poisoning bill."

Aside from a mounting toll of sick children, a major economic concern arose last summer when the state Supreme Court, in two separate rulings, said property owners have a responsibility to test for lead-paint problems, but insurers don't have a duty to cover their damages.

Jauch, chairman of the state's Legislative Council on Lead Poisoning, has for three years pushed for safeguards against lead-based paint, which was federally banned in 1978.

State health records show 4,731 lead-poisoning cases in the year ending June 30, 1998. alone. Ingesting lead dust or chips has been linked to a host of



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**Table of Contents**

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physical and behavioral problems, including learning disabilities, brain damage and even death.

"Wisconsin children are poisoned by lead paint at a rate 2.5 to 3 times higher than the nation's average - 30% of children tested here have elevated blood-lead levels," Jauch said.

Milwaukee's aging housing stock, in particular, "ranks as one of the most dangerous in the country," Jauch said.

"Three years ago, the idea died from not enough time or public attention," Jauch said.

"Even two months ago, I wouldn't have given this a chance. But (the court rulings have) raised the stakes. Now there's an economic issue too, and landlords, bankers, financial institutions and providers of public housing have reason to be concerned.

"I'm very encouraged by the extraordinary efforts of numerous groups and bipartisan interests in recent weeks," Jauch said.

Landlords have threatened to quit their business ever since the court's ruling, citing the risk of being bankrupted by a single lead-poisoning claim.

Tim Ballering, president of the Apartment Association of Southeast Wisconsin Inc., said several of his colleagues have unloaded properties "and put the money in the stock market, which they consider safer."

Ballering sees Senate Bill 232 as the solution.

"It's really a win-win situation, a situation where a person does the proper or best thing to solve a problem and in return, receives the benefit of this legal protection," he said.

Robert Dennik of the Wisconsin Apartment Association said it took weeks of talks among insurance, realty, health, political and property management interests.

"We hammered it out, and what a very rewarding experience."

Eric Englund, president of Wisconsin Insurance Alliance in Madison called the measure being drafted "a meaningful step toward lead paint cleanup and liability.

"The system now creates such a gross dysfunction that there is no insurance marketplace," Englund said. "If this passes, we're hopeful that the insurance marketplace will respond with appropriate products."

Rick Staff, general counsel for Wisconsin Realtors Association, said his

housing industry membership has long been interested but not actively involved in lead-paint liability issues. Recent events compelled them to a more activist approach, he said.

"This is an important housing issue and we felt there was a narrow window here, that needed momentum," Staff said. "Part of our role here was to broker some trust among the parties. But everyone was trying to work cooperatively."

Safeguarding children was the unifying goal, Jauch said.

"In 1978, when lead was removed from gas, a lot of people presumed our lead problems were eliminated. But that has not been the case. Nationwide, 2 million children under age 6 have suffered from lead poisoning," the senator said.

"State and local public health agencies in Wisconsin have been working aggressively to identify these children, and eliminate the presence of lead in housing. But at this point, there needs to be a statewide effort."

Appeared in the Milwaukee Journal Sentinel on Feb. 20, 2000.

[BACK TO TOP](#)

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# Vote Record

## Assembly Committee on Housing

Date: 2/28/00  
 Moved by: MT Seconded by: S  
 AB: 806 Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: 91506  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 30336  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction (*unanimous*)
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Tom Sykora, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Wieckert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Johnnie Morris-Tatum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>1</u>	_____	_____

Motion Carried
  Motion Failed

# Vote Record

## Assembly Committee on Housing

Date: 2/28/00  
 Moved by: Seratti      Seconded by: Morris-Tatum  
 AB: 806      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 50336  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction (unanimous)
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Tom Sykora, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Wieckert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Johnnie Morris-Tatum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>1</u>	_____	_____

Motion Carried       Motion Failed



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

DATE: February 28, 2000

TO: INTERESTED LEGISLATORS AND OTHER INTERESTED PERSONS

FROM: Pam Shannon, Senior Staff Attorney

SUBJECT: Assembly Substitute Amendment \_\_ (LRBs0336/1) to Assembly Bill 806,  
Relating to Lead Poisoning

This memorandum describes the provisions of Assembly Substitute Amendment \_\_ (LRBs0336/1) ("the Substitute Amendment") to 1999 Assembly Bill 806, relating to conducting lead investigations, lead-bearing paint hazard control, requirements for certification of lead-free or lead-safe status for dwellings and premises, immunity from liability for lead poisoning or lead exposure, a state residential lead liability fund, granting rule-making authority, requiring the exercise of rule-making authority and making appropriations. Assembly Bill 806 is currently in the Assembly Committee on Housing.

The Substitute Amendment, with significant modifications, is based on 1999 Senate Bill 232, which is the product of the Joint Legislative Council's Special Committee on Lead Poisoning Prevention and Control, chaired by Senator Robert Jauch. Senate Bill 232 is currently in the Senate Committee on Economic Development, Housing and Government Operations.

### A. CURRENT LAW

Under current law, the Department of Health and Family Services (DHFS) is required to develop and implement a comprehensive statewide lead poisoning prevention and treatment program. Among other things, DHFS may promulgate rules governing a number of activities relating to lead poisoning or lead exposure, prevention and treatment. Before promulgating these rules, DHFS must consult with a technical advisory committee that includes representatives from local health departments, the housing industry, health professions and persons who are certified to perform or supervise lead hazard reduction or lead management activities. Also under current law, a city, village, town or other political subdivision may enact and enforce ordinances that establish systems of lead poisoning or lead exposure control with the same or higher standards than those specified under the DHFS program.

## **B. THE SUBSTITUTE AMENDMENT**

### **1. Legislative Findings and Purpose**

The Substitute Amendment states that the Legislature finds that the most common cause of childhood lead poisoning is ingestion of lead-contaminated surface dust from lead-bearing paint and that even low blood lead levels can cause significant nervous system problems for young children. The Substitute Amendment further states that the Legislature encourages property owners to address the problems associated with lead-bearing paint by bringing their properties into compliance with applicable state standards. The Legislature finds that an appropriate method to so encourage property owners is to hold them not liable with respect to a person who develops lead poisoning or lead exposure in the property if they meet certain requirements. The Substitute Amendment states that these standards and this restriction on liability will reduce the exposure of children and others to lead-bearing paints, improve the quality of the state's housing stock and result in greater availability of insurance coverage for lead hazards.

### **2. Immunity From Liability for Lead Poisoning or Lead Exposure**

The Substitute Amendment provides that a property owner and his or her employes and agents are immune from civil and criminal liability and may not be subject to agency administrative proceedings (other than for the enforcement of rules relating to lead poisoning promulgated by DHFS) for their acts or omissions related to lead poisoning or lead exposure, if at the time the poisoning or exposure occurred, a certificate of lead-free status or a certificate of lead-safe status was in effect for the dwelling or unit. There are five exceptions to this grant of immunity including, for example, where the owner or his or her employe or agent obtained the certificate by fraud.

The Substitute Amendment provides that the grant of immunity cannot be interpreted or applied in any manner to impair the right of a municipality to enforce its ordinances.

This immunity is also provided to owners and their employes and agents for acts or omissions related to lead poisoning or lead exposure that occur during the first 30 days after the owner acquires a dwelling or unit, unless the poisoning or exposure results from a lead hazard created by the owner, employe or agent. This immunity is extended for an additional 60 days if, during the initial 30-day period, the owner or his or her employe or agent has done one of the following with respect to the property: (a) completed a lead investigation report or entered into a contract for a lead investigation; (b) entered into a contract for lead hazard reduction; (c) registered for a course under s. 254.179 (1) (e); or (d) received certification to perform or supervise lead hazard reduction or a lead management activity.

If an owner receives written notice from DHFS or a local health department that a child under age six residing in the dwelling or unit has an elevated blood lead level (as defined in the Substitute Amendment), the owner must obtain a certificate of lead-free or lead-safe status in a timely manner, based on the reasonable availability of lead risk assessors or other certified persons and on the time required for the issuance of a certificate of lead-free or lead-safe status.



### **3. Rule Requirements**

The Substitute Amendment provides that after reviewing municipal ordinances and in consultation with the technical advisory committee, DHFS shall, by use of a research-based methodology, promulgate as rules all of the following:

a. The standards for issuance of a certificate of lead-free status or a certificate of lead-safe status, the procedures by which such certificates may be issued or revoked and the period of validity of the certificates.

b. A mechanism for creating a registry of all premises, dwellings or units of dwellings for which a certificate of lead-free or lead-safe status is issued.

c. The requirements for a course of up to 16 hours that a property owner or his or her employe or agent may complete in order to receive certification of completion and the scope of lead investigation and lead hazard reduction activities that the owner, employe or agent may perform following certification, to the extent consistent with federal law, that are preliminary to activities and standards required to obtain a certificate of lead-free or lead-safe status.

The DHFS must submit the proposed rules to the Legislative Council Staff no later than the first day of the seventh month after publication of this act. Also, DHFS must review these rules by January 1, 2003 and every two years thereafter and promulgate changes to the rules if necessary in order to maintain consistency with federal law.

The Substitute Amendment adds as members of the technical advisory committee advocates for persons at risk of lead poisoning.

### **4. DHFS Lead Investigation**

Under the Substitute Amendment, if DHFS is notified that a child under age six who occupies a dwelling or premises has an elevated blood lead level (as defined in the Substitute Amendment), DHFS must conduct a lead investigation of the dwelling or premises or ensure that such an investigation is conducted. The DHFS may waive this requirement for the City of Milwaukee. The Substitute Amendment defines "lead investigation" as 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. DHFS must notify the occupant or his or her representative of the results of any lead investigations conducted and any action taken to reduce or eliminate the lead hazard. A certified lead risk assessor or other person certified by DHFS who conducts an investigation must do so and issue a report in accordance with DHFS rules and, if the report indicates that the dwelling or premises meets criteria for issuance of a certificate of lead-free or lead-safe status, issue the appropriate certificate. DHFS may promulgate rules governing lead hazard reduction that are consistent with federal law.

### **5. Sampling and Testing**

The Substitute Amendment provides that sampling and testing of dwellings, units of dwellings or premises for the presence of lead-bearing paint or a lead hazard is not required before lead hazard reduction activities are conducted if the presence of lead-bearing paint or a lead hazard is assumed and the lead hazard reduction activities are performed in a lead-safe manner.

### **6. Insurance**

The Substitute Amendment creates a State Residential Lead Liability Fund in the Office of the Commissioner of Insurance, to issue policies that insure residential property against liability resulting from lead-bearing paint hazards if a certificate of lead-free status or a certificate of lead-safe status is in effect for the property. The State Residential Lead Liability Fund must offer policies that insure residential property in Wisconsin against liability resulting from lead-bearing paint hazards if the fund manager (i.e., the Commissioner of Insurance) makes a determination, as specified by rule, that insurance providing residential property owners with liability coverage for lead-bearing paint hazards is not either sufficiently affordable or sufficiently available in the private insurance market. Prior to making the determination, the manager must work with insurers to encourage the offering of this coverage in the private market. A policy may be issued by the fund only for property for which a certificate of lead-free status or a certificate of lead-safe status is in effect.

The manager is required to promulgate rules specifying premiums, coverage limits and covered expenses for policies issued by the fund and may promulgate other rules necessary to administer the fund. The manager must specify premiums at a level that the manager determines will be sufficient to pay all costs of the fund. The manager must, on an ongoing basis, review the cost and availability of insurance in the private insurance market that provides residential property owners with liability coverage for lead-bearing paint hazards and periodically submit a report to the Legislature on the cost and availability of this insurance in the private market. The State Residential Lead Liability Fund terminates if, after eight years, the manager has not made the determination that liability coverage is not sufficiently affordable or sufficiently available in the private insurance market.

### **7. Admissibility of Lead Dust Test Results**

The Substitute Amendment provides that the results of a test for the presence of lead in dust are not admissible in a civil or criminal action or an administrative proceeding unless the test was conducted by a person certified for this purpose by DHFS.

### **8. Fees and Funding**

The Substitute Amendment authorizes DHFS to impose a fee for issuance of a certificate of lead-free status and a fee for issuance for a certificate of lead-safe status that may not exceed the actual costs of issuance and of maintaining the registry. The department must review the fees every two years and adjust the fees to reflect the actual costs. The Substitute Amendment

also authorizes DHFS to request a supplement of general purpose revenues from the Joint Committee on Finance (JCF) to pay initial costs of establishing a registry of properties that are issued certificates of lead-free or lead-safe status. To request this supplement, DHFS must submit a plan to JCF to expend not more than \$520,000 for fiscal year 2000-01. The Substitute Amendment increases the JCF appropriation by \$520,000 for fiscal year 2000-01 for this purpose.

In addition, the Substitute Amendment provides for an increase in the appropriation to DHFS by \$215,000 for fiscal year 2000-01 to provide 5.0 FTE positions on January 1, 2001, for activities relating to certification for the performance of lead paint hazard reduction.

The Substitute Amendment also directs DHFS, in submitting its 2001-03 biennial budget request, to submit a proposal, including a request for additional funding, to conduct lead paint hazards outreach and abatement activities.

**9. Proposal on Rehabilitation of Rental Property**

The Substitute Amendment requires the Wisconsin Housing and Economic Development Authority, as part of its 2001-03 biennial budget request, to submit a proposal to rehabilitate rental property for low-income persons in Wisconsin.

**10. Effective Dates and Initial Applicability**

Under the Substitute Amendment, a number of provisions take effect on the day after publication. Several provisions, including those relating to immunity from liability and creation of the State Residential Lead Liability Fund, have a 16-month delayed effective date. The Substitute Amendment provides that the immunity provisions first apply to lead poisoning or lead exposure that occurs on the effective date.

If you would like any further information on this Substitute Amendment, please feel free to contact me at the Legislative Council Staff offices.

PS:wu:ksm;wu

**METS Laboratories**  
 179 Smallwood Village Center  
 Waldorf, MD 20602 USA  
 Telephone: 301.870.1995

# Invoice 70502

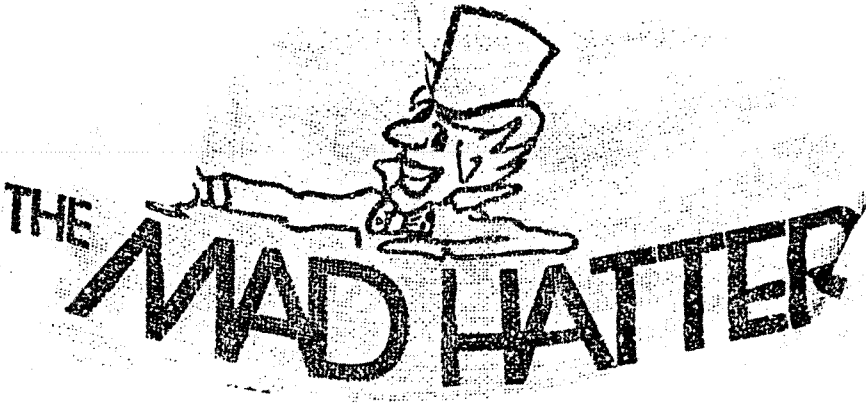
Invoice Date 12/15/99

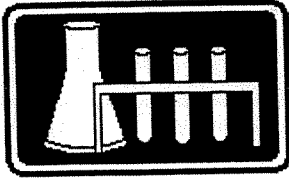
**Bill To:**

Rich Sommer  
 Sommer Apart. and Home Rentals  
 4224 Janick Circle  
 Stevens Point, WI 54481  
 USA

**Ship To:**

Rich Sommer  
 Sommer Apart. and Home Rentals  
 4224 Janick Circle  
 Stevens Point, WI 54481  
 USA

Customer	Ship Via	Shipped/Received		Terms		
SOMA50		Received		Net 30 Days		
Job Site/Shipping Tracking Number		Purchase Order Number	Salesperson	Order Date	Sales Number	Work Order
1524 Brawley			2787	12/14/99	58442	991214036
Quantity Ordered	Quantity Shipped	Item Number	Unit of Measure	Unit Price		Extended Price
	Back Ordered	Item Description		Discount %	Tax	
3	3	DWS72	EACH	4.00		12.00
	0	Dust Wipe Sample - 72 Hr		N		
2	2	CDWS72	EACH	4.25		8.50
	0	Composite Dust Wipe Sample - 72 Hr		N		
						
Nontaxable Subtotal						20.50
Taxable Subtotal						0.00
Tax						0.00
Total Invoice						20.50
Deposit						0.00
<b>Total Net Invoice</b>						<b>20.50</b>



# METS Laboratories

179 Smallwood Village Center, Waldorf Maryland 20602

Metro: 301.870.1995  
Toll Free: 800.604.1995  
Fax#: 301.870.1701

## Lead Paint Chip Analysis Report

NLLAP / AIHA ELLAP #21506, NY ELAP #11603

Lead Analysis Method EPA SW-846, 7420

Account Number: 11-0809	Report Number <u>991026059</u>	Date Collected: 102099
Client Name: Sommer Apartment and Home		Date Received: 102699
Address: 4224 Janick Circle		Date Analyzed: 102899
Stevens Point WI 54481		Date Reported: 102899

Project: 1524 Brawley Stevens Point, WI

METS Sample No.	Client Sample ID/ Location	Total Pb ug	% Pb by Wt	Pb mg/ cm2
991026059-002	7-Hall	98,900.0	10.217	15.333
991026058-005	5-Exterior	59.1	0.0096	0.009

Page 1

Federal lead guidelines for lead Paint Chips is 0.5% by Weight or 1.00 mg/cm2  
Method Detection Limit (MDL) is 15.0ug.Total Lead

Reviewed by:  
Marion Metzger, Quality Control  
*M Metzger*

Reviewed by:  
Maria P Perez, Quality Control  
*Maria P Perez*

## Lead Dust Wipe Analysis Report

NLLAP / AIHA ELLAP #21506, NY ELAP #11603

Method EPA SW-846, 7420

Report Number 991026058

Account Number: 11-0809	Date Collected: 102099
Client Name: Sommer Apartment and Home Rentals	Date Received: 102699
Address: 4224 Janick Circle	Date Analyzed: 102899
Stevens Point WI 54481	Date Reported: 102899

Project: 1524 Brawley St. Stevens Point, WI

METS Sample	Location/ Client Sample ID	Surface	Total Pb ug	Area ft2	Pb ug/ftsq
991026058-002	2 Hall Window	SL	362.5	0.25	1,450.0
991026058-003	3 Kitchen Window Well	SL	151.45	0.25	605.8
991026058-004	4 Dining Room	FL	27.3	1.00	27.3

Page 1

Federal lead guidelines for leaded dust clearance levels by wipe sampling; Floors(FL) - 100ug/ftsq, interior Window Sills(SL) - 500 ug/ftsq Window Wells(WW) - 800 ug/ftsq, Exterior Concrete Surfaces - 800 ug/ftsq. \*MD lead levels for wipe sampling on floors is 200ug/ftsq.  
(MDL) Method Detection Limit is 5.0ug Total Pb. (<) signs indicate less than (MDL)

Reviewed by:  
Marion Metzger, Quality Control  
*M Metzger*

Reviewed by:  
Maria P Perez, Quality Control  
*Maria P Perez*

**MAXIM TECHNOLOGIES, INC.®**  
**INDUSTRIAL HYGIENE SERVICES FEE SCHEDULE - YEAR 2000**

**LEAD (Pb) INSPECTIONS / RISK ASSESSMENTS\***

Lead (Pb) Inspection:

Wausau area	\$550.00 + analytical (usually \$0)
*/i 60 mile radius	\$700.00 + analytical (usually \$0)

Lead (Pb) Risk Assessment:

Wausau area	\$550.00 + analytical (usually \$100-\$200)
*/i 60 mile radius	\$700.00 + analytical (usually \$100-\$200)

Combination Lead (Pb) Inspection/Risk Assessment:

Wausau area	\$850.00 + analytical (usually \$100-\$200)
*/i 60 mile radius	\$1000.00 + analytical (usually \$100-\$200)

Project specific proposals/cost estimates will be provided upon request.

\* Fees based on a two-story single family home/duplex

**SUBCONTRACTED LABORATORY SERVICES\***

Standard turn-around time of 10 working days:

Asbestos Bulk Samples	\$17.50/sample
Lead - Bulk Paint, Wipe, Air	\$25.50/sample

All other laboratory analytical fees will be negotiated based on type of analysis, sample quantity and turn-around time required.

\* Parker Services, Stevens Point, WI - an American Industrial Hygiene Association (AIHA) accredited Environmental Lead and Industrial Hygiene Laboratory



# SHIDELL ENTERPRISES, INC.

February 23, 2000



Members of committee,

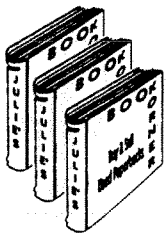
RE: Testimony in favor of Substitute Amendment 1 to SB 232

I'm Gerald Shidell from Rhinelander, WI. I'm the President of the Northwoods Housing Association, the former Mayor of the City of Rhinelander, and a small landlord in Rhinelander. I come to you today to speak in favor of Substitute Amendment 1 to SB 232.



362-6586

I'm sure that you are aware of the state of a Playboy or Playgirl centerfold in every issue of their respective magazines. Naked as the day they were born. Now I realize that this is not a committee meeting on some obscenity issue, but about lead paint. After the July Supreme Court ruling, I and thousands of other landlords across the state, and perhaps some of you are landlords, feel exactly that way - naked - in regards to the lead paint issue. The Court said we have a duty to know about lead paint, but no method to gain that knowledge except with large, prohibitively large, expenditures of money. And on the same day, strips us of any insurance protection by declaring lead a pollutant-which every insurance policy excludes protection for. If we are sued, for even an alleged lead problem, we must stand the entire cost by ourselves. For many, this would ultimately lead to bankruptcy and the consequent loss of more affordable housing in Wisconsin. And in other cases, many would simply give up on the rental industry as not economically feasible. This amendment gives those of us in the industry a standard to reach for and then in the process afford us some protection. It would also lead to the sharing of risk, through insurance protection, that we definitely need. In short, it gives us back our clothes. And in Wisconsin, it gets mighty cold without clothes.



JULIE'S BOOK KORNER  
362-6586

The other reason for asking for your support for Substitute Amendment 1 to SB 232 is pure economics. I'm sure you have all heard of the Reagan "trickle down" theory on the economy. While I think there is a reverse theory that may come into play with this lead paint issue. The "exploding up" theory. When a landlord faces



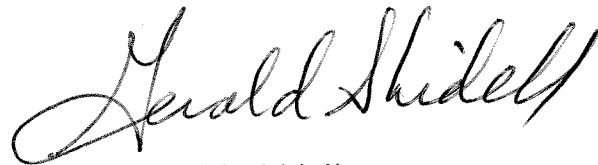
- CORRESPONDENCE ADDRESS -

342 S. PELHAM ST. • RHINELANDER, WI 54501 • FAX (715) 362-6585

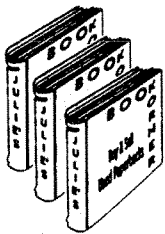
# SHIDELL ENTERPRISES, INC.

bankruptcy because of lead paint, the bank holding the mortgage is going to be in the rental business. Their business is money not rentals. And on top of being in the rental business, they will have property that may have a lead paint problem. Another step "up" in this scenario would then be the insurance companies that underwrite many of these mortgages, they certainly don't want rental property. And ultimately, the housing market, in general, loses even more decent, affordable housing. It starts small, but like an explosion, it takes many things out above it. In this case, I foresee the severe crippling of the largest economic entity in the State of Wisconsin-- the rental housing industry. This "exploding up" theory must be addressed before it is too late. Standards must be put in place so we can level the playing field and retain a healthy housing industry in Wisconsin. I respectfully ask for your support for Substitute Amendment 1 to SB 232.

Thank you for your time and consideration in this most important matter.



Gerald Shidell



JULIE'S BOOK KORNER  
362-6586



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342 S. PELHAM ST. • RHINELANDER, WI 54501 • FAX (715) 362-6585



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Euroclean's newest lightweight machine is one of the most economical HEPA filtered vacuums available. A larger and improved HEPA filter area, built into a compact and durable design, makes this unit reliable, powerful and affordable.

The UZ 934 Allervac™ vacuum is ideal for the professional user involved in asbestos removal, lead abatement, removal of nuclear waste and other hazardous materials. It is the consummate vacuum for cleaning hospitals and removing allergens from the home.

**UZ 934 Allervac™ vacuum. Another innovative cleaning solution from the world leader.**

**UL LISTED**

# UZ 934 Allervac™ Vacuum

## Lightweight Canister Vacuum

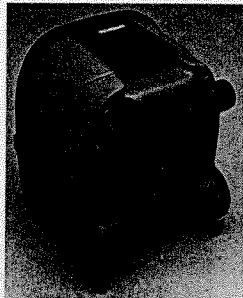


### Features of the 934 Allervac™ Vacuum

- 2 1/2 gallon capacity means fewer bag changes.
- Powerful suction for more thorough cleaning.
- Lightweight, only 13 1/2 lbs., for easy portability.
- Four stage filtration - microstat filtration prevents exhausting particulates back into the air.
- The UZ 934H will not tip over due to a low center of gravity. It can also be placed on its side for use on stairs.

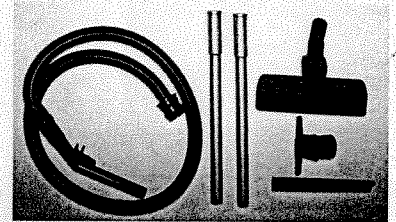
### Flexible:

Two large wheels and two swivel casters mean better maneuverability. Super tough polypropylene construction will withstand the knocks and always looks great. The non-marking bumper protects furniture.



### Accessories include:

- 6 ft. suction hose.
- 2 piece aluminum wand.
- Ingenious dusting tool - doubles as an upholstery cleaner and dusting brush. Natural bristle with a rubber furniture guard.
- 10 1/2" crevice tool.
- Carpet tool - flick of the switch for work on hard or soft surface.
- Optional Turbo Nozzle available for extra carpet cleaning power.

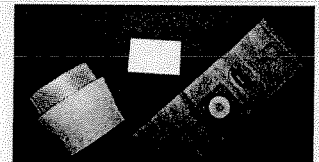


### BACKED BY 2-YEAR WARRANTY

SPECIFICATIONS	
Motor	115 V 60 Hz 8 Amps
Cord	35 ft.
Suction Hose	6 ft. 1-1/4" I.D.
Weight	13.5 lbs.
Dimensions	15"L x 12"W x 12"H
Vacuum	91 in. WC
Air Flow	69 CFM

### FOUR STAGE FILTRATION SYSTEM

Improved four stage filtration system now includes a HEPA filtration system. The HEPA filter contains 99.99978% of the particles .3 micron and larger.



**Euroclean**  
Working for a Cleaner World

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1151 Bryn Mawr Ave, Waukegan, IL 60087  
1-9070

AB 74  
Construction

## A Big Problem with Wisconsin's Weatherization Program

By Tom Sykora, Chair of the Assembly Housing Committee

While the State of Wisconsin is spending hundreds of millions of dollars on weatherization programs, a serious oversight in the construction process will waste millions. Since the weatherization program began, Wisconsin has been dealing with a significant problem with lead hazards. This results in a high percentage of children between 0-5 with elevated blood levels of lead. These elevated levels are 10.1% compared to the national average of 4.4%.

Prior to the 1970's, children with elevated lead levels were as high as 80% because of air-borne lead caused by auto emissions. After lead was removed from gas, the lead levels dropped significantly. Today, the remaining lead problem can be attributed primarily to the lead contained in paint sold and applied to housing prior to 1978. About 75% to 80% of the housing in Wisconsin was built before 1978 and we can assume the paint on the exterior and interiors of these structures are lead based.

Lead based paint was used because it created a durable and consistent product. Interestingly, one type of exterior paint was designed to be "self cleaning". Self-cleaning paint would provide a chalking surface that constantly renewed the paint's surface to a lower level that was not stained from wood and coal soot as a result of winter heating. While the chalking feature kept the surface of the home looking clean, the wind and rain would carry the chalking lead dust to the air and lawns.

Deterioration

The lead hazard in paint, by itself, does not exist until there is significant deterioration resulting in chalking, peeling or flaking. This deterioration is the result of Wisconsin's harsh climate and extremes in temperature. Another significant cause of peeling and flaking paint is a lack of moisture barriers in older homes. Early house construction did not include vapor barriers on the warm side of exterior walls. This allows the moisture on the inside of the home to migrate to the outside surface of the exterior wall.

moisture from interior  
freezing exterior

When the moisture from warm air inside of a house reaches the cold and freezing outside surface, it is trapped under the paint where freezing temperatures cause the moisture to expand and lift the paint from the surface it was applied. After several seasons the damage results in peeling and flaking. The dust and flakes fall to the ground, ledges, windowsills and window wells. This is where the lead hazard to children exists.

*Current weatherization treatment to the exterior of the home: does not address this natural process in all cases.* Even though new windows are installed, lead dust from old siding can collect or migrate to the inside rooms when windows are

opened for ventilation. If new siding is installed over old siding containing lead paint, the old paint continues to deteriorate unless moisture is prevented from collecting and freezing under it.

Unless the painted surfaces on the exterior of the homes are encapsulated during the weatherization process; dust and chips of lead paint will continue to work it's way to the areas open to windows, doors and edges of the siding. Additional caulking, sealing and fastening is needed around these areas. The siding itself, should provide a tight fitting over-lap system. It should be applied over a sealed; insulation board, house wrap or other appropriate surface treatment that would tightly encapsulate the old surface while insulating and allowing the house to release moisture.

*The interior surface of the exterior walls of a home holds an important key to lead hazard reduction.* While energy efficiency is important, lead hazard control changes the way we approach the solution. Control of moisture damage to exterior paint is necessary by installing a moisture barrier to the inside surface of exterior walls.

Several paint products are commercially available that provide a vapor barrier on the warm side of an exterior wall of a home. Brush, roller or sprayer can apply these products with minimum expense and disruption to the inhabitants. Another alternative would be to apply polyvinyl to the inside surface, covered by gypsum board or paneling to create a vapor seal.

***In conclusion:*** While the current weatherization design does conserve energy, there are concerns that deterioration to old paint on the surfaces of old siding and windows continue to create a lead hazard. Covering old surfaces with sheeting or new siding must also include lead hazard encapsulation and moisture control. Unless moisture is allowed to pass through the exterior wall to the outside air it remains trapped, causing rot and lead hazards. Increasing the insulation value of exterior walls requires increasing moisture barriers to prevent condensation inside exterior walls. This also suggests that additional ventilation is required in homes with increased insulation and vapor barriers.

It is necessary to provide a total solution, to prevent the deterioration of paint and rot from the trapped moisture at the cold side of exterior walls. What is at risk; is millions of dollars invested by Wisconsin taxpayers. In terms of lead hazards, we may find ourselves reinvesting millions of taxpayers dollars for follow-up fixes required to reduce, prevent and control the lead hazards from progressing due to moisture and lack of containment.



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**TOM SYKORA**  
STATE REPRESENTATIVE

FOR IMMEDIATE RELEASE

March 9, 2000

Contact: State Representative Tom Sykora at (608) 266-1195

## Assembly Passes Lead Paint Hazard Reduction Bill

*Sykora legislation aimed at protecting both children and landlords*

**Madison...** The Wisconsin State Assembly voted 97-0 today in favor of legislation that provides legal incentives to landlords to clean up any lead-based paint hazards in their buildings.

This important piece of legislation addresses a health hazard that has been around for quite some time. However, it was the Wisconsin State Supreme Court's ruling last June that forced the issue of lead paint to be a top priority, especially for State Representative Tom Sykora (R-Chippewa Falls), chair of the Assembly Housing Committee.

The court ruled that the duty of testing for lead-based paint when there is prior knowledge of chipping, peeling or flaking paint in pre-1978 properties will now be considered a mandate for all landlords and property managers. However, the court did not address the issue of what to do when lead-based paint is confirmed by testing.

"This bill is a product of several months of meetings and discussions with legislators, health officials, realtors and landlords, said Sykora. "The main focus during these meetings was to develop bi-partisan legislation that would protect both the children and property owners."

Wisconsin's overall lead poisoning rate among children under the age of 6 is 11.1%; 2 ½ times the national average of 4.4%. And, with an estimated 73% of Wisconsin's housing stock containing lead, standards need to be created so children can live in housing without the risk of lead poisoning.

The most common cause of childhood lead poisoning is the ingestion of lead paint chips and dust. This legislation encourages property owners to address this serious child health hazard by cleaning up their properties and coming into compliance with state standards. As an additional incentive, the legislation provides immunity from liability for certain property owners if they take the necessary steps to obtain a lead-free or lead-safe status certificate.

"The main goal of any lead legislation should be to protect the health and safety of children who are at an increased risk of lead poisoning," said Sykora. "We feel that this legislation is a step towards ensuring that protection."

Assembly Bill 806 now moves to the Senate where it awaits to be scheduled on the floor. Upon concurrence, the bill will be sent to the Governor for his approval.

###



**TOM SYKORA**  
STATE REPRESENTATIVE

September 12, 2000

Mark Priibe  
Arnold & Potter  
399 Park Avenue  
New York, NY 10022-4690

Dear Mr. Priibe:

We have reviewed the files from the Housing Committee related to your open records request.

Enclosed are the documents we have that relate to the items in your letter.

If you have further questions, please let us know.

Best wishes,

Tom Sykora  
State Representative

TS:mh

Cc: Mary Matthias, Esq.  
David G. Peterson, Godfrey & Kahn, S.C.



June 19, 2000

GODFREY & KAHN, S.C.  
MILWAUKEE  
APPLETON  
GREEN BAY

**VIA CERTIFIED MAIL**

LAFOLLETTE GODFREY & KAHN  
MADISON

State of Wisconsin  
State Assembly Housing Committee  
Representative Tom Sykora  
State Capitol, Room 8 North  
Madison, WI 53703

Dear Sir:

Pursuant to Wisconsin's open records law, §§ 19.31 et seq. Wis. Stats., we request copies of the following records:<sup>1</sup>

1. All documents concerning 2652 North 37<sup>th</sup> Street, 4736 North 37<sup>th</sup> Street, 2654 North 25<sup>th</sup> Street, 5925 North 83<sup>rd</sup> Street, 9402 West Sheridan Avenue, 5830 North 91<sup>st</sup> Street, 6562 North 106<sup>th</sup> Street, 9960 North Fond du Lac Avenue, 9960 West Fond du Lac Avenue, 2539 North 28<sup>th</sup> Street, or 3079 North 22<sup>nd</sup> Street, all in Milwaukee, Wisconsin (collectively, "the Premises"), including, without limitation, all documents concerning (a) environmental records; (b) health records; (c) the condition of any of the Premises; (d) any inspection of any of the Premises; (e) any test or measurement conducted at any of the Premises for lead, lead paint, or lead pigment; (f) any test or measurement conducted at any of the Premises for the presence of lead in water, soil, or air; (g) lead in water, soil, or air at any of the Premises; (h) any contamination or health hazard at any of the Premises; (i) any removal of lead paint, lead pigment, or other lead from any of the Premises; and (j) any actions taken to abate, reduce, or eliminate any alleged hazard at any of the Premises due to lead, lead paint or lead pigment.
2. All documents concerning Steven Thomas (SS # 395-06-4404), including, without limitation, all medical records and measurements of blood lead levels.
3. All documents, including medical records and measurements of blood lead levels, concerning (a) Carol J. Thomas (SS # 392-64-6245); (b) Travis E. Thomas (SS #393-82-8472); (c) Kevin Thomas (SS # 388-84-9239); (d) Pauline Nicole Thomas (unavailable); and (e) Delores Thomas (SS # 397-76-1372).

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<sup>1</sup> For the purpose of this request, "record" means "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks ..." as per § 19.32(2) Wis. Stats.

4. All documents concerning:

Larry E. Martin  
23858 W. Laurie Lane  
Sussex, WI 53089  
SS #398-54-3774

Sharon Martin  
23858 W. Laurie Lane  
Sussex, WI 53089  
SS #390-60-0007

Clinton L. Mallet  
5575 W. Brooklyn Place  
Milwaukee, WI 53216  
SS #427-88-9395 or 426-94-4530

Billy R. Mallet  
5575 W. Brooklyn Place  
Milwaukee, WI 53216  
SS #426-94-4530 or 427-88-9395

Peter W. Henke  
c/o Community Property Center, Inc.  
6816 W. North Avenue  
Wauwatosa, WI 53213  
SS #396-54-9795

Kathryn M. Gross (Kronenberg)  
19360 W. Hillcrest Drive  
New Berlin, WI 53146  
SS #389-66-4384

Anne Medley  
8800 W. Grantosa  
Milwaukee, WI 53225  
SS #408-38-6838

Constantine F. Weimer  
18495 W. Kestrel Trail  
Brookfield, WI 53045  
SS #395-44-6602

Nao Ying Lee  
3402 W. Mount Vernon Avenue  
Milwaukee, WI 53208  
SS #580-18-3148

Joseph M. Fons  
18795 Follett Avenue  
Brookfield, WI 53045-6183  
SS # 399-38-0759

David A. Crowley  
P.O. Box 280  
Silver Lake, WI 53170  
SS #430-71-8296

Jeffrey Kernen  
218 S. Oakridge Drive  
North Prairie, WI 53153  
SS #391-78-1821

Albert Medley  
8800 W. Grantosa  
Milwaukee, WI 53225  
SS #345-36-8248

Nang V. Thao  
4246 N. 75th Street  
Milwaukee, WI 53216  
SS #557-59-7633



Moualee F. Thao  
4246 N. 75th Street  
Milwaukee, WI 53216  
SS #586-16-8553

Terinia S. Brown  
P.O. Box 76015  
Milwaukee, WI 53216-7615  
SS #568-33-6658

Charles Brown  
P.O. Box 76015  
Milwaukee, WI 53276-7615  
SS #430-98-5115

H. Thomas Klahorst  
5159 Montches Road  
Colgate, WI 53017-9719  
SS #397-42-3477

Marilyn Klahorst  
5159 Montches Road  
Colgate, WI 53017-9719  
SS #399-48-1109

Thomas Bailey (a/k/a Thomas Geis)  
Bailey Investment Company, Inc.  
3515 N. 124th Street  
Brookfield, WI 53005  
SS #527-44-4326

5. All documents concerning any property currently or formerly owned, leased, or managed by the above-listed Larry Martin, Sharon Martin, Clinton L. Mallet, Billy R. Mallet, Peter W. Henke, Kathryn M. Gross, Kathryn M. Kronenberg, Nang Thao, Moualee Thao, H. Thomas Klahorst, Marilyn Klahorst, Constantine F. Weimer, Nao Ying Lee, Joseph M. Fons, David A. Crowley, Jeffrey Kernen, Andrew Medley, Anne Medley, Terinia S. Brown, Charles Brown, or Bailey Investment Company, Inc., including, without limitation, the following properties in Milwaukee:
  - (a) 2652 North 37<sup>th</sup> Street
  - (b) 4736 North 37<sup>th</sup> Street
  - (c) 2654 North 25<sup>th</sup> Street
  - (d) 5925 North 83<sup>rd</sup> Street
  - (e) 9402 West Sheridan Avenue
  - (f) 5830 North 91<sup>st</sup> Street
  - (g) 6562 North 106<sup>th</sup> Street
  - (h) 9960 North Fond du Lac Avenue
  - (i) 2539 North 28<sup>th</sup> Street
  - (j) 3079 North 22<sup>nd</sup> Street
6. All documents concerning the presence of lead in the air in Milwaukee, including, without limitation, the readings by air quality monitoring stations.

7. All documents concerning the presence of lead in soil in Milwaukee, including without limitation, all documents concerning the presence of lead in parks and playgrounds in Milwaukee.
8. All documents concerning any testing of drinking water for the presence of lead done in Milwaukee.
9. All documents identifying any facility in Milwaukee that emits or releases, or that has emitted or released, lead.
10. All documents concerning the presence of lead paint or lead in water in any school in Milwaukee.
11. All documents concerning the blood lead levels of children in Milwaukee from 1990 to the present.
12. All documents concerning the application or removal of lead paint to or from bridges or roadways in Milwaukee.
13. All documents concerning exposure or potential exposure of Milwaukee residents to lead from any source, including air, water, food, soil, dust, automotive emissions, industrial emissions, cosmetics, ceramics, medications, hobbies, and paint.
14. All documents concerning the presence of any hazardous substance in Milwaukee soil, water, or air.
15. All documents concerning your policies and practices from 1990 to the present with respect to the inspection of housing for the presence of lead, lead pigment, or lead paint.
16. All documents concerning your policies and practices from 1990 to the present with respect to the abatement of lead, lead pigment, or lead paint in Milwaukee housing.
17. All documents concerning your policies and practices from 1990 to the present with respect to the enforcement of Milwaukee Code of Ordinances, §§ 66-20 to 66-75 / Wisconsin Administrative Code §§ HFS 163.01 to HFS 163.33 and the regulations promulgated thereunder.

18. All documents concerning your policies and practices from 1990 to the present concerning the screening or examination of children in Milwaukee for exposure to lead.
19. All documents concerning (a) the presence of lead or of any hazardous substance or contamination at any park or playground in the City of Milwaukee, or (b) any test, inspection, or measurement conducted for the presence of lead or of any hazardous substance or contamination at any park or playground in the City of Milwaukee.
20. Any brochures, pamphlets, advertisements, transcripts or tapes of public service announcements broadcast on television or radio, public education or information materials, and other documents communicating information, advisories, or warnings to the public regarding lead from any source, distributed by you or on your behalf to Steven Thomas (SS # 395-06-4404), Carol J. Thomas (SS # 392-64-6245), Travis E. Thomas (SS #393-82-8472), Kevin Thomas (SS # 388-84-9239), Pauline Nicole Thomas (unavailable) Delores Thomas (SS # 397-76-1372), or any other resident of the Premises, or the general public.
21. All documents concerning your specification, from 1900 to the present, of the use of lead pigment or lead paint in or on any public building or other public property, including but not limited to public housing, schools, hospitals, daycare centers, health care facilities, playgrounds, roadways, or bridges.
22. All documents, created from 1900 to the present, concerning any alleged actual or potential health hazards from lead, lead pigment, or lead paint. This request includes, but is not limited to, all communications to the public regarding such health hazards, and all documents showing the dates when you or any other departments, agencies, or officials obtained any information regarding such health hazards.
23. All documents, created from 1900 to the present, concerning the amounts of money spent on the inspection of housing for the presence of lead in pigment or paint, including documents concerning when such inspection took place and when such amounts were spent.
24. All documents, created from 1900 to the present, concerning the amounts of money spent on the abatement of lead pigment or lead paint in housing, including documents concerning when such abatement took place and when such amounts were spent.

25. All documents concerning any complaints against you or any violations or alleged violations by you of any local, state, or federal ordinance, regulation, or law regarding lead, lead pigment or lead paint, and regarding any failure to maintain any property within the City of Milwaukee, or failure to abate, reduce, or eliminate any hazard or alleged hazard due to lead, lead pigment or lead paint from any property within the City of Milwaukee, including without limitation, complaints, notices of violation, warnings, correspondence, investigations, and internal memoranda.
26. All documents concerning your policies with respect to the retention and destruction of documents.

We are eager to obtain the requested records, and therefore ask that you produce them on a rolling basis as they become available. We will, of course, defray reasonable costs of duplication. If it would help expedite the processing of this request, we can provide your office with photocopying assistance. We would also prefer to retrieve the documents by hand, and will send someone to do so if you would be kind enough to call me as soon as any of the items are ready for production.

In the event that you withhold any record or any portion of a record described above, please provide a detailed, item-by-item statement of the grounds for withholding it and a synopsis of the record withheld.

Thank you in advance for your attention to this request. Please feel free to call me at (414) 273-3500 if you should have any questions or if I can provide any other assistance that would help hasten your response to this request.

Very truly yours,

GODFREY & KAHN, S.C.



David G. Peterson

DGP:bp

**From the desk of ...**

Thomas J Sykora

NOTE:

We have none of  
these records

Tom Sykora

"Still Serving America"

**State Representative Tom Sykora Constituent Contact Sheet**

Date of Initial Contact: 28 Aug 08

Contact Type (circle one): Letter      Phone Call      E-Mail      Fax      Hotline

Name: MARK PIIRBE → DAVE Peterson

Address: Godfrey + KAHN

City, State, Zip: 780 N WATER MIL WI 53202

Home Phone: 212-715-1026      Work Phone: \_\_\_\_\_

Municipality (city, village, town): \_\_\_\_\_ County: \_\_\_\_\_

Bill Number: AB: \_\_\_\_\_ SB: \_\_\_\_\_ LRB: \_\_\_\_\_ AJR: \_\_\_\_\_ SJR: \_\_\_\_\_

Comments: Request for open records - regards  
lead poisoning - Request sent in mid July  
Housing comm. Records on lead poisoning  
mailed request to st capitol rm 8 N WI 10 July 08

SARA

Response Type (circle one): Letter      Phone Call      E-Mail      Fax      Refer to Schedule

Date of Initial Response: \_\_\_\_\_

If Letter, copy can be found? (give computer path name): \_\_\_\_\_

Response Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Response Completed By (initials): \_\_\_\_\_

**Please Remember to Attach Any Hard Copy Documents Behind This Cover Sheet**