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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural
Resources (SC-ENR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014

Senate

Record of Committee Proceedings

Committee on Environment and Natural Resources

Senate Bill 346

Relating to: products containing mercury and granting rule-making authority.

By Senators Jauch, Miller, Kreitlow, Coggs, Lehman, Risser, Taylor, Wirch, Carpenter, Lassa, Robson and Sullivan; cosponsored by Representatives A. Ott, Sinicki, Sherman, Berceau, Pope-Roberts, Hintz, Hixson, Black, Zepnick, Gronemus, Parisi, Hebl and Pocan.

December 05, 2007 Referred to Committee on Environment and Natural Resources.

January 29, 2008 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Absent: (0) None.

Appearances For

- Bob Jauch, Poplar — Senator, 25th Senate District
- Mark McDermid, Madison — Department of Natural Resources
- Abigail Potts, Madison — MEG-Wastewater
- Keith Roepelle, Madison — Clean Wisconsin
- George Meyer, Madison — Wisconsin Wildlife Federation

Appearances Against

- None.

Appearances for Information Only

- Lori Bowman, Madison — DATCP

Registrations For

- Mickey Beil, Madison — Dane County
- Mary Reid, Madison — We-energies
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters

Registrations Against

- None.

Registrations for Information Only

- None.

February 7, 2008

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and
Schultz.

Absent: (0) None.

Moved by Senator Jauch, seconded by Senator Schultz that **Senate Substitute Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and
Schultz.

Noes: (0) None.

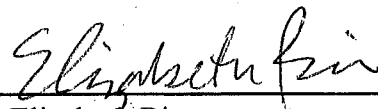
INTRODUCTION AND ADOPTION OF SENATE
SUBSTITUTE AMENDMENT 1 RECOMMENDED, Ayes 5,
Noes 0

Moved by Senator Jauch, seconded by Senator Kedzie that **Senate Bill 346** be recommended for passage as amended.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and
Schultz.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
Committee Clerk

unanimous introduction

Vote Record Committee on Environment and Natural Resources

Date: 2/7/08

Moved by: Jewell

Seconded by: Schultz

AB _____

SB 346

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt 1

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

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

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record

Committee on Environment and Natural Resources

Date: 2/7/08

Moved by: Jauch

Seconded by: Kedzie

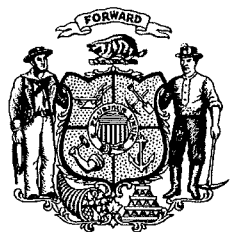
AB _____ SB 346 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt 1
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed





Wisconsin Wildlife Federation

MACKENZIE ENVIRONMENTAL CENTER

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www.wiwf.org

AFFILIATED WITH NATIONAL WILDLIFE FEDERATION

Jan 29
2008

Testimony of the Wisconsin Wildlife Federation in Support of Senate Bill 346

Good morning Chairman Miller and Members of the Senate Environment and Natural Resources Committee. Thank you for the opportunity to testify here today on behalf of the Wisconsin Wildlife Federation in support of Senate Bill 346 calling for reduction of mercury from certain specified products. The Wildlife Federation is comprised of 158 hunting, fishing and trapping organizations. The combined membership of those organizations is in excess of 100,000 members.

Mercury emission reductions are critically important to our members. Our members are the hunters, anglers and trappers that consume the fish and wildlife that contain the mercury that is emitted into the environment and then returns to our lakes, streams and land and becomes embedded in the food chain of fish and wildlife. Every lake and stream in this state contains a mercury contaminant advisory recommending that we stringently limit the amount of fish that we should eat from our lakes and streams. The limits are especially restrictive for children and women of reproductive age. We are greatly concerned about the health of our families and believe that it should be beyond debate in this state that stringent mercury reductions be adopted.

Wisconsin hunters, anglers and trappers pay well in excess of \$70 million dollars a year in hunting, fishing and trapping license fees and stamps to manage and protect fish and wildlife and their habitat. We respectfully request that you enact this measure to reduce the mercury that is being emitted into the air and then falls into our lakes and streams and is then eaten by our fish and our children.

The Wisconsin Wildlife Federation has been working on all fronts to seek the reduction of mercury emissions in the State of Wisconsin. We worked and supported ERCO Worldwide, in its efforts to change the production process at its Port Edwards chlor-alkali facility to eliminate its mercury emissions that comprise approximately 25% of the total emissions in the state.

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In 2000, the Federation was one of the initial groups that petitioned the Department of Natural Resources for strong mercury emission regulations for utility coal-fired boilers. Last year the Federation joined several other conservation groups to file a second petition asking the DNR to strengthen the previously adopted mercury emission regulations because of overwhelming evidence that greater reductions from Wisconsin utilities were economically and technically feasible.

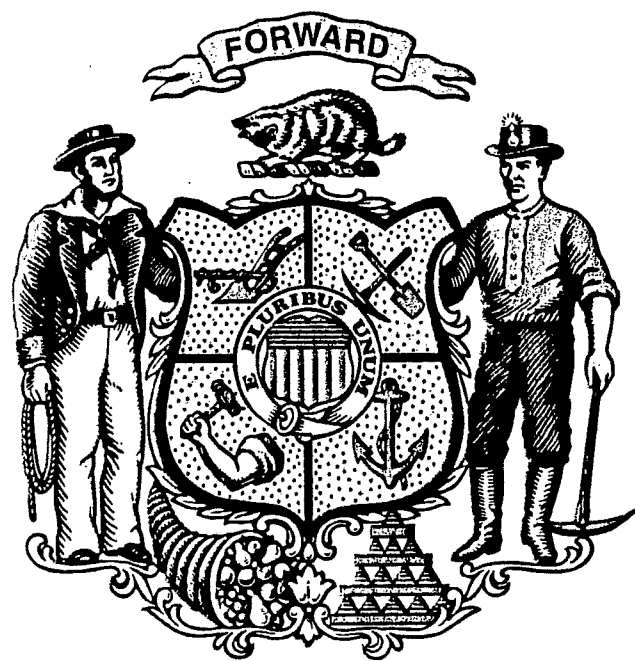
In 2003, the National and Wisconsin Wildlife Federation did a poll of Wisconsin hunters, anglers and trappers about proposals to reduce mercury emissions in the state. Seventy-two percent of those polled agreed that very stringent standards should be adopted by the end of the decade even if the cost of making such reductions would be expensive. The reductions called for in Senate Bill 346 are reasonable and are not expensive.

Why do hunting, fishing and trapping groups spend so much time on this environmental issue? Chairman Miller and members of the Committee, the answer is simple, because this is an issue that directly affects the health of ourselves and our families. It is also an issue that affects the tremendous financial investment that we make in Wisconsin's lakes, streams and fisheries every year.

In conclusion, on behalf of the Wisconsin Wildlife Federation, thank you again for the opportunity to testify before you today. We respectfully request that you support Senate Bill 346 and vote it into law as soon as possible.

Submitted by:
George Meyer
Executive Director

January 29, 2008



Testimony on Senate Bill 346: Products Containing Mercury

by the Wisconsin Department of Natural Resources

before the

Senate Committee on Environment and Natural Resources Committee

January 29, 2008

Thank you for the opportunity to testify on Senate Bill 346 relating to products containing mercury. My name is Mark McDermid. I am the Director of the Bureau of Cooperative Environmental Assistance at the Wisconsin Department of Natural Resources.

The Department supports this bill. We support all methods of reducing the release of mercury to Wisconsin's environment: air emission controls for mercury releases to the atmosphere, treatment and pollution prevention for mercury releases to wastewaters, mercury product substitution and recycling for mercury-containing products. We have estimated that releases to air, water and land resulting from the use of products with mercury exceed the mercury releases from coal-fired power plants in this state. SB 346 will reduce the use of mercury-containing products without imposing an undue burden on individuals or businesses that may have used these products in the past.

I'd like to highlight some of the reasons we believe this bill is good for Wisconsin.

1. Mercury is an important environmental pollutant in Wisconsin. The Departments of Natural Resources and Health and Family Services have issued a statewide fish consumption advisory to protect the public's health because of mercury contamination levels in fish tissue. This has an economic and cultural impact on Wisconsin because of our history and reputation as an outdoor recreational state.
2. Most of the elemental liquid mercury in Wisconsin is contained in mercury products that can break and release mercury to our environment or impact individuals directly. Further, almost all mercury-containing products in current use now have equally effective non-mercury product substitutes available at essentially the same cost. The mercury-

containing products identified in SB 346 have non-mercury substitute products that are already widely used. Under exceptional circumstances, if a suitable alternative does not exist for a product, SB 346 wisely provides a waiver mechanism for continuing use of the mercury product.

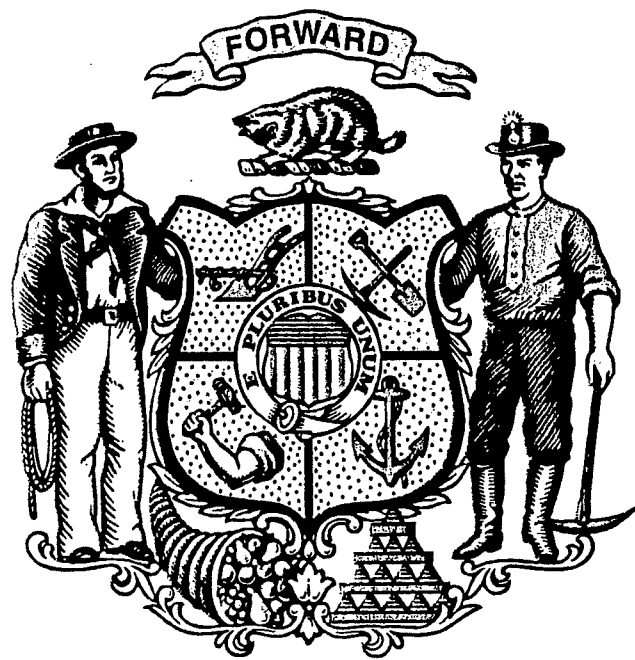
3. Nationally, 14 states have adopted similar legislation eliminating or limiting the use of mercury in products. The surrounding states of Minnesota, Illinois, and Michigan have all adopted substantial mercury product legislation while Wisconsin has not. SB 346 proposes similar legislation already adopted by our neighboring states.

Other products than those contained in SB346 contribute to direct mercury exposure. The sponsors might want to consider these items:

1. A ban on the sale of nonessential household mercury products like toys, games, jewelry, items of apparel with mercury switches, over-the counter pharmaceutical products for human use that contain mercury, and cosmetics, toiletry, or fragrance products that contain mercury.
2. A ban on the purchase, use, or storage of mercury-containing products in primary and secondary schools including elemental mercury, mercury compounds, laboratory thermometers, barometers, and other measurement devices.

Similar household and school mercury product bans have been adopted by all of Wisconsin's neighboring states.

We commend the sponsors of this proposed legislation and offer our services in working out the details of final legislation and program implementation.



Date?
SB 346
folder

Dear Senator,

Please help.....

My name is Joel Taylor I live at 223 W Main Street Omro Wisconsin, I am a waterfront property owner on The Winnebago System and have spent my entire life on the water. I am very fortunate in that I don't have to work so I have been able to spend more hours on the water than most people. It is my belief that these set of rules masked as a defense against the spread of VHS are a hostile violation of Wisconsin residents Article 1 Section 26 rights that clearly state we have the right to fish, hunt , and trap Wisconsin land and water without unreasonable restriction by law. To criminalize thousands of Wisconsin residents behavior and give out heavy fines when they have no chance of spreading any invasive organism because they fish only the same body of water over and over again fits the definition of unreasonable law governing our right to fish. A child can't even pull a bucket of minnows on a wagon from one spot to another if he has to walk away from the water because the shoreline is obstructed by a fence, building, or bridge.

I feel insulted by the DNRs reasons for passing the minnow kill law, they admit the law is written this way because they don't trust me and other citizens of Wisconsin to take their minnows home then back to the same lake the next day and it will be easier to enforce. Since when is the Wisconsin residents assumed guilt of wanting to spread invasive species and an ease of catching them at it a reason for writing a law a certain way? **Fishermen don't want to spread anything that would screw up their fishing**, it goes against common sense. This is why a forced education plan in the form of a quiz on the spread of invasive species with the sale of each fishing license and boat registration would be a much more effective use of our tax dollars than giving heavy fines to fishermen guilty of nothing.

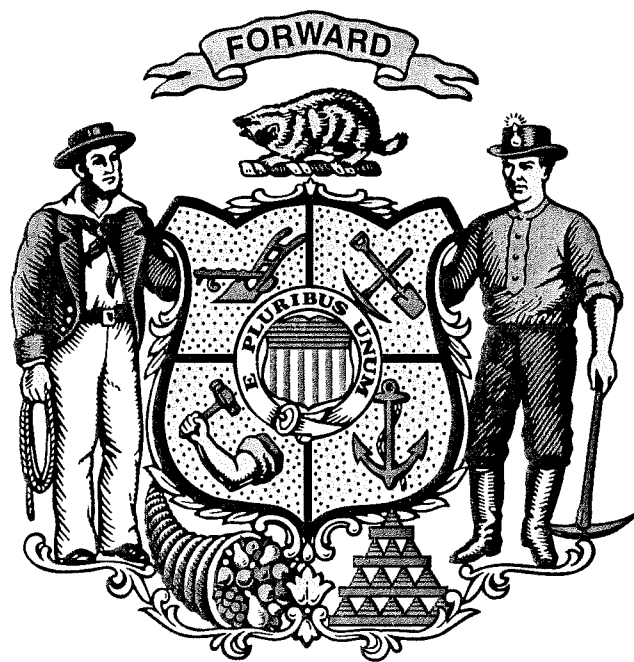
The law should read "**no transfer of water or live fish from water body to water body**" this would serve just as well to stop the spread of invasive species and would let fishermen take their minnows home to return to the same body of water the next day. Please don't pick on the Wisconsin residents that call the Winnebago watershed their home, we should be able to travel from Lake Poygan to Lake Winnebago with a bucket of minnows by land or water as long as we stay within the Winnebago water body we have no chance of spreading anything. The people who call the Winnebago system home are victims in this situation and don't deserve to be regulated if they have no chance of spreading anything by fishing their already infected home water body of the Wolf River, Lake Poygan, Lake Butte des Morts, Fox River, and Lake Winnebago.

This brings me to the fact that the DNR is letting the transfer of water by boats and their trailers from infected waters to unknown waters slide by as a distant second in the possibility of spreading the disease. This is dead wrong in that boats, their carpeted bunk hollow steel tube trailers and all accessories will be dunked in heavily VHS infected water from all the law mandated dumping of live wells full of fish urine and minnow buckets at the launch then backed up and launched again at a VHS negative water body. A person must understand that almost all launches are infested with bait fish because they are lighted , this attracts minnows and the bugs that they eat making even the smallest transfer of water by boat an obvious huge risk of spreading any fish disease. It is a massive contradiction to ignore this and fine a man that has transferred nothing having no risk of spreading anything, not to mention that the transfer of water by boat is what all the experts blame for most invasive species being introduced into our fresh water systems.

It is a slap in the Wisconsin residents face to fine them when they have taken no risk of spreading any invasive species while commercial ships still transfer huge amounts of invasive material into the second largest supply of fresh water in the world and our tax dollars are being used to clean up the aftermath! Where along the line did we lose the founders of our freedom philosophies that we are innocent until proven guilty of committing a crime and it is better for 10 guilty men to go free than to imprison 1 innocent man. Our freedom is increasingly being taken away by the very people who we entrust to preserve it.

I ask you to please send these insulting set of rules back to the DNR for a major overhaul making them protect the Wisconsin residents rights and our beautiful lakes.

Joel Taylor
Omro, Wisconsin



Attached is the substitute amendment for the mercury products legislation, which does three things:

- 1) It eliminates the requirement that DATCP create a manometer collection program, as DATCP has not engaged in that practice and the DNR has already been successful in reclaiming most of the mercury added manometers out there, and has a handle on where the rest are.
- 2) Includes language to allow DATCP to work in consultation with the DNR in dealing with exemption requests.
- 3) Fixes a technical omission to ensure that the prohibition only applies to mercury added products...the original bill had a section where it wasn't clear if it applied to all barometers, etc or just those with mercury. Obviously, the intent is the latter.



07s02521.pdf (23 KB)

SSA —
to SB 346

Date?
SB 346
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