

STATE OF WISCONSIN)
) ss.
)
DEPARTMENT OF AGRICULTURE,)
TRADE & CONSUMER PROTECTION)

Clearinghouse Rule
No. 93-148

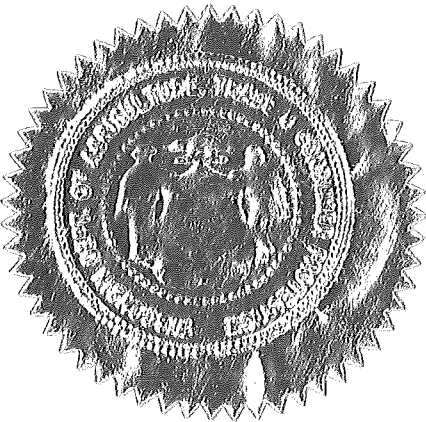
CERTIFICATION:

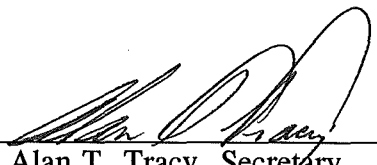
I, Alan T. Tracy, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to prohibiting the sale of toys containing mercury in Wisconsin was signed and adopted by the Department on March 14, 1994.

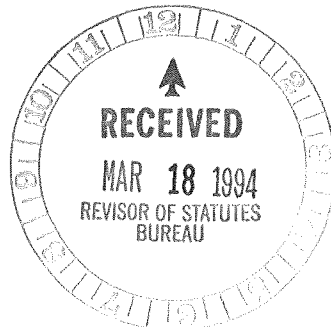
I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 14th day of March, 1994.

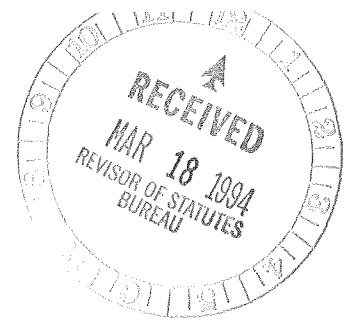
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE & CONSUMER PROTECTION



By 
Alan T. Tracy, Secretary



ORDER OF THE
STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES



1 The state of Wisconsin department of agriculture, trade and
2 consumer protection hereby adopts the following order to create
3 ATCP 139.05(4) relating to prohibiting the sale of toys
4 containing mercury in Wisconsin.

Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection

Statutory authority:

ss. 93.07(1) and 100.37(2) (a), (d), and (e) 2. d., Stats.
(hazardous substances)

Statute interpreted:

s. 100.37, Stats. (hazardous substances act)

This rule designates toys containing elemental mercury, or mercury in its nearly pure or liquid form, to be hazardous substances. It indicates that the risk of personal illness resulting from toys containing mercury is so significant that public health and safety can only be protected by keeping the toys out of channels of commerce. Therefore, it prohibits sale, in Wisconsin, of toys containing mercury.

1
2 SECTION 1. ATCP 139.05(4) is created to read:
3 ATCP 139.05(4) Toys or other articles intended for use by
4 children which contain elemental mercury are hazardous
5 substances. They present such an unreasonable risk of personal
6 illness that the public health and safety can only be protected
7 by keeping such toys or articles out of the channels of commerce.
8 They are, therefore, banned and prohibited from sale or
9 distribution in this state.

10

1 SECTION 2. The rule contained in this order shall take effect
2 on the first day of the month following publication in the
3 Wisconsin administrative register, as provided under s. 227.22(2)
4 (intro), Stats.

Dated this 14th day of March, 1994.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Alan T. Tracy, Secretary

