

1975 Assembly Bill 1342

Date published: June 5, 1976

CHAPTER 412, Laws of 1975
(Not signed by Governor) *

AN ACT to create 15.347 (10) and 144.50 of the statutes, relating to prohibiting the manufacture and purchase for use within this state of polychlorinated biphenyls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.347 (10) of the statutes is created to read:

15.347 (10) PCB ADVISORY COUNCIL. There is created in the department of natural resources a PCB advisory council consisting of 10 persons from multiple disciplines representing a variety and balance of economic, scientific and environmental viewpoints. One member shall be appointed by the public service commission and 9 members shall be appointed by the secretary for staggered 3-year terms. The council shall advise the department on the implementation of s. 144.50. All rules proposed by the department under s. 144.50 shall be submitted to the council for review and

* Deposited in the Executive Office on May 21, 1976, and returned without the governor's signature on June 1, 1976.

Because of the expiration of the 6-day period under *Section 10 of Article V* of the Wisconsin Constitution, 1975 Assembly Bill 1342 became law without the approval of the Governor.

comment prior to their being proposed in final draft form by the board. The department shall transmit all written comments of all members of the council with the summary of the proposed rules to appropriate standing committees of the legislature under s. 227.018 (2). Written minutes of all meetings of the council shall be prepared by the department and made available to all interested parties upon request.

SECTION 2. 144.50 of the statutes is created to read:

144.50 Manufacture and purchase of polychlorinated biphenyls. (1) In this section:

(a) "PCBs" mean the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing 2 or more hydrogen atoms on the biphenyl molecule with chlorine atoms.

(b) "Ppm" means parts per million by weight.

(c) "Product containing PCBs" means any item, device or material to which PCBs are intentionally added during or after manufacture as plasticizers, heat transfer media, hydraulic fluids, dielectric fluids, solvents, surfactants, insulators or coating, adhesive, printing or encapsulating materials or for other uses related to the function of such item, device or material.

(2) No person may manufacture, or purchase for use within this state, PCBs or a product containing PCBs after July 1, 1977.

(3) Subsection (2) shall not apply to any product containing PCBs if:

(a) The product contains PCBs in a closed system as a dielectric fluid for an electric transformer, electromagnet or capacitor, unless the department by rule prohibits such manufacture or purchase of specific products for which the department has determined that adequate alternatives are available at the time of manufacture or purchase.

(b) The product is an electrical component containing less than 2 pounds of PCBs, unless the department by rule prohibits the manufacture or purchase of any such product manufactured after the effective date of such rule for which the department has determined that an adequate alternative is available.

(c) The product is wastepaper, pulp or other paper products or materials, in which case such product may be purchased for use within this state in the manufacture of recycled paper products.

(4) Subsection (2) shall not be construed to prohibit the manufacture or purchase of PCBs or products containing PCBs for use within this state in scientific research, analytical testing or experimentation.

(5) The department by rule may exempt other uses of PCBs from the provisions of sub. (2) for specific products when adequate alternatives are not available.

(6) (a) In determining whether adequate alternatives are available under sub. (3) (a) and (b) or (5), the department shall take into account and make specific findings as to the following criteria:

1. The commercial availability and cost of alternative products;
2. The safety of alternative products to both human life and property;
3. The acceptance of alternative products by insurance underwriters;
4. The extent to which use of such alternative products is otherwise restricted by law;

5. The degree to which such alternative products satisfy the performance standards required for the particular use; and

6. Any adverse environmental effects associated with such alternative products.

(b) Such findings shall be submitted to the PCB advisory council under s. 15.347 (10) for review and comment and shall be transmitted with the summary of any proposed rule under s. 227.018 (2).

(7) On or before July 1, 1977, the department shall adopt rules prescribing the methods and providing or designating sites and facilities for the disposal of PCBs and products containing PCBs. Such rules may require reporting by persons disposing of PCBs and products containing PCBs. Persons disposing of PCBs or products containing PCBs shall comply with such rules unless such products are exempted under sub. (3) (b) or (c). In this section, disposal does not include the disposal of PCBs in sludge produced by wastewater treatment systems under s. 144.43 and NR 151, Wis. admin. code, the discharge of effluents containing PCBs or the manufacture or sale of recycled paper products to which PCBs have not been intentionally added during or after manufacture for any of the uses set forth in sub. (1) (c). Nothing in this section shall exempt any person from applicable disposal or discharge limitations required or authorized under other sections of the statutes.

(8) On or before July 1, 1977, the department shall adopt rules setting forth the method and manner of sampling, preparing samples and analyzing PCBs which shall be used by the department in implementing this section.

(9) The department shall enforce this section as provided in ss. 147.21 and 147.29.

(10) No rule adopted under this section shall become effective until approved by majority votes of the senate committee on natural resources and the assembly committee on environmental quality.

SECTION 3. Initial appointments. Of the members first appointed under section 15.347 (10) of the statutes, 3 shall be appointed for one year, 3 shall be appointed for 2 years and 3 shall be appointed for 3 years. Thereafter, appointments shall be made in accordance with section 15.347 (10) of the statutes.
