

WISCONSIN STATE REPRESENTATIVE
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Matthew J. Frank, Secretary
Department of Natural Resources
101 S. Webster St.
Madison, WI 53702

Kevin R. Hayden, Secretary
Department of Health and Family Services
1 W. Wilson St.
Madison, WI 53702

Rod Nilsesteun, Secretary,
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Dr.
Madison, WI 53718

Dear Secretary Frank, Secretary Hayden and Secretary Nilsesteun:

As fellow public officials working on behalf of the health and safety of Wisconsin citizens and our environment, I ask you to join me in crafting policy to address potential environmental problems associated with the emerging field of nanotechnology -- an area of research and applications that may add billions to our economy, create new jobs and enhance all of our lives.

As you know, nano materials are already being used in a number of consumer products and in processes that will undoubtedly have a greater impact on our world as this technology increases.

At this stage of the process, it is simply not fully known how nano materials may or may not, in their reduced states, change properties that could affect human and environmental health.

Materials in the nanoscale size range tend to be more reactive than larger materials, making them potentially more toxic. Moreover, because of their extremely small size, they can deposit more deeply in the lungs and be transported more readily through the human body. Because of their increasing use in a variety of sectors, they are likely to end up in air, water, and soils, which could cause environmental and public health consequences over the long-term.

The measurement of and accountability for such materials has become a matter of public concern that requires a public response -- for the safety of workers, consumers and the public at large.

No such reporting system or registry is in place in Wisconsin. The city of Berkeley, California, is one community that has adopted a disclosure ordinance into its hazardous materials business plan reporting requirements. Representatives from the Public Health Department in the city of Cambridge, Massachusetts, are also looking into regulating nanomaterials at the request of its City Council. In addition, the Environmental Protection Agency has recently developed a voluntary reporting program under the Federal Toxic Substances Control Act. However, due to federal law, any information that is deemed "confidential" under the program is not available to state government. As a result, we can expect to see other communities as well as the federal government further address these issues in the near future.

I am proposing a system of reporting and the creation of a registry in Wisconsin that could be flexible and adaptable to a variety of scenarios, including addressing areas that are simply not yet fully defined in an emerging and growing technological field. I anticipate that industrial concerns about privacy may require a reporting and policy process that is in part confidential beyond public health and regulatory agencies. Keeping this in mind, some of the most critical pieces of information we would be seeking through your agencies and those we would require to report to you include:

- What are the types of nanomaterials you're producing (carbon nanotubes, fullerenes, metal oxides, etc) and in what amounts?
- In what form(s) will you be creating and handling these nanomaterials (powder, liquid, solid, etc)?
- What are the most current analytical monitoring methods for the manufactured nanoparticles that you are using or creating that can be used for environmental samples (having this information could empower the agencies to do some air, wastewater, sediment, or fish monitoring)?

- What is known about the toxicological properties of these materials?
- How will you monitor the manufactured nanoparticles that you are using or creating?
- How will you contain the manufactured nanoparticles that you are using or creating?
- How will you dispose of the manufactured nanoparticles that you are using or creating?
- How will you assure that these materials are handled safely in the workplace and in transport?
- How will you track the manufactured nanoparticles that you are using or creating (e.g., where do you get it from, where is it going, what is it going to be used for, etc.)?
- How will you prevent the unintended or unintentional release of the manufactured nanoparticles that you are using or creating?
- In the event of a release, how might you mitigate its effects?

How we create this registry, by rule or legislation, is best determined with the guidance of the regulatory agencies dealing with similar issues today -- in public health, environmental protection, and consumer protection.

Thank you for your consideration of these vital matters, and for your suggestions as we move forward.

Sincerely,

Terese Berceau
State Representative
76th Assembly District

cc: Al Shea, Administrator, Air and Waste, DNR
Vance Rayburn, Administrator, Customer and Employee Services, DNR

Acting Administrator, Enforcement and Science, DNR
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