



West's Wisconsin Statutes Annotated [Currentness](#)

Health (Ch. 250 to 255)

▢ [Chapter 254. Environmental Health \(Refs & Annos\)](#)

▢ [Subchapter III. Radiation Protection](#)

→ **254.34. Powers and duties**

(1) The department is the state radiation control agency and shall do all of the following:

(a) Promulgate and enforce rules, including registration and licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent unnecessary radiation exposure. The rules may incorporate by reference the recommended standards of nationally recognized bodies in the field of radiation protection and other fields of atomic energy, under the procedure established by [s. 227.21\(2\)](#). The rules for by-product material, source material and special nuclear material shall be in accordance with the requirements of [42 USC 2021\(o\)](#) and shall otherwise be compatible with the requirements under [42 USC 2011 to 2114](#) and regulations adopted under [42 USC 2011 to 2114](#).

(am) A rule identical to a rule specified under par. (a) may be promulgated by a state agency other than the department and an ordinance identical to a rule specified under par. (a) may be enacted by a local governmental unit, but no rule may be promulgated or ordinance may be enacted that differs from a rule under par. (a) and relates to the same subject area except as provided under [ss. 166.03\(2\)\(b\) 6., 293.15\(8\) and 293.25](#).

(b) Administer this subchapter and the rules promulgated under this subchapter.

(c) Develop comprehensive policies and programs for the evaluation, determination and reduction of hazards associated with the use of radiation that are compatible with requirements of the U.S. nuclear regulatory commission for the regulation of by-product material, source material and special nuclear material. The department shall maintain all of the following records:

1. Files of all license applications, issuances, denials, transfers, renewals, modifications, suspensions and revocations under [s. 254.365](#).

2. Files of all registrants under [s. 254.35](#) and any related administrative or judicial action.

(d) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries.

(e) Encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems as it deems necessary or advisable for the discharge of its duties under this subchapter.

(f) Collect and disseminate health education information relating to radiation protection as it deems proper.

(g) Review and approve plans and specifications for radiation sources submitted pursuant to rules promulgated under this subchapter; and inspect radiation sources, their shielding and immediate surroundings and records concerning their operation for the determination of any possible radiation hazard.

(h) With respect to radon and with the department serving as the lead agency, do all of the following:

1. Develop and disseminate current radon information to the news media, builders, realtors and the general public.

2. Coordinate a program of measuring radon gas accumulation, including use of the radon canister counting system, in educational institutions, nursing homes, low-income housing, public buildings, homes, private industries and public service organizations.

3. Work with staff of local health departments to perform home surveys and diagnostic measurements and develop mitigation strategies for homes with elevated radon gas levels.

4. Develop training materials and conduct training of staff of local health departments, building contractors and others in radon diagnosis and mitigation methods.

5. Develop standards of performance for the regional radon centers and, from the appropriation under s. 20.435(5)(ed), allocate funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

(2) The department may:

(a) Enter, at all reasonable times, any private or public property for the purpose of investigating conditions relating to radiation control.

(b) Accept and utilize grants or other funds or gifts from the federal government and from other sources, public or private, for carrying out its functions under this subchapter. The studies, investigations, training and demonstration may be conducted independently, by contract, or in cooperation with any person or any public or private

agency, including any political subdivision of the state.

(c) Develop requirements for qualification, certification, training, and experience of an individual who does any of the following:

1. Operates radiation generating equipment.
2. Utilizes, stores, transfers, transports, or possesses radioactive materials.
3. Acts as a radiation safety consultant to any person who possesses a license or registration issued by the department under this subchapter.

(d) Recognize certification by another state or by a nationally recognized certifying organization of an individual to perform acts under par. (c)1. to 3. if the standards for the other state's certification or the organization's certification are substantially equivalent to the standards of the department for certification of individuals under par. (c).

<<For credits, see Historical Note field.>>

#### HISTORICAL AND STATUTORY NOTES

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Source:

L.1963, c. 325, § 4.

[St.1967, §§ 140.53, 140.56, 140.57.](#)

L.1969, c. 276, § 584, eff. Dec. 28, 1969.

L.1969, c. 366, §§ 70 to 72, 117.

[St.1969, § 140.56.](#)

L.1979, c. 320, § 3, eff. May 18, 1980.

L.1981, c. 86, § 56, eff. Nov. 28, 1981.

1983 Act 27, § 2202(38)(gr), eff. July 2, 1983.

1985 Act 29, §§ 1909, 3202(1)(a), eff. July 20, 1985.

1985 Act 182, § 57, eff. April 22, 1986.

1987 Act 399, §§ 390g, 390gm, 390r, eff. May 17, 1988.

1989 Act 31, §§ 2372p to 2372r, eff. Aug. 9, 1989.

St.1991, §§ 140.53, 140.56.

1993 Act 27, §§ 228, 230, eff. Jan. 1, 1994.

1995 Act 27, §§ 6333, 6334, 9116(5)(a), eff. July 1, 1996.

1995 Act 227, § 986, eff. Jan. 1, 1997.

1995 Act 378, § 52, eff. June 14, 1996.

1997 Act 27, §§ 3469, 3470d to 3470p, eff. Oct. 14, 1997.

St.1997, §§ 254.34, 254.36.

1999 Act 9, §§ 2456 to 2462, 2475, eff. Oct. 29, 1999.

2001 Act 16, §§ 3145 to 3147, eff. Sept. 1, 2001.

1997 Act 27 amended subsec. (4); repealed § 254.36(1) and (3) to (7); and renumbered § 254.36(2) as § 254.36

1995 Act 27 amended subsecs. (1)(intro.) and (2)(intro.).

1995 Act 27, § 9116(5)(a) substituted the term “department of commerce” for the term “department of development” throughout the statutes.

1993 Act 27 renumbered § 140.53 as this section and amended subsecs. (1)(b), (e), (g) and (h)3 and 4, (2)(b) and (4) and renumbered and amended § 140.56 as § 254.36.

1989 Act 31, §§ 2372p to 2372r amended subsecs. (1)(h)(intro.), (2)(intro.) and (4).

#### ADMINISTRATIVE CODE REFERENCES

Enforcement, violations and penalty criteria, see [Wis. Adm. Code s HFS 157.90 et seq.](#)

Inspection requirements, see [Wis. Adm. Code s HFS 157.89.](#)

Licensing of radioactive material, see [Wis. Adm. Code s HFS 157.09 et seq.](#)

Posting, notification, and reporting requirements, see [Wis. Adm. Code s HFS 157.88.](#)

Registration of radioactive material, see [Wis. Adm. Code s HFS 157.97 et seq.](#)

Standards for protection from radiation, see [Wis. Adm. Code s HFS 157.20 et seq.](#)

Tanning facilities, see [Wis. Adm. Code s HFS 161.01 et seq.](#)

#### LIBRARY REFERENCES

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[Environmental Law](#)  483.

Westlaw Topic No. 149E.

#### NOTES OF DECISIONS

Federal jurisdiction 1

##### 1. Federal jurisdiction

Department of health and social services may not establish rules which regulate radioactive air emissions and water discharges from facilities regulated by United States nuclear regulatory commission but may regulate radioactive air emissions and water discharges from other facilities. Op.Atty.Gen., Nov. 28, 1983.

W. S. A. 254.34, WI ST 254.34

Current through 2009 Act 24, published 06/26/09

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