



We will begin at 1:00 p.m.



ATCP 72 Rule Revision Advisory Committee

Ted Tuchalski, R.S. – Division of Food and Recreational Safety

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

March 26, 2024

AGENDA

A. Roll Call

B. Public Appearances

1. Each speaker will be limited to 5 minutes or less dependent on the number of speakers and must register with Ted Tuchalski prior to the start of the meeting.

C. Subchapter V. General Provisions

1. ATCP 72.18 Building structure and safety.
 - i. (4) Exits from Sleeping Rooms in Tourist Rooming Houses
 - ii. (5) Door Locks
 - iii. (6) Ventilation
 - iv. (7) Fire Prevention
 - v. (8) Smoke Alarms
 - vi. (9) Carbon Monoxide Alarms
 - vii. (10) Building Evacuation Diagram
 - viii. (11) Emergency Exit Doors
 - ix. (12) Emergency Assistance
2. ATCP 72.19 Building and premises maintenance.
 - i. (1) General
 - ii. (2) Maintained Clean and in Good Repair
 - iii. (3) Pest Control

iv. (4) Hazardous Substances

D. Upcoming meeting dates

1. Tuesday, April 30, 2024
2. Tuesday, May 28, 2024
3. Tuesday, June 25, 2024

E. Adjourn



ROLE CALL

Ted Tuchalski

Greg Stillman

Amy Springer

Krissy Sigmund

Lori Severson

Emily Schneider

Melissa O'Neill

Brandon McConnell

Cori Lamont

Craig Kratcha

Jason Kjeseth

Jim Kaplanek

Jason Hager

Trista Groth

Bill Elliot

Andrew Dietz

Jumaane Cheatham

David Bond

Additional attendees

Reed McRoberts

Mary Ellen Bruesch



PUBLIC APPEARANCES

Please state your name and any comments that you have for the committee.

Comments will be noted and taken into consideration but will not be immediately discussed nor will questions be answered.

Thaddeus.Tuchalski@wisconsin.gov

DATCPdfrsrec@wisconsin.gov



CODE REVIEW TIMELINE

- Subchapter I Definitions, Authority, Purpose
- Nov. { ~~ATCP 72.01 Authority and purpose.~~
- Oct. { ~~ATCP 72.02 Scope of rules.~~
- Oct. { ~~ATCP 72.03 Definitions.~~
- Subchapter II Licensing and Fees
- Nov. { ~~ATCP 72.04 License holder qualifications.~~
- Nov. { ~~ATCP 72.05 License holder responsibilities.~~
- Nov. { ~~ATCP 72.06 Plan review.~~
- Nov. { ~~ATCP 72.07 Licenses.~~
- Nov. { ~~ATCP 72.08 Department fees.~~
- Subchapter III Enforcement and Appeals
- Jan. { ~~ATCP 72.09 Enforcement.~~
- Jan. { ~~ATCP 72.10 Suspension or revocation of licenses.~~
- Jan. { ~~ATCP 72.11 Appeals of actions by the department.~~
- Jan. { ~~ATCP 72.12 Appeals of actions by agent health departments.~~

- Subchapter IV Inspections
- Jan. { ~~ATCP 72.13 Qualifications of representative conducting inspection.~~
- Jan. { ~~ATCP 72.14 Inspection~~
- Subchapter V General Provisions
- Feb. { ~~ATCP 72.15 Health and safety standard.~~
- Feb. { ~~ATCP 72.16 Water supply.~~
- Feb. { ~~ATCP 72.17 Sewage disposal system.~~
- Mar. { **ATCP 72.18 Building structure and safety. - continued**
- Apr. { **ATCP 72.19 Building and premises maintenance.**
- Apr. { ~~ATCP 72.20 Furnishings, equipment, utensils.~~
- Apr. { ~~ATCP 72.21 Food.~~
- Apr. { ~~ATCP 72.22 Employee health.~~
- Apr. { ~~ATCP 72.23 Garbage and refuse.~~
- May { ~~ATCP 72.24 Registration of guests.~~
- May { ~~ATCP 72.25 Death, injury or illness reports.~~
- May { ~~ATCP 72.26 Closing criteria.~~



CODE REVIEW TIMELINE

- Jun. { Subchapter VI Specialty Lodging
- ATCP 72.25 General provisions.
- ATCP 72.XX ...
- Jul. { Fees
- Subchapter VII Special Event Lodging?



FOLLOW-UP FROM LAST TIME

Nitrate is a naturally occurring molecule found in plants and animals.

Nitrate can get into groundwater from fertilizers and human and animal waste. Exposure to high levels of nitrate can cause blue baby syndrome, and may increase risk of certain birth defects, thyroid disease, and certain types of cancer.

Test your well for nitrate regularly.



Test at least once a year.



Test right away if your water's color, taste, or smell changes.



Test before pregnant people use the water or it is given to babies.



When testing, you should use a [Wisconsin certified lab](#).*

Take action if the nitrate level is equal to or greater than 10 milligrams per liter (mg/L).



People who are or may become pregnant should immediately use a different source of water for drinking and making foods that take up lot of water (like rice, oatmeal, and jello).



A different source of water should also be used to make baby formula and given to babies to drink.

Options for different water include:



Bottled water



Water from a well without issues



Water from a public system



The water can still be used for bathing, brushing teeth, and washing dishes.



Collect a second sample to verify the results.

Take additional actions if nitrate is still high.



Everyone should use the different source of water for drinking and making foods that take up a lot of water.



Find a long-term solution. This may be installing a certified treatment device or drilling a new well.*



11/09/23

REVISOR

SGS/RC

RD4464

7.1 **4625.1300 WATER SUPPLY.**

7.2 ~~A safe adequate supply of water shall be provided. The water supply system shall be~~
7.3 ~~located, constructed, and operated in accordance with the rules of the commissioner. After~~
7.4 ~~September 30, 1980, the temperature of hot water which is provided in any public area or~~
7.5 ~~guest room, including but not limited to lavatories, bathtubs, or showers, shall not exceed~~
7.6 ~~130 degrees Fahrenheit (approximately 55 degrees Celsius).~~

7.7 Subpart 1. **Potable water.** An adequate supply of potable water must be provided to
7.8 meet the needs of the day-to-day operation of the establishment.

7.9 Subp. 2. **Water supply system.** The water supply system must be located, constructed
7.10 and operated in accordance with this chapter and chapters 4720 and 4725.

7.11 Subp. 3. **Nonpublic water system.** Water from a nonpublic water system must meet
7.12 the drinking water quality standards of noncommunity transient water systems.

7.13 Subp. 4. **Water sampling.** Water from a nonpublic water system must be sampled at
7.14 the same frequency and tested for the same parameters as noncommunity transient water
7.15 systems.

7.16 Subp. 5. **Hot water temperatures.** Hot water provided in sinks, bathtubs, or showers
7.17 in any public area or sleeping accommodation unit must not exceed a temperature of 130
7.18 degrees Fahrenheit.

<https://www.health.state.mn.us/communities/environment/recreation/lodging/docs/rd4464proprule.pdf>

Methemoglobinemia in Minnesota and Wisconsin

Research and case reports show that nitrate in well water above 10 milligrams per liter (mg/L) can cause methemoglobinemia in infants less than six months old. In 1945 the hypothesis that high levels of nitrate in well water caused methemoglobinemia was published.¹ Two years later, an infant near the town of Tyler became the first published case in Minnesota.² In the following three years, there were 146 cases voluntarily reported in Minnesota, including 14 deaths. In 1979 and 1980 there were two reported cases of methemoglobinemia in Minnesota. In both cases nitrate concentrations in the wells were over 50 mg/L. Once the source of water was changed in the homes, the methemoglobinemia resolved.³

Most Minnesota cases of methemoglobinemia in infants occurred in the southwestern part of the state, but cases have been reported from the southern border to as far north as Becker County. **Some infants developed symptoms after fewer than two days, and other infants were fed formula prepared with well water for up to 60 days before symptoms appeared.** It is suspected that many milder cases were resolved by changing the source of the infant's water and were never reported.² There were no methemoglobinemia cases reported in breast fed babies.

The most recognized symptom of methemoglobinemia is a gray-blue color to the lips that eventually spreads to the whole body. In some cases, the bluish color can be so subtle that it goes unnoticed.² This was the case when parents in Columbia County, WI brought their child in for immunizations in 1998. They noticed that their child had been "crabbier than normal" and had been vomiting after feeding since they moved to a new house served by a private drinking water well. Concerned that this may be a case of methemoglobinemia, a home nurse visited the family and took water samples. The concentration of nitrate in their well water was 22.9 mg/L. The doctor placed the baby on bottled water and the methemoglobinemia resolved.⁴

<https://www.health.state.mn.us/communities/environment/water/docs/contaminants/nitratemethemog.pdf>





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