

Regulating PFAS in Wisconsin

Questions? Answers.



1. **Could there be unintended consequences from regulating PFAS?** As it stands right now, public water systems in Wisconsin are not required to test your drinking water for PFAS. The most important consequence of doing nothing is exposure to undetected PFAS contamination in your drinking water and your environment.
2. **Doesn't the Wisconsin DNR already have the authority it needs under existing law?** WDNR has some authority under current regulations but additional state regulations will: (1) make clear the DNR's authority specific to PFAS – which industry is already challenging, (2) provide state agencies with the necessary resources to tackle PFAS contamination in Wisconsin, and (3) require a much shorter timeline for action. Presently it can take as long as **10 years** to get standards on the books and affected communities need enforceable standards **now**.
3. **Isn't the recommended 2 ppt Preventative Action Limit (PAL) for PFOA and PFOS an unreasonable groundwater standard?** The PAL is not a clean-up standard. The 2 ppt PAL is a trigger enabling the DNR to review different options, including further monitoring or no action at all. Triggering the PAL does not require the site to take remedial action.
4. **Does Wisconsin really have the most restrictive enforceable standard for PFAS in the world?** No. Wisconsin health officials have recommended a groundwater enforcement standard 20 parts per trillion (ppt) for two forms of PFAS combined: PFOA and PFOS. The value is comparable to other states.
5. **If PFOA and PFOS are no longer manufactured in the USA, why bother to regulate them?** PFOA and PFOS are still imported and used in the USA. They are also created through biotransformation from other PFAS compounds present in our environment. PFOA and PFOS are “forever chemicals” that will have to be controlled and remediated for the rest of the century.
6. **Are replacement PFAS compounds (like C6) safer than older legacy PFAS (like C8)?** There are thousands of known PFAS compounds so it depends on the specific chemical. In general, both replacement and older PFAS compounds pose similar risks to human health. However, some of the newer C6 compounds are now proving to be even more toxic than the C8 compounds. Newer replacement PFAS compounds also tend to be more mobile in the environment, migrating further from the source. They are also more difficult to remove with carbon filters and other common water treatment methods.
7. **Have the risks associated with exposure to PFAS been established for human health? Weren't some of the studies based on animals?** Yes, human health standards are sometimes derived from animal studies because experimenting on people is illegal. However, large populations of people who were unknowingly exposed to PFAS have been studied and a strong correlation with a number of serious health risks, including cancer, were found.
8. **Is it hard to accurately test drinking water for PFAS?** There are rigid protocols, certification requirements and procedures for laboratory analysis of PFAS that are designed to minimize laboratory errors. Laboratories have been able to test for certain PFAS for at least 30 years.
9. **Given municipal wastewater treatment utilities are not the original source of PFAS discharges and current treatment systems are not designed to remove PFAS, why should they be responsible for testing and compliance?** The primary responsibility of water and wastewater utilities is to protect the public health and the environment from harmful contaminants. Wastewater treatment facilities have the unique ability to identify manufacturing entities discharging dangerous PFAS compounds into sanitary sewers, thereby identifying those responsible for the costs of remediation and stopping the continued pollution of our water resources at the source.
10. **Are there standard testing methods across all forms of PFAS-contaminated media (groundwater, drinking water, surface water, biosolids, soil) in Wisconsin?** No, because literally thousands of PFAS compounds have been identified in the environment. This is one of the reasons that the State is considering a standard for “total” PFAS – similar to how other chemical groups like PCBs and dioxins are regulated. Currently, standard test methods are available for about 40 PFAS compounds, and almost all of them have been found in groundwater or pose a threat to Wisconsin's drinking water resources.

The PFAS Community Campaign is a coalition of environmental and social justice organizations based in Wisconsin working together to prevent exposures to PFAS via drinking water and other pathways.

References/sources for this fact sheet are available upon request – email: info@cswab.org – October 23, 2019

A PFAS Regulatory Priority: SB-302/AB-321 CLEAR Act



Only the CLEAR Act provides the legal authority for the comprehensive regulation of PFAS that may be harmful to human health or the environment in **Wisconsin**. The Governor's Executive Order #40 does not create new authority but provides direction to the DNR under existing law. The CLEAR Act expands, defines, or creates authority not covered in the Governor's Executive Order such as:

- It lists **as a minimum six specific PFAS** compounds as health concerns: PFOA, PFOS, PFHxS, PFNA, PFBS, and PFHpA. It requires **all other PFAS** be added to this list that have a reasonable probability of entering groundwater resources and are shown to be a health concern.
- It requires the DNR to use any DHS recommended PFAS enforcement standard as the interim standard until such time as permanent rules are established for that substance. For example: the 2019 DHS recommendation for a combined PFOA/PFOS standard of 20 PPT (parts per trillion) would become the **enforceable groundwater standard** immediately until permanent rules are established.
- It authorizes the DNR to create PFAS **air emission** standards and reporting rules.
- It authorizes the DNR to create PFAS **Solid Waste** (landfill) standards and reporting rules.
- It requires the DNR to set criteria for certifying **laboratories** to test for PFAS.
- It gives the DNR the authority to write **rules** on how to properly manage PFAS-contaminated drinking water, groundwater, surface water, soil, sediment, and biosolids.
- It protects the taxpayer funded remediation of potential PFAS contamination discharges. It allows the DNR to determine if proof of **financial responsibility** by entities possessing or controlling PFAS materials should be required on a case by case basis.

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This educational fact sheet endorsed by the following (28) Wisconsin organizations:

PFAS Community Campaign
Annie Appleseed Project
Citizens Advisory Committee of The Town of Peshtigo
Citizens for Safe Water Around Badger
Clean Water Action Council of Northeast Wisconsin
Coalition to SAVE the Menominee River, Inc.
Code PFAS
Concerned Friends & Neighbors Group of SOH2O
Crawford Stewardship Project
Family Farm Defenders
Friends of Lake Wingra
League of Women Voters of Wisconsin
Madison Audubon Society
Midwest Environmental Advocates
Midwest Environmental Justice Organization
Nukewatch
1000 Friends of Wisconsin
People Empowered Protect the Land (PEPL) of Rosendale
Physicians for Social Responsibility Wisconsin
Protect Wood County and It's Neighbors
Safe Skies Clean Water Wisconsin
Sierra Club - John Muir Chapter
Twin Ports Action Alliance
Wisconsin Conservation Voters
Wisconsin Environment
Wisconsin Environmental Health Network
Wisconsin Network for Peace, Justice & Sustainability
Wisconsin Resources Protection Council