

PFAS bills face opposition from industry groups, short timeline before session adjournment

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Pushback from industry groups could present a challenge for comprehensive bipartisan legislation aimed at addressing hazardous chemicals in groundwater and air pollution — especially as the Legislature rapidly approaches adjournment.

Sen. Dave Hansen, D-Green Bay, and Rep. John Nygren, R-Marinette, who co-authored the bills, said the legislation was a bipartisan effort, but expressed concern that some industry groups, including the American Chemistry Council and Wisconsin Paper Council, have opposed the proposals. In addition, the legislation could be

challenged by two new GOP-written bills that aim to create PFAS management zones.

“My fear is that both bills get killed and nothing happens, that’s my sincere concern,” Nygren said during Friday’s Senate Committee on Natural Resources and Energy public hearing. “Let’s not let politics of the past, let’s not let other issues, to kind of come to bear here.”

The committee did not vote Friday, but chairman Sen. Robert Cowles, R-Green Bay, who co-authored the new legislation, said the two bill packages are intended to be complementary and he would like to see both advance. The Assembly is expected to adjourn later this month, with the Senate session likely closing in March.

Contamination bills

The bipartisan legislation would spend about \$7.7 million on efforts to slow contamination and address areas already polluted with PFAS — sometimes called “forever chemicals” because they do not disintegrate and can accumulate in the environment and the human body. Some of the compounds have been linked to cancer and other health problems.

PFAS are a group of synthetic chemicals used in numerous products, including food packaging, non-stick cookware and water-resistant fabrics. Their unique water- and fat-repellent properties have made them a key ingredient in foam used to fight oil-based fires.

Several of the bills’ opponents argued the legislation was drafted with little input from the industries. Opponents also described the proposed regulations as costly and restrictive.

“To have expensive regulations put into place and become effective and enforceable against the people of Wisconsin, without any meaningful input from the public, is very troubling to us,” said Scott Manley, executive vice president of government relations with Wisconsin Manufacturers and Commerce.

Delanie Breuer, vice president of environmental and regulatory affairs with Wisconsin Paper Council, argued the bills “put regulation ahead of science,” noting there are thousands of different PFAS compounds in existence, but only two — PFOA and PFOS — have been identified as hazardous and those have been traced mostly to firefighting foams.

On Wednesday, Gov. Tony Evers signed into law a bill that prohibits the use of fluorinated firefighting foam except in emergencies or in approved training areas where it can be contained. The new law also requires storage regulations and for the DNR to be notified whenever PFAS foam is used.

Restrictions on PFAS in firefighting foams signed into law

Hansen who co-authored the likely stalled legislation with Sen. Mark Miller, D-Monona, said the bills before the committee Friday actually represent compromises made in order to secure bipartisan support.

“The people’s health is a heck of a lot more important than the dollars we’re going to spend to protect them,” Hansen said.

The legislation would allocate \$5 million into grants for municipalities to address PFAS contamination when the polluting party is unknown or cannot pay for remediation. Funds also could go toward investigations of potential PFAS pollution.

In addition, the bills would provide: \$250,000 to the University of Wisconsin to research ways of destroying PFAS; \$1 million to the Department of Natural Resources to test for PFAS in non-community water systems; \$150,000 biennially to the DNR to sample and test environmental, wildlife, facilities and other sites for PFAS; and \$120,000 for the DNR to investigate emerging PFAS and provide temporary water or treatment systems when no responsible party for contamination is available.

The bills also would require the DNR to put emergency rules in place that establish PFAS limits for groundwater and set standards for surface water, drinking water and air emissions.

Under the bills, the Department of Health Services would have to offer free blood tests to anyone living near any PFAS-contaminated sites in the area around Marinette, Preshtigo and Porterfield.

Management zones

The committee also took up discussion on two bills that would create a municipal grant program for PFAS testing and establish management zones for when the chemicals are found in drinking water.

Under the bill, if a test of drinking water shows the presence of PFAS, a zone is established with a one-mile radius around that location. That zone can expand if additional positive tests are identified. The bill would also require the DNR to create rules for public water systems that draw water from within a management zone and provide some grant funding for municipalities.

Some have raised concern with the management zone bills, including Laura Olah, executive director of clean water advocates [Citizens for Safe Water Around Badger](#).

In a letter to Cowles, Olah argued the “last-minute” bills do not complement the bipartisan legislation proposed by Hansen and Nygren, but rather are “highly problematic” and focus on small areas, rather than take a statewide approach.

“As a result, this approach will certainly result in a patchwork of inconsistent cleanup around the state, making less-powerful communities more vulnerable than others,” Olah said in the letter.

On Friday, Andi Rich, of Marinette, said she appreciated Cowles’ intentions, but asked that his two bills be tabled in order to give the bipartisan legislation the best chance of passage.

“With the Republican majorities, I do fear they will take one bill over the other,” Rich said. “I am terrified that this will muddy the waters and it will do more harm than good.”

Cowles said he plans to support the bills proposed by Hansen and Nygren, but did not indicate what he might do with his own legislation.

“We’re trying to do the best we can,” he said, adding that it’s entirely possible he tables his bills and the others fail to pass the Legislature regardless. “Would you rather have nothing?”

(Rich replied, “Yes.”)