



To: Wisconsin Legislature
From: Wisconsin Water Quality Coalition
Date: February 20, 2020
Re: **Memo on PFAS Bills (AB 843 & AB 842 and SB 772 & 773)**

Members of the Wisconsin Water Quality Coalition strongly oppose AB 843 and AB 842/SB 772 & 773, which would provide the Wisconsin Department of Natural Resources broad, unprecedented authority to regulate PFAS compounds without adequate technology and scientific analysis.

The Water Quality Coalition **supports** setting reasonable, science-based regulatory criteria for compounds like PFOA and PFOS that are shown to be harmful to human health:

- The Coalition supports legislation that directly assists the citizens of the Marinette region. For example, the Coalition supports an approach like the management zone legislation proposed by Rep. Kitchens & Sen. Cowles (SB 774 & 775).
- The Coalition supported SB 310 (now Act 101) to remove PFOA and PFOS from firefighting foam.
- The Coalition supports the proposed clean sweep legislation (SB 717/AB 792).
- The Coalition supports the proposed transparency in setting groundwater standards legislation (SB 708/AB 794).

However, the Coalition **opposes** the following provisions in AB 843 and AB 842/SB 772 & 773, which would be extremely costly to all Wisconsinites - including manufacturers, farmers, small businesses, homeowners, and any person who pays a water bill. **Assembly Amendment 1 does not adequately address the Coalition's concerns about AB 843 & AB 842/SB 772 & 773.**

- **Giving DNR the authority to promulgate emergency rules creates regulatory uncertainty and curtails public – and Legislative – input.**
- **Legislation should not include all PFAS chemicals, as the vast majority are either considered safe by the federal Food & Drug Administration or have not been fully studied for their effect on humans.** The state should initially focus on regulating PFOA and PFOS (the most studied of the PFAS family of chemicals). However, AB 843 attempts to regulate all PFAS, a group of more than 4,000 compounds.

- **The treatment and testing technologies for PFAS compounds are still in early stages of development, so regulating compounds beyond PFOA and PFOS would make compliance extremely costly, if not impossible.**
- **AB 843/SB 772 gives DNR unprecedented authority to regulate PFAS in air emissions, for which there is little science and technology available.**
- **AB 843/SB 772 gives DNR extremely broad authority to designate who pays for PFAS remediation.** The over 4,000 PFAS compounds are so prevalent in the environment that in practice almost any business could be found liable by DNR and be required to provide proof of financial responsibility for PFAS response and remediation. Industry who were never manufacturing or purposefully discharging PFAS could be responsible for millions of dollars in liability for PFAS contamination.
- **The blood testing pilot program and cancer cluster study in AB 843 are not scientifically feasible and will cause unnecessary panic.** Even Wisconsin's Department of Health Services (DHS) has stated that there is an *association* but no link between PFAS blood levels and health effects. DHS recently sent a letter to the authors of AB 843/SB 772 stating that the population sample in the Marinette and Peshtigo area is too small to produce accurate scientific results in a cancer cluster study.
- **The state should not create a new "PFAS action fund" to collect moneys received from settlements or proposed actions.** Creating a PFAS trust fund incentivizes the state and plaintiff attorneys to file lawsuits against businesses for PFAS contamination. Contamination should be addressed based on sound science and working in collaboration with industry to provide immediate relief for citizens with affected water systems, not through expensive, inefficient, and time-consuming lawsuits.

In sum, the **Water Quality Coalition strongly opposes AB 843 & AB 842/SB 772 & 773**, which would give DNR immediate authority to impose costly, impossible-to-meet regulations on manufacturers, farmers, small businesses, and homeowners. The Wisconsin Legislature should not give a state agency such broad, unprecedented authority to regulate PFAS compounds at such a massive expense with little evidence of human health benefit.

The Coalition looks forward to working with the Legislature on alternative ways to address PFAS contamination hotspots in Wisconsin.