

Governor Urges Legislature to Release \$125 Million to Address PFAS, Groundwater

Written by GOV Press Wisconsin
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<http://newiproggressive.com/images/stories/S5/clean-drinking-water-s450.jpg>



With rulemaking on PFAS standards stalled until GOP acts, governor calls for urgent legislative action and the release of \$125 million in already approved funds.

MADISON — Gov. Tony Evers today directed the Wisconsin Department of Natural Resources (DNR) to submit a formal request to the Republican-controlled Joint Committee on Finance (JFC) to release \$125 million in already-approved funds to address per- and polyfluoroalkyl substances (PFAS) contamination statewide. The \$125 million in funding was deliberated, negotiated, and approved through the 2023-25 biennial budget process as enacted by Gov. Evers in July but has since been obstructed by Republicans in the Wisconsin State Legislature. Additionally, Gov. Evers and the DNR urged the Legislature to protect Wisconsin's groundwater from PFAS by passing legislation empowering the DNR to continue the rulemaking process to create standards for PFAS in groundwater. Until legislative action is taken, the DNR is unable to continue its work due to legislation passed in 2017.



“Ensuring access to clean drinking water—including getting PFAS, lead, and other harmful contaminants out of our water—has been a priority of mine since Day One. While I was proud

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of the bipartisan work accomplished in the budget to secure the first real, meaningful investment by legislative Republicans to address PFAS contamination statewide, I am disheartened at the lack of urgency that has followed since. Republicans' continued obstruction of basic government functions is playing politics with our water and peoples' lives and their livelihoods," said Gov. Evers. "Whether they rely on municipal water systems or private wells, every Wisconsinite should be able to trust that the water coming from their tap is safe, healthy, and free of contaminants, and leaders in this state should be working together to make sure the DNR can do their important work to not only conserve and manage our state's natural resources but ensure Wisconsinites have access to clean, safe water that families, farmers, communities, and so many others rely upon every day."

Nearly six months ago, a \$125 million PFAS trust fund—effectively controlled by the GOP-controlled JFC—was approved in the 2023-25 biennial budget and signed into law by Gov. Evers. In an effort to avoid the governor's powerful line-item veto authority, Republicans passed the budget creating the trust fund absent the necessary policy for implementation. In the time since, the Legislature has not made the funds available to the DNR to continue their work addressing PFAS and supporting communities across the state. Instead, Republicans in the Legislature have insisted on pursuing legislation to govern the distribution of the funds—something the DNR has repeatedly argued is unnecessary given the agency's existing programs that can be utilized to get these resources to local communities and private well owners. Further, Republicans' proposed legislation, 2023 Senate Bill 312, not only does not release the \$125 million from the trust fund to the DNR to deploy these resources to those who need them but actually adds new restrictions to the DNR's existing authority to hold polluters accountable and address future water contamination despite impacted communities voicing their strong opposition to this unnecessary provision.

Today, Gov. Evers directed the DNR to submit a [Wis. Stat. s. 13.10 request](#) to release the \$125 million in approved state funding to ensure impacted communities can work to address contamination and reduce their exposures to PFAS.



In addition to calling for the release of \$125 million to address PFAS statewide, Gov. Evers is also urging lawmakers to take legislative action to empower the DNR to continue their work to create standards for PFAS contamination in groundwater through the rulemaking process. This comes as the DNR recently [finalized the economic impact analysis](#) for the latest updates to NR 140, the administrative rule that sets standards for groundwater. The proposed rule would set

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standards for four specific PFAS compounds. The DNR finalized the analysis following the October public comment period and has determined the implementation costs would exceed \$10 million over a two-year period. However, in 2017, the Legislature passed

[Wisconsin Act 5](#)

[7](#)

, also known as the Regulations from the Executive in Need of Scrutiny (REINS) Act, which blocks the DNR from moving forward with this rulemaking process.

The REINS Act sought to give the Legislature additional oversight in and power over the development and promulgation of rules, including requiring authorization from the Legislature to continue rulemaking efforts if an economic impact analysis of a proposed rule indicates that costs to businesses, local governmental units, and individuals would be \$10 million or more in any two-year period. Until Republicans in the Legislature act to provide an exemption to the REINS Act, there can be no work on groundwater standards for PFAS in Wisconsin.

To that end, in addition to directing the DNR to submit a s. 13.10 request to release the \$125 million in already-approved funds to fight PFAS, Gov. Evers also [sent a letter](#) to Sens. Robert Cowles (R-Green Bay) and Eric Wimberger (R-Green Bay), urging them to pursue legislation to create an exemption to the REINS Act in order to allow the rulemaking process to continue and [provided draft legislation](#)

developed in partnership with the DNR enabling the Legislature to act quickly on this pressing matter. Sens. Cowles and Wimberger are the lead authors of 2023 Senate Bill 312, as referenced above, which Gov. Evers notes in his letter is unworkable as currently drafted without set groundwater standards for PFAS.

“As required under law, the DNR will pause rulemaking efforts on this proposed permanent rule until the Wisconsin State Legislature passes legislation explicitly allowing the DNR to continue this rulemaking. To expedite resuming this important rulemaking process, and consistent with the commitment you made to me to pursue legislation to that effect, my office has drafted legislation in partnership with the DNR for the Wisconsin State Legislature to take up expeditiously. I urge you to do so without delay,” wrote Gov. Evers in the letter.

“As we discussed in our November 8 meeting, without these standards set, having gone completely through the rulemaking process, the current language in SB 312 is not workable. It is my sincere hope that you will move forward quickly with this draft legislation to enable the DNR to continue this important rulemaking,” Gov. Evers wrote.

Most Wisconsinites source their drinking water from groundwater, including the 2.8 million people in the state whose public water systems rely on groundwater and the approximately one in four people in Wisconsin who drink water from private wells. The DNR’s proposed groundwater standards would limit the amount of PFAS released into the environment that could potentially contaminate groundwater used in public water systems and in private wells.

In 2019, [at the request of Gov. Evers](#), the DNR began work to establish standards for two types of PFAS (PFOA and PFOS) in groundwater, surface water, and drinking water. The Republican-controlled Natural Resources Board approved surface water and drinking water

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standards in August 2022, but the NRB rejected standards for PFAS in groundwater, and the DNR had to restart the rulemaking process for these groundwater standards in December 2022. While the U.S. Environmental Protection Agency (EPA) has proposed maximum contaminant levels for six types of PFAS in public drinking water, which are expected to be finalized soon, the EPA does not have the authority to regulate PFAS in groundwater under Wisconsin's groundwater law. As a result, there are no state or federal PFAS standards currently in place for groundwater. Furthermore, the drinking water standards in place at the state level do not apply to private well owners, and private well owners are also solely responsible for any costs associated with voluntary actions to sample or treat private well water.

Gov. Evers has long been committed to protecting Wisconsin's water and public health, including declaring 2019 the Year of Clean Drinking Water shortly after taking office. Gov. Evers [also signed](#) Executive Order #40, which directed the DNR to create a PFAS coordinating council, now known as WisPAC, to develop statewide initiatives to address growing public health and environmental concerns regarding PFAS. This led to the development of [Wisconsin's PFAS Action Plan](#), which serves as a roadmap for how the state could address PFAS. In his 2023-25 proposed budget, Gov. Evers [allocated](#) over \$100 million to support municipalities in responding to local PFAS contamination, bolster staff and resources at the DNR, and increase PFAS testing, sampling, and monitoring throughout Wisconsin. Gov. Evers has also taken action to address PFAS contamination in private wells by creating a revamped Well Compensation Grant Program with updated eligibility criteria to enable more Wisconsinites to access this grant program and investing \$10 million in the much-needed program.

[PFAS](#) are a group of human-made chemicals used for decades in numerous products, including non-stick cookware, fast food wrappers, stain-resistant sprays, and certain types of firefighting foam. These contaminants have made their way into the environment through accidental spills of PFAS-containing materials, discharges of PFAS-containing wastewater to treatment plants, and certain types of firefighting foams.

PFAS do not break down in the environment and have been discovered at concentrations of concern in groundwater, surface water, and drinking water. These chemicals are known to accumulate in the human body, posing several risks to human health, including certain cancers, liver damage, and decreased fertility. Information about PFAS can also be found on the [DNR's PFAS webpage](#) and on the [DHS website](#).