



To: Members of the Joint Committee for the Review of Administrative Rules

From: C.A.C. (Peshtigo Citizens Advisory Committee on PFAS), Citizens for Safe Water Around Badger, Clean Wisconsin, Midwest Environmental Justice Organization, Milwaukee Riverkeeper, PFAS Community Campaign, River Alliance, Sierra Club, Wisconsin Conservation Voters, Wisconsin Lakes, Wisconsin Wildlife Federation.

Date: December 17, 2020

RE: EmR 2045 – Relating to regulating firefighting foam that contains certain contaminants (DNR)

Our group of environmental organizations write today in support of emergency rule 2045 relating to PFAS-containing firefighting foam. We appreciate the time and dialogue that went into creating this rule with the Department of Natural Resources, the Natural Resources Board, and numerous stakeholders. Although this rule is minimal in scope, and only addresses one source of PFAS contamination, we believe it is an important step forward in protecting Wisconsin’s water resources.

PFAS-containing firefighting foam is the source of a massive water contamination problem in Marinette, WI, from a local firefighting training facility. In Marinette, one source of drinking water tested above 1,900 parts per trillion (ppt) – 95 times higher than the Department of Health Services’ recommended statewide standard of 20 ppt. While this rule might not be able to address that specific contamination problem, it would put in place protections to help prevent another one like it.

There are significant costs to PFAS pollution that justify this rule as a preventative measure. PFAS pollution has serious public health impacts, disproportionately affects low income and/or communities of color, decreases home values, impacts recreational fishing, and may have significant impacts on the dairy industry. Because of the costly and varied impacts to our water and public health, it is particularly important that this decision be guided by science and not influenced by industry profit motives.

Despite industry’s strategy to cloud the entire rulemaking process in doubt, the emergency rule is consistent with the rulemaking requirements in Chapter 227 and well within the statutory authority conferred by the legislature. The rule is consistent with the approved statement of scope, addressing the precise issues identified in that statement. Moreover, DNR exercised its expertise to engage in a diligent, rigorous scientific process to identify appropriate measures to address this public health crisis.

Maintaining the treatment indicator parameters and outlined treatment requirements are minimal but appropriate protections to limit PFAS exposure and protect public health in this rule. We are confident that compliance will reduce PFAS contamination, protect public health and the environment.

[ACT 101](#) was the only piece of PFAS water quality protections to get approved by the state legislature and passed into law. After nearly a year of Wisconsinites across the state demanding options to address PFAS pollution through the Speaker's Water Quality Taskforce, budget listening sessions, and public hearings on other PFAS-related bills – Act 101, banning PFAS firefighting foam in testing and training scenarios, was the only bill that got enough bipartisan support, so it is particularly surprising to see it come under attack by the very Legislature that passed it. Although this is an incredibly limited action to address PFAS contamination, developing this rule has generated significant yet unwarranted industry pushback throughout the process, and despite changes to mollify industry concerns, it is under threat again at JCRAR.

Weakening this rule any further ignores the very pleas for help from the Wisconsin families struggling with PFAS contamination. We do not support any revisions, as have been requested by some who stand to benefit at others' expense from weakening the protections that would further undermine this rule. We support the rule as written and approved by the NRB.