



Tony Evers

Office of the Governor | State of Wisconsin

VIA ELECTRONIC DELIVERY

February 21, 2024

Senator Eric Wimberger
104 South, State Capitol
Madison, WI 53707

Senator Robert Cowles
118 South, State Capitol
Madison, WI 53707

Dear Senators Wimberger and Cowles:

Thank you for sending me yet another letter about PFAS even as \$125 million to fight PFAS statewide continues to sit in Madison because legislative Republicans refuse to release it. Ensuring every Wisconsinite has clean, safe drinking water has been a priority for me since Day One of my administration. Still, more than 230 days after I enacted the 2023-25 biennial budget, Republicans have taken no action to release a \$125 million investment to fight PFAS that are affecting communities across our state. Delays and inaction by Republicans in the Legislature have left this funding inaccessible to the communities that need help and support to address PFAS right now, today.

We have previously discussed the concerns raised by many about Senate Bill (SB) 312—concerns the department and I share and have consistently explained. It is unfortunate that preventing polluters from being held accountable continues to be a legislative priority rather than getting resources to impacted communities to remove PFAS and other contaminants from Wisconsinites' wells and taps. Community leaders across Wisconsin are struggling with PFAS contamination and have likewise raised concerns about SB 312. Specifically, the town of Campbell, Peshtigo, and Marinette have consistently voiced their opposition to SB 312 and their unwillingness to support provisions limiting the Department of Natural Resources' (DNR) authority to hold polluters accountable. These folks are not "activists"; they are community leaders in our state fighting for access to safe drinking water for their residents and communities. I urge you to listen to constituents in PFAS-impacted communities who are asking the Legislature to prioritize them over polluters.

SB 312 still contains concerning language we have discussed at length that hamstring the DNR's ability to hold polluters accountable. Despite raising these concerns in our previous meeting, you moved forward without making the necessary changes in SB 312 necessary to earn my support. Specifically, the assertion that passing legislation to create programs and rules to administer PFAS grants and passing groundwater standards for PFAS in groundwater are "mutually exclusive" is not accurate. SB 312 specifically prohibits the DNR from requiring grant recipients to take action to address PFAS contamination unless PFAS levels exceed "any applicable promulgated standard under state or federal law."

As I explained in our November meeting, the U.S. Environmental Protection Agency does not set standards for contaminants in groundwater, and Wisconsin does not currently have groundwater standards for PFAS. Consequently, this provision will tie the DNR's hands for impacted communities who rely on private wells for their water unless state groundwater standards for PFAS are promulgated. In December, the DNR was forced to halt work on promulgating groundwater standards for PFAS due to the REINS Act. I called on you to pass legislation exempting this rulemaking from the REINS Act so the proposed rule could move forward. Two months later, while an exemption bill has now been circulated, the conflict in SB 312 nevertheless remains. This issue could have been resolved by now via promulgated groundwater standards for PFAS had there been action when I urged it last December.

In the absence of meaningful action, I instructed DNR in December to submit a s. 13.10 request to the Joint Committee on Finance to release the full \$125 million to fight PFAS statewide as approved in my biennial budget so my administration could get to work providing the assistance and resources communities impacted by PFAS need. The Republican-controlled Joint Committee on Finance can act on this request at any time.

Further, and importantly, SB 312 does not actually allocate any of the \$125 million, so passing SB 312 will still not actually get readily available resources out statewide to the communities that need them to fight PFAS. I again urge you to get serious about helping our impacted communities by urging your colleagues on the Joint Committee on Finance to approve the DNR's request.

Sincerely,



Tony Evers
Governor

Encl: PFAs impacted communities who oppose the bill:

Peshtigo (Jeff Lamont: https://captimes.com/news/government/wisconsin-pfas-victims-worry-cleanup-bill-would-shield-polluters/article_b91fb2d2-83e2-11ee-9cf8-4ba01bdfa0ff.html)

Town of Campbell/French Island (Lee Donahue: https://captimes.com/news/government/wisconsin-pfas-victims-worry-cleanup-bill-would-shield-polluters/article_b91fb2d2-83e2-11ee-9cf8-4ba01bdfa0ff.html)

Marinette (Doug Oitzinger: <https://wisconsinexaminer.com/2023/10/17/advocates-from-pfas-affected-communities-say-gop-bill-gives-polluters-a-pass/>)