



DATE: January 21, 2026
FROM: Clean Wisconsin
TO: The Assembly Committee on Environment
RE: Testimony on Assembly Bill 131

Clean Wisconsin here submits the following comments on Assembly Bill 131. Founded 55 years ago, Clean Wisconsin is a non-profit, non-partisan environmental advocacy organization working to secure a sustainable future for every Wisconsin community. With over 20,000 members and supporters around the state, we employ scientists, policy experts and attorneys to protect and improve Wisconsin's environment.

Background

Assembly Bill 131 attempts to address some of the environmental and public-health concerns associated with per- and polyfluoroalkyl substances (PFAS) by creating new grant programs for municipalities and private landowners to access clean water and clarifying responsible parties to determine legal and financial liability for remediating pollution. Clean Wisconsin could not support the bill as originally drafted because its vague and broad language would have allowed polluters to qualify for "innocent landowner" exemptions. After months of collaboration with the authors and affected community members, however, we feel confident we can support the bill if this committee adopts Assembly Substitute Amendment 1 introduced by Representative Mursau.

When Assembly Bill 131 was introduced in March, Clean Wisconsin's policy experts and attorneys scrutinized the text, identified sections of concern and developed recommendations to address our concerns while remaining cognizant of the authors' good intentions and the needs of communities affected by PFAS pollution. We identified revisions needed to protect public health and create a framework that would effectively distribute the PFAS trust fund to communities.

Clean Wisconsin appreciates the extent to which bill authors, Representative Mursau and Senator Wimberger, listened to our concerns, considered our requests and addressed those concerns in this amendment. We commend them for their leadership.

Assembly Substitute Amendment 1 substantially resolves Clean Wisconsin's concerns.

Our principal concerns relating to Assembly Bill 131 and their corresponding resolutions in Assembly Substitute Amendment 1 are as follows:

1. Assembly Bill 131, Section 11, sub. (3)(a) is vague enough to allow entities that create and release PFAS pollution to spread PFAS-containing biosolids and wastewater residuals and still qualify for an exemption from state law pertaining to hazardous substances ("Spills Law").¹ Assembly Substitute Amendment 1, Section 14, subs. 3.a. and 3.b. (page 15, line 18 – page 16, line 2) create new language ensuring that these entities could not qualify for a spills law exemption.

¹ Wis. Stat. 292.11.

2. Even though training with PFAS-containing firefighting foam is illegal under 2019 Act 101², Assembly Bill 131 Section 11, sub. (3)(c) says a fire department or public-use airport could qualify as an innocent landowner if they used foam for training. This seems to be in contradiction with existing law. Assembly Substitute Amendment 1, Section 14, sub. 2.d. (page 14, lines 15-18) says fire departments must comply with state regulations to qualify for a spills law exemption.
3. The language in AB 131, Section 11, sub (3)(d) would function as a loophole for generators of PFAS and PFAS waste streams to create and operate their own solid waste disposal facilities for the purpose of dumping their own PFAS-containing waste and exempts those generators from the cost and responsibility of pollution cleanup. Assembly Substitute Amendment 1, Section 14, subs. 3.a. and 3.b. (page 15, line 18 – page 16, line 2) creates new language that ensures this is not possible.
4. Assembly Bill 131, Section 8 exempt entities from the Spills Law if they allow the Department of Natural Resources (DNR) to remediate their property at the DNR's expense. We are concerned that certain polluters could qualify for an exemption simply by granting permission to DNR to remediate polluted property irrespective of the DNR's financial ability to do so. Assembly Amendment 1, section 14 (beginning on page 13, line 16) states which entities qualify for an exemption from the spills law without ambiguity or ability to exploit a potential loophole.
5. Assembly Bill 131 would enable municipal airports to abandon required remediation efforts if the bill passed as drafted. Assembly Substitute Amendment 1, Section 16 (beginning on page 21, line 22) addresses this concern with language that would create a new grant program to require airports to continue remediation while providing financial assistance. This language represents a fair compromise to protect public health without bankrupting municipal airports.

In summary, Assembly Substitute Amendment 1 strikes the right balance to ensure responsible parties are held responsible while allowing passive receivers, like farmers, third-party waste haulers and municipal landfills, to qualify for liability exemptions and financial assistance.

Conclusion

Representative Mursau, his staffer Cory Bruce, Senator Wimberger and his staffer Zach Stolfus have shown true interest in understanding our concerns and considering our recommendations. We value their partnership to find compromise on this bill. Clean Wisconsin shares their goal in getting a bill to the Governor's desk for his signature this session, and we urge the legislature to adopt Assembly Substitute Amendment 1 and pass the bill as amended. It is the bipartisan compromise we have advocated for.

We conclude by reminding the committee that the legislature created the PFAS Trust Fund two and a half years ago. Marinette, Peshtigo, the Town of Campbell, the Town of Stella and communities throughout the state have waited and waited and waited for their state government to create the programs through which these funds can be allocated. They don't deserve to wait another day.

² Wis. Stat. 299.48(2)