



PFAS Bill Would Let Polluters off the Hook

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A bill to direct \$125 million in funding to help address PFAS contamination is making its way through the Wisconsin Legislature. Supporters of the bill say it would provide much-needed aid to help communities impacted by so-called “forever chemicals”, but it could end up leaving Wisconsinites worse off. That’s because the bill contains troubling provisions that would let PFAS polluters off the hook by limiting the state’s enforcement authority under Wisconsin’s Spills Law. Unless the bill is amended to remove those provisions, fewer contaminated sites will be cleaned up and too many costs will be shifted from polluters to taxpayers.

As drafted, the bill—2023 Wisconsin Senate Bill 312—would make it harder for the state to hold PFAS polluters accountable for the damages they have caused to the environment and for the associated adverse health impacts that comes with exposure to these hazardous substances. Shifting responsibility away from polluters could come at an extraordinary cost to taxpayers.

Just look at the extent of the contamination caused by Johnson Controls (JCI) in Marinette. JCI, parent company of Tyco Fire Products, reportedly set aside \$140 million in 2019 to address what is one of the largest sites of PFAS contamination in the state. In late 2022, JCI reportedly increased those reserves by another \$255 million. That totals nearly \$400 million to address a single contaminated site. When you consider that more than 100 sites of PFAS contamination have so far been identified in Wisconsin, it is easy to see how remediation costs could quickly exceed \$125 million. And while it may not be the authors’ intent, Tyco and other PFAS polluters could point to provisions in the bill to avoid responsibility for those costs.

This attempt to undermine the Spills Law in the Legislature comes at a time when the same law is also under attack in the courts. Wisconsin Manufacturers and Commerce, the most powerful lobbying group in the state, has filed two different lawsuits against the DNR to limit the state’s ability to investigate PFAS contamination and require polluters to pay for cleanup.

For decades, Wisconsin’s Spills Law has been critical to protecting the environment and the people of this state from hazardous contamination. Given the significant health risks associated with PFAS exposure, we simply cannot allow an important regulatory tool like the Spills Law to be undermined. Unfortunately, that is exactly what would happen under this bill. Unless significant changes are made to remove limitations on the state’s enforcement authority, Governor Evers should use his veto pen to reject it.