Environmental and Public Health Groups to Submit Amicus Brief in Toxic Chemical Lawsuit Brought by Wisconsin Manufacturers & Commerce

WMC Lawsuit Threatens to Undermine State’s Ability to Address PFAS and Other Hazardous Contamination

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Madison, WI—In a hearing today, a Waukesha County Circuit Court judge granted a motion by environmental and public health groups to file an amicus, or ‘friend of the court’, brief in a lawsuit brought by Wisconsin Manufacturers and Commerce against the Department of Natural Resources (DNR).

Although they will not participate as full parties, the groups will be allowed to submit arguments for the judge’s consideration in a case they say threatens to fundamentally undermine the Spills Law—a bedrock environmental and public health protection that keeps Wisconsinites safe from exposure to PFAS and other hazardous substances.

The lawsuit was filed in February by Wisconsin Manufacturers and Commerce and Leather Rich, Inc., who are suing the DNR in an effort to limit the agency’s ability to investigate and order cleanup of environmental contamination.

Midwest Environmental Advocates will submit the friend of the court brief on behalf of a group of environmental and public health advocates who are participating in the case in order to defend the Spills Law. The group includes Citizens for a Clean Wausau, Clean Water Action Council of Northeast Wisconsin, River Alliance of Wisconsin, Wisconsin Environmental Health Network and Doug Oitzinger, a former mayor of Marinette.

Prior to today’s hearing, a press conference was held to highlight the potential harm to Wisconsin communities if Wisconsin Manufacturers and Commerce (WMC) prevails in the lawsuit.

“WMC’s reckless lawsuit seeks to strip the state of the power to address PFAS and other forms of toxic contamination,” said MEA Board Member and Ho-Chunk Nation Supreme Court Justice Tricia Zunker. If they succeed, the ramifications will be harmful and costly for communities across the state—from Milwaukee to Marinette to my hometown of Wausau.”

Allison Werner, Executive Director of River Alliance of Wisconsin, said, “WMC’s assault on the Spills Law is a significant threat to the state’s ability to protect our water resources. It is also a threat to public health and to all the sectors of our economy—including tourism and agriculture—that rely on clean water.”
Doug Oitzinger, a former mayor of the City of Marinette, said, “My community has been devastated by PFAS contamination stemming from Tyco Fire Products’ testing operations. Exposure to these toxic chemicals has been linked to cancer and other serious health problems. I am participating in this lawsuit because the assistance that the DNR is currently providing to Marinette and Peshtigo to investigate and clean up PFAS contamination is entirely dependent on the Spills Law. Without the Spills Law, that assistance will vanish.”

“The outcome of this case could have implications for virtually every community in the state, not just those facing PFAS contamination,” said Tom Kilian of Citizens for a Clean Wausau. “Residents of Wausau’s diverse, working class neighborhoods have been disproportionately impacted by decades of industrial contamination. Their health depends on the state’s continued ability to remediate that contamination.”

Beth Neary, M.D., Co-President of Wisconsin Environmental Health Network, said, “While legal disputes about DNR’s authority might seem academic, the outcome of this lawsuit will have real-world consequences for the health of people all over the state. If WMC succeeds in this case, Wisconsin would be forced back into the dark ages of environmental protection, where we could remain for a very long time. We owe it to our children to make sure that doesn’t happen.”

“Although my organization is not one of the groups seeking to participate in the lawsuit, we strongly support defense of the Spills Law,” said Richard Diaz of Coalition on Lead Emergency. “WMC’s attack on the Spills Law is an attack on environmental justice for communities of color and lower-income communities. For over 40 years, the Spills Law has been key to protecting public health by ensuring cleanup at thousands of sites of industrial contamination, including sites of lead contamination. These sites tend to be located in lower-income neighborhoods and communities of color.”

Learn more about this case here.

Midwest Environmental Advocates is a nonprofit law center that combines the power of law with the resolve of communities facing environmental injustice to secure and protect the rights of all people to healthy water, land, and air. Learn more at www.midwestadvocates.org or www.facebook.com/midwestadvocates.

Citizens for a Clean Wausau is an environmental watchdog group whose volunteers monitor the activities and impacts of significant current and past local polluters. CCW works primarily on issues related to defining the extent and nature of industrial contamination in a footprint on Wausau’s southwest side, so that it can and will be remediated. Learn more at www.cleanwausau.com or www.facebook.com/cleanwausau.

Clean Water Action Council of Northeast Wisconsin is a nonprofit corporation organized to promote a safe, healthy, and sustainable environment in northeast Wisconsin, to educate and inform members and the public on environmental issues, and to take action on behalf of members and the public to protect the environment and human health. Learn more at https://www.cleanwateractioncouncil.org/

Formed in 1993, River Alliance of Wisconsin is a statewide nonprofit, nonpartisan advocacy organization that empowers people to protect and restore Wisconsin’s waters. The organization’s membership includes more than 1,500 individuals, businesses, and local watershed groups. For more information, visit www.wisconsinrivers.org

Wisconsin Environmental Health Network is a group of healthcare professionals collaborating with local environmental advocates. WEHN works to inform healthcare professionals, the public, and policy makers about the effects of environmental toxins and climate change on public health. WEHN develops and promotes clinical tools, offers environmental health education for public and healthcare professionals, and advocates for strong
environmental regulation to protect human health. WEHN is a program of the nonprofit Physicians for Social Responsibility Wisconsin. Learn more at https://www.wehnonline.org/

**Doug Oitzinger** is a former Mayor of the City of Marinette who came out of retirement after learning about the PFAS contamination impacting his community. He is now a Marinette City Council Member representing people who have been impacted by the plume of PFAS contamination stemming from Tyco Fire Products’ testing operations. Watch [this video](#) to learn more about how the Spills Law has enabled his community to address PFAS contamination and why he is seeking to intervene in this case.

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