PFAS Contamination Records Released after LawsuitsFiled

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Madison, WI—In a victory for open government, Midwest Environmental Advocates ensured public access to PFAS pollution records held by Dane County and the Madison Water Utility, but not until MEA attorneys filed two lawsuits in circuit court in March to compel disclosure of the documents.

Citizens for Open Government, an anonymous organization committed to government transparency, submitted two open records requests—one to Dane County in May 2019 and one to Madison Water Utility in November 2019. Nearly a year after the records were requested, Dane County ultimately produced them and agreed to pay costs, fees, and damages. MEA was also able to obtain records related to PFAS pollution from Madison Water Utility, after which the parties agreed to dismiss that case.

PFAS (per- and polyflouroalkyl substances) are a family of thousands of man-made toxic chemicals that were originally produced by corporations such as DuPont and 3M as early as the 1940s. Often called “forever chemicals,” PFAS build up in the human body and have been linked to an increased risk of cancer, reproductive, and developmental problems, thyroid hormone disruption, high cholesterol, and other serious health conditions.

Under Wisconsin’s Public Records Law, members of the public are entitled to the greatest possible information regarding the affairs of government and the official acts of government employees. The failure of Dane County and Madison Water Utility to produce the requested records in a timely way was contrary to the public interest and violated the Public Records Law.

MEA Attorney Rob Lee said, “The public has a right to know about the extent of PFAS contamination and what government officials are doing to contain it. While the records were ultimately released, it shouldn’t have taken a lawsuit to make it happen.”

Visit Midwest Environmental Advocates’ website for more information about this case and about PFAS.

Midwest Environmental Advocates is a public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about MEA on the web at midwestadvocates.org.

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