

Dane County Exec Parisi: Dane County to pursue legal action against PFAS manufacturers for responsibility in contaminating the environment

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Today, County Executive Joe Parisi announced Dane County will authorize its legal counsel to pursue legal action against per- and polyfluoroalkyl substances (PFAS) manufacturers for their responsibility in contaminating and negatively impacting the environment in Dane County. A resolution authorizing Dane County's Corporation Counsel to enter into an agreement with an outside legal firm to join class action litigation against PFAS manufacturers will be introduced at tonight's County Board meeting.

The U.S. Environmental Protection Agency (EPA) identifies PFAS as widely used, long lasting chemicals that break down very slowly over time. Both the EPA and the Wisconsin Department of Natural Resources (DNR) have recently identified PFAS as emerging contaminants. Numerous federal agencies and congressional committees have been directed to increase PFAS remediation research, and last October the EPA released their action plan outlining a "whole of government" approach to tackling PFAS contamination.

"The Dane County Regional Airport faces substantial costs to investigate and remediate PFAS impacts," said County Executive Parisi. "PFAS manufacturers made millions selling these products and we owe it to the taxpayers of Dane County to make sure they aren't forced to pay for cleaning up the contamination that resulted from using firefighting foam. Too often big corporations make huge profits and then

walk away when a problem is discovered, leaving taxpayers stuck with the clean-up bills.”

The Dane County Regional Airport (DCRA) has been legally mandated by the Federal Aviation Administration (FAA) for decades to have fire and crash protection services that use a firefighting agent containing PFAS, known as Aqueous-Film-Forming Foam (AFFF), for training and emergencies. AFFF has been discharged on DCRA property as a result of these FAA mandates. In October of 2019, the DNR sent a responsible party letter to the DCRA, the city of Madison, and the Wisconsin Air National Guard, and those parties have been working with the DNR on remediation plans since receiving the letter.

Numerous airports and other public entities have filed suit against PFAS manufacturers to recover their existing and future costs to investigate and remediate PFAS contamination resulting from AFFF use. Dane County joining a multi-jurisdictional litigation process to hold PFAS manufacturers liable for contamination would be similar to the action taken by the county against opioid manufacturers.

The Dane County Regional Airport is already conducting a pilot project to capture and remove PFAS contamination at the location where the highest PFAS concentrations have been detected. The project is implementing a technology called bioavailable absorbent media (BAM). Based on previous pilot tests using the technology in Michigan, the hope is that the BAM will significantly reduce the PFAS concentrations. The pilot includes continuous testing to evaluate whether the technology is successful. If the results are promising, the Airport will expand the use of this new technology to other areas of the airport property where PFAS has been detected.