

# Midwest Environmental Advocates: Decision in WMC lawsuit undermines state's ability to address toxic PFAS contamination and endangers public health

Posted on Tuesday, Apr 12, 2022

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

**Madison, WI**— In a decision issued today, a Waukesha County Circuit Court judge ruled that the Wisconsin Department of Natural Resources lacks the authority to regulate toxic PFAS chemicals and other emerging contaminants as hazardous substances under Wisconsin's Spills Law.

Environmental and public health advocates say the decision, if allowed to stand, endangers public health by removing the only meaningful public health protection we have to address PFAS contamination in Wisconsin.

The ruling was issued in a [lawsuit](#) filed by Wisconsin Manufacturers and Commerce (WMC) in February. WMC sued the Wisconsin Department of Natural Resources (DNR) in an effort to limit the agency's ability to investigate PFAS contamination and require responsible parties to clean up contaminated sites.

PFAS are a class of synthetic compounds found in a wide variety of manufacturing processes and consumer products such as firefighting foam, nonstick cookware, water-repellent clothing, stain resistant carpets, cleaning products and more. PFAS have been linked to serious health problems including cancer, reproductive issues, thyroid disease, immune system issues and more.

Midwest Environmental Advocates (MEA) filed an [amicus, or 'friend of the court'](#),

[brief](#) in the case on behalf of a group of environmental and public health advocates, including 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.

**Rob Lee, Staff Attorney with Midwest Environmental Advocates**, said, “While today’s circuit court ruling is disappointing, we expect it to be appealed and are confident that the DNR’s efforts to keep Wisconsin families safe from PFAS contamination will ultimately be vindicated.”

“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,” said **Doug Oitzinger, a former mayor of the City of Marinette**. “If this decision stands, it will have devastating real-world consequences for people living in Marinette, Peshtigo, La Crosse and other communities harmed by PFAS contamination. All the assistance that DNR is currently providing to these communities would vanish—the required well testing, the orders for cleanup and remediation—it would all come to a halt.”

“Today’s ruling threatens to remove the only meaningful public health protection we have to address PFAS contamination in Wisconsin,” said **Tom Kilian of Citizens for a Clean Wausau**. “Without the ability to regulate PFAS under the Spills Law, the State will have no legal recourse for holding polluters accountable. Everyday people would be forced to figure out how to deal with toxic PFAS contamination on their own.”

“Our participation in this case is about defending the legal protections that keep Wisconsinites safe from toxic contamination, especially those who are most vulnerable—pregnant women, infants and young children,” said **Beth Neary, M.D., Co-President of Wisconsin Environmental Health Network**.

**Allison Werner, Executive Director of River Alliance of Wisconsin**, said, “WMC’s assault on the state’s ability to address PFAS contamination is a significant threat to Wisconsin’s water resources, to public health, and to all the sectors of our economy—including tourism and agriculture—that rely on clean water.”

“When it comes to regulating PFAS and other emerging chemicals, we need to move forward, not backward,” said **Dean Hoegger, President and Executive Director of Clean Water Action Council of Northeast Wisconsin**. “The idea of returning

to a time when polluters weren't held accountable for cleaning up contaminated soil and water—it's unthinkable. Unfortunately, that's exactly what's at stake if this decision stands.”

**Learn more about this case [here](#).**