

Senate committee unanimously backs PFAS compromise

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An amended PFAS bill package unanimously OK'd by a Senate panel would exempt several groups from the state's remediation law, including certain parties that spread PFAS-contaminated wastewater or industrial waste in compliance with a license or permit.

Gov. Tony Evers previously backed a much narrower exemption to requirements under the Spills Law, a key issue in negotiations with Republicans. Last year, he [proposed](#) an exemption exclusively for agricultural or residential properties polluted with PFAS-contaminated sludge in compliance with a DNR-issued permit.

This year, the Dem gov has said he's "as optimistic as ever that PFAS can be a bipartisan success story" and touted progress with Republicans over how to use the now more than \$132 million the Legislature has set aside to combat contamination.

The Senate Natural Resources, Veterans and Military Affairs Committee on Thursday approved 5-0 by paper ballot the amended package after the Assembly [unanimously passed](#) it last month.

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AB 131 would establish programs and requirements to address PFAS contamination, including grant programs for municipalities, those labeled innocent landowners, airports and owners of certain industrial facilities. It also includes exemptions to the state's environmental remediation law, the Spills Law.

The amended bill includes a partial exemption for "industrial possessors," owners of industrial properties that meet certain requirements, according to a [Leg Council analysis](#) provided by the office of co-author Sen. Eric Wimberger, a Green Bay-area Republican.

Owners of industrial properties would have to meet the following criteria to qualify for the partial exemption: they are responsible for contamination only because they possess PFAS that are discharged on the property; the discharge was caused by land spreading of PFAS-contaminated wastewater or industrial waste; and they did not cause the contamination.

Industrial possessors would still be required to take immediate and interim actions required by DNR related to PFAS contamination on the property.

Unlike the previous version, the amended package does not include an exemption for airports that responded to an emergency or conducted training in compliance with federal regulations.

The package also includes a grant program to provide financial assistance to industrial possessors who qualify for a partial exemption and to owners and operators of public-use airports to address PFAS contamination.

Some of the other parties included in exemptions to the remediation law in the amended legislation include:

- Owners of agricultural or residential properties where PFAS-contaminated wastewater or industrial waste was spread pursuant to a license or permit. The exemption would not apply if the contamination is tied to an activity or use of the property for non-agricultural or residential purposes.
- Those who own a commercial property where PFAS-contaminated wastewater or industrial waste was spread, if the spreading was in compliance with a permit that did not address PFAS at the time.
- Publicly owned or operated fire departments that responded to emergencies or conducted training for emergencies that required the use of PFAS, if done in compliance with applicable federal, state and local regulations. The exemption would not apply to training or testing at public-use airports.
- Those who own, lease, manage or contract for property where PFAS contamination did not originate, unless they also own, lease, manage or contract for the property where the original discharge took place.

All parties granted exemptions would be required to provide access to the property in question for activities under the state's remediation law.

Wimberger in a statement to WisPolitics said Evers opposed protections for innocent

landowners last session, “but after years of negotiations and months of weekly meetings with DNR, I think they understand the need and have agreed to protections for homeowners, farmers, businesses, and even some industrial properties that did not pollute.”

Peter Burress, government affairs manager for Wisconsin Conservation Voters, which is backing the changes, noted the group has generally opposed changes to the Spills Law, “but we do believe that the narrowly tailored language in this amendment is a reasonable compromise.”

He also touted the \$35 million for the Well Compensation Grant Program to help private well owners replace, rebuild and treat contaminated wells, along with expanded eligibility for the program.

Wisconsin Manufacturers & Commerce declined to comment on the latest version of the legislation. The group, which opposed a previous set of substitute amendments, is currently registered as “neutral.”