



STATE SENATOR
Eric Wimberger
DISTRICT 30

April 4, 2024

The Honorable Tony Evers
Governor of the State of Wisconsin
115 East, State Capitol
Madison, WI 53702

Dear Governor Evers:

I am again writing to respectfully urge you to sign Senate Bill 312 into law.

Over the past two years, dozens of stakeholder groups and communities affected by PFAS have worked across the aisle on a good-faith compromise to address Wisconsin's PFAS crisis. This compromise resulted in Senate Bill 312, which creates much-needed programs to address the issues impacting PFAS-affected communities while extending critical legal protections to victims of PFAS pollution.

This bill has undergone extensive changes, including dozens of changes at the request of your Department of Natural Resources. However, we have been clear from the beginning that we will not sell out the communities on the front lines of the fight against PFAS by removing protections for victims of pollution.

Based on your public comments conflating victims of PFAS pollution with actual polluters, I remain extremely concerned that you do not understand the challenges facing victims of PFAS pollution and are confused about the content of this bill.

Enclosed are two legal memos from the non-partisan Legislative Council, outlining the narrow way this bill has been drafted to provide protections for pollution victims who through no fault of their own have PFAS-contaminated property while maintaining current law for entities responsible for causing PFAS pollution.

Under current law, it does not matter how a property became polluted, only that it emits the substance to another property. This means innocent landowners in the path of a pollution plume are treated just like polluters and can be obligated by DNR to potentially pay millions of dollars for well testing and remediation, while also facing \$5000 fines per day for noncompliance.

Even just the threat of enforcement orders by the DNR destroys land value upon detection, causing banks to refuse to refinance and call in their loans. Pollution victims will be forced to choose between losing their largest asset and risking their health by refusing to test for potentially high levels of contamination. It is unconscionable that the DNR's "solution" is for neighbors to sue each other, and then join forces in court against international corporations to be made whole. It does not have to be that way.

The only way for SB312 to provide legal protection for innocent landowners is IF they allow DNR to do testing and remediation.

The protections do not extend to the point source of the pollution like a factory or test facility, and liabilities do not change for those who put PFAS into the ground from which the plumes spread. The middle path envisioned in SB312 protects the people who should be protected from the effects of onerous government regulation while getting them clean water and protecting the environment.

PFAS-affected communities have waited long enough. Should you veto SB312 – a bill supported by affected communities and all three state organizations representing every level of local government – you relegate communities like Peshtigo, Marinette, Stella, and Wausau to waiting another year for the relief they desperately need now.

Calls to release funds without legal protections for innocent victims of pollution, and the framework and reforms necessary to expedite government support are simply not enough. SB312 creates needed new programs and protections that empower the department to better serve local units of government, private community water system operators, private landfills accepting municipal solid waste, and, perhaps most importantly, innocent victims of pollution. Along with the framework for a Municipal PFAS Grant Program and an Innocent Landowner Grant Program, numerous other important measures are in SB312, including:

- Streamlining regulations around municipal water utilities' response to an emerging threat from PFAS contamination;
- Prioritizing in-state loan programs and the extension of municipal water and sewer systems to unserved areas impacted by PFAS;
- Assurances that municipal utility projects, such as replacing lead water laterals, are not impeded by regulatory burdens because PFAS-contaminated water may emerge while digging a hole;
- Starting response and remedial actions at certain contaminated sites where a culpable responsible party hasn't been identified;
- Assistance to private labs to get certified to test for PFAS, helping to lower the testing times and costs in our state;
- Protecting farmers and other parties from enforcement after PFAS was found on their property through no fault of their own;
- Review from the DNR on major test wells dug in areas with PFAS to ensure we're not exacerbating the contamination; and
- Collaborative studies from the DNR and UW-System to look at several issues, including the diversion, treatment and return of contaminated surface waters, the best means to dispose of contaminated biosolids, and effective measures to destroy PFAS.

I am once again asking that you take the time to listen to pollution victims and the PFAS-affected communities across Wisconsin who are asking for Senate Bill 312 to be signed into law. Please don't hesitate to reach out if I can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Wimberger". The signature is fluid and cursive, with a prominent initial "E" and a long, sweeping underline.

Eric Wimberger
Senator, 30th Senate District

Enclosure: [Legal Memo 1](#); [Legal memo 2](#)