



Tony Evers

Office of the Governor | State of Wisconsin

VIA ELECTRONIC DELIVERY

December 19, 2023

The Honorable Robert Cowles
Room 118 South, State Capitol
Madison, WI 53707

The Honorable Eric Wimberger
Room 104 South, State Capitol
Madison, WI 53707

Dear Senators Cowles and Wimberger:

I am following up on our meeting regarding Senate Bill 312 on November 8, 2023, in which we agreed that setting enforceable numerical standards for PFAS contamination in groundwater is a critical next step in addressing PFAS contamination in Wisconsin.

As you well know, impacted local partners and communities across our state have been clear that enacting enforceable groundwater standards for PFAS is critical to prevent future PFAS contamination—an important priority my administration has been working in earnest to address for several years. Moreover, as we also discussed, SB 312, as currently drafted, weakens the Department of Natural Resources' (DNR) existing authority to protect the public from these substances without having these standards in place, which is counterintuitive to the important steps my administration has taken to address PFAS contamination over the past five years.

In our November meeting, you offered to lead legislative efforts to pass enabling legislation ensuring the DNR is authorized to continue current rulemaking to do just that in the event the final economic impact analysis (EIA) exceeded \$10 million or more in implementation and compliance costs over a two-year period, which would trigger elements of 2017 Wisconsin Act 57, also known as the REINS Act. Today, the DNR submitted the final EIA for the proposed permanent administrative rule DG-17-22, which would set enforceable numerical standards for PFAS contamination in groundwater. The final EIA projects an implementation and compliance cost that triggers the REINS Act.

As required under law, the DNR will pause rulemaking efforts on this proposed permanent rule until the Wisconsin State Legislature passes legislation explicitly allowing the DNR to continue this rulemaking. To expedite resuming this important rulemaking process, and consistent with the commitment you made to me to

pursue legislation to that effect, my office has drafted legislation in partnership with the DNR for the Wisconsin State Legislature to take up expeditiously. I urge you to do so without delay.

As we discussed in our November 8 meeting, without these standards set, having gone completely through the rulemaking process, the current language in SB 312 is not workable. It is my sincere hope that you will move forward quickly with this draft legislation to enable the DNR to continue this important rulemaking. As outlined by multiple stakeholder groups in the draft EIA public hearing, the substantial economic, ecological, and health benefits of this proposed rulemaking, which are not reflected in the final EIA, warrant urgent action. I look forward to your earnest support for this proposal and the Wisconsin State Legislature moving this critical legislation forward as soon as possible.

Respectfully yours in service,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, flowing style.

Tony Evers
Governor