



Tony Evers

Office of the Governor | State of Wisconsin

April 9, 2024

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 312 in its entirety.

This bill creates or modifies grant programs in the Department of Natural Resources to address perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination, including a PFAS municipal grant program, an innocent landowner grant program, the clean water fund program, the safe drinking water loan program, and the well compensation grant program. The bill also permits municipal utilities and sewerage districts to use revenues for up to half of the cost of PFAS reduction measures and places new limitations on the Department of Natural Resources and the Public Service Commission related to the regulation of and reporting on PFAS. The bill further places a number of requirements on the Department of Natural Resources, including directives related to PFAS studies and laboratory activities in conjunction with the Board of Regents, PFAS-containing firefighting foam, portable wastewater treatment systems, testing for PFAS and reporting on PFAS contamination.

For nearly 280 days as of this writing, a \$125 million state investment to combat PFAS statewide, made available through the 2023-25 biennial budget passed by the Wisconsin State Legislature that I enacted last July, has languished in Madison unspent. At any point during the interceding nearly 280 days since I enacted the biennial budget, the Republican-controlled Joint Committee on Finance could have released the \$125 million investment to combat PFAS statewide. Republican committee members have, unfortunately, consistently refused despite ample opportunity and numerous requests by me and others to do so.

Importantly, Senate Bill 312 has virtually nothing to do with releasing the \$125 million investment secured through the 2023-25 biennial budget process to combat PFAS statewide: Senate Bill 312 appropriates no new funding; does not impact in any way the existing \$125 million biennial budget investment to fight PFAS; and would not in and of itself release the \$125 million biennial budget investment to fight PFAS. Republican members of the Joint Committee on Finance may release the already-approved \$125 million investment to combat PFAS contamination across our state at any time, notwithstanding my action on Senate Bill 312 today. I once again urge the Joint Committee on Finance to immediately release our already-approved \$125 million investment immediately and without any further delay so my administration can work in earnest to support communities impacted by PFAS contamination across our state.

I will not sign legislation that has any chance of letting those who cause PFAS contamination off the hook for remediating their contamination, and I cannot accept the Legislature's attempts to shift both the responsibility and cost of cleaning up PFAS contamination to Wisconsin taxpayers rather than polluters.

I am vetoing this bill in its entirety because I object to limiting the department's ability to address PFAS contamination. The provisions of this bill would require certain test results for PFAS to exceed a promulgated standard before the department may take certain enforcement actions. This prohibition would limit the department's ability to require action to protect public health or the environment under the state's spills law, especially as Republicans in the Wisconsin State Legislature refuse to act to allow the department to continue the rulemaking process to set standards for PFAS in groundwater. The authors demanded this provision stay in the bill, claiming it was needed to ensure farmers who unknowingly spread biosolids containing PFAS would not be subject to remediation requirements or have their land values impacted, but a recent study by Midwest Environmental Advocates shows that the department has never brought enforcement action against a farmer who unknowingly spread biosolids containing PFAS. And importantly, the provision included in this bill goes far beyond this one example, and could even result in a polluter who knowingly released PFAS into the environment being shielded from accountability for the cleanup. I am disappointed the bill authors used our farmers as scapegoats to try to eliminate an important tool for the department to hold those who contaminate our state's waters accountable, despite opposition to the bill from farming organizations like the Wisconsin Farmers Union. This provision would risk the health and safety of the residents of the state by enacting more hurdles to obstruct the department's response to dangerous contamination throughout the state.

I am also vetoing this bill in its entirety because I object to limiting the Department of Natural Resources' ability to publicly disclose the results of PFAS testing conducted under a municipal grant program or through voluntary sample collection. The provisions of this bill would prohibit the department from disclosing these testing results to the public unless the department notifies grantees or landowners at least 72 hours prior, conflicting with the department's current practice of disclosing testing results within 24 hours. This provision would limit the department's ability to communicate with the public regarding PFAS contamination.

Further, I am vetoing this bill because I object to limiting the department's ability to collect PFAS samples throughout the state. The provisions of this bill would require the department to receive written consent from a landowner to collect samples through voluntary testing, even when there is an imminent risk to public safety or the environment. This prohibition would limit the department's ability to respond to the most severe contamination cases and potentially risk the health and safety of the residents of the state.

Finally, I am vetoing this bill because the provisions included in this bill are largely unnecessary for combating PFAS contamination in this state. Under the provisions of Senate Bill 312, the department would still need to request the release of funds under s. 13.10, as the legislation does not allocate any of the funding available in the PFAS Trust Fund. Under 2023 Wisconsin Act 19, which is current law, the Department of Natural Resources already can request funding from the PFAS Trust Fund under s. 13.10, and the department can administer these funds once provided to the department using existing department authority. On December 19, 2023, the department submitted a request under s. 13.10 to the Legislature's Joint Committee on Finance for the release of the full \$125 million from the PFAS Trust Fund to address PFAS contamination. The committee has yet to act on the request from December. On February 27, 2024, in the spirit of compromise, the department submitted an updated request for the release of funds under s. 13.10. The department's revised request outlines in detail how it would utilize \$125 million in funding over the 2023-25 biennium and mirrors the municipal grant and innocent landowner grant provisions included in this bill. It is my hope that by including these grant provisions, where we have common ground, the Joint Committee on Finance will act with due haste to approve the department's request.

Addressing PFAS contamination has been and continues to be a top priority for me and my administration. Starting with my 2019-21 executive budget and continuing with my 2021-23 and 2023-25 executive budgets, I have consistently offered comprehensive efforts to combat PFAS contamination statewide. While I appreciate the Legislature has finally decided to join this important work, the bill before me today is not good enough. This bill does not do nearly enough to combat the

PFAS contamination challenges we face as a state, it does not do enough to protect Wisconsin taxpayers from being forced to clean up the messes polluters make, and it does not do enough to help ensure the Department of Natural Resources can continue to protect and clean up our water.

I look forward to continuing to work with local leaders and communities, stakeholders, and the Legislature to find workable, meaningful, and bipartisan solutions to remediate PFAS contamination across Wisconsin, clean up our water and natural resources, and protect Wisconsin taxpayers from being forced to pay the price of cleaning up others' pollution.

Respectfully submitted,

Tony Evers
Governor