

## Testimony on 2019 Senate Bill 717

Senator Robert Cowles

Senate Committee on Natural Resources and Energy – January 29, 2020

Thank you, Committee Members, for allowing me to testify on 2019 Senate Bill 717. This bill would fund a new component of the successful existing Clean Sweep program in Wisconsin where DATCP and the DNR would collect and safely dispose of unused and unwanted firefighting foam that contains PFAS.

Per- and polyfluoroalkyl substance (PFAS) contamination of ground and surface water is an emerging and serious issue in an increasing number of locations around the state due to decades of unconfined production, use, and disposal of this family of compounds. Class B firefighting foam that contains PFAS, known as aqueous film forming foam (AFFF), has been used by first responders to fight flammable liquid fires, such as those at Husky Oil Refinery in Superior and MG&E in Madison. These foams have also been used in training for these dangerous situations for decades.

As the emergencies that require PFAS-containing firefighting foam are thankfully few and far between, the supply of this foam has often passed its shelf life and continues to go unused, and sometimes even unwanted, as deteriorating containment measures may lead to accidental and inadvertent discharges into the environment.

Senate Bill 717 provides the Department of Agriculture, Trade, and Consumer Protection (DATCP) with \$250,000 to administer a program to collect and store or dispose of voluntarily surrendered firefighting foam that contains PFAS. This collection would be structured in DATCP's existing Clean Sweep program and would be implemented with the assistance of the Department of Natural Resources (DNR).

DATCP, with the advice of the DNR, may contract with a third-party to undertake the collection and storage or disposal of PFAS-containing firefighting foam. Foam that is collected must be stored in an environmentally safe manner until properly disposed of or treated. Additionally, priority must be given to collecting firefighting foam from local units of government and the state.

The 2019-2021 State Budget approved and funded a study of the scope of this foam found in fire departments throughout the state. The study is currently ongoing, and Senate Bill 717 is the logical next step providing the funding necessary to begin the process of collecting and disposing of this foam to limit the potential for discharge to the environment and avert further continued exposure of firefighters to this compound. Further, this bill compliments Senate Bill 310, which just passed both houses of the Legislature earlier this month on a voice vote, by ensuring that fire departments throughout Wisconsin have a safe method to collect and store or dispose of unused and unwanted firefighting foam that contains PFAS.

Senate Bill 717 helps to create a necessary balance that first reduces the dangers to human health, including firefighters, and negative environmental footprint these chemicals pose. Yet, this bill also ensures that the costs of the complex collection and disposal of PFAS-containing firefighting foam doesn't rest solely on the backs of local governments.



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# TIMOTHY RAMTHUN

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STATE REPRESENTATIVE • 59<sup>th</sup> ASSEMBLY DISTRICT

01/29/2020

## Testimony on Senate Bill 717, Senate Committee on Natural Resources and Energy

Chairman Cowles and Members of the Senate Committee on Natural Resources and Energy,

Thank you for holding a public hearing today and allowing me to testify in favor of Senate Bill 717, which seeks to expand the clean sweep program to include collection of certain firefighting foams.

One of the biggest issues I and my fellow Water Quality Task Force members heard about on our tour of the state was that of groundwater contamination from firefighting foams containing polyfluoroalkyl substances (PFAS). The science is clear that PFAS poses an environmental and health risk if not stored, used, and disposed of properly.

The use of PFAS foam is usually restricted to the most serious fires, and thankfully, that means its use is few and far between. However, an unintended side effect of that is that the foam containing PFAS can sit for years on end, possibly leading to inadvertent leaks and exposures to both firefighters and the environment.

Senate Bill 717 provides the Clean Sweep program at the Department of Agriculture, Trade, and Consumer Protection (DATCP) with \$250,000 in GPR funding in FY 2019-2020 to administer a program or contract with a third-party to collect, store, and dispose of voluntarily-surrendered PFAS firefighting foam.

This bill allows fire departments throughout Wisconsin to have their unused and unwanted firefighting foam collected and disposed of in an environmentally-responsible manner. Senate Bill 717 also ensuring that the costs of the complex collection and disposal of PFAS-containing firefighting foam does not rest solely on the backs of local governments.

This bill is the first step towards ending and recovering from PFAS groundwater contamination in Wisconsin. Thank you again for holding this hearing on Senate Bill 717 and allowing me to testify in favor of it. I am happy to answer any questions you may have.



## Senate Committee on Natural Resources and Energy

### *2019 Senate Bill 717*

#### *Expanding the clean sweep program to include collection of certain fire fighting foams and making an appropriation*

*January 29, 2020*

Good afternoon Chairman Cowles and members of the Committee. My name is Kate Strom Hiorns and I am the Recycling and Solid Waste Section Chief with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 717 (SB 717) relating to expanding the Clean Sweep program to include collection of certain fire fighting foams.

This bill would create an additional statutory category of eligible Clean Sweep materials of fire fighting foam containing perfluoroalkyl or polyfluoroalkyl substances, or PFAS, and allocates an additional continuing appropriation of \$250,000 for grants in the 2019-20 fiscal year. The existing Clean Sweep grant program is administered by the Department of Agriculture, Trade, and Consumer Protection (DATCP) with no direct involvement from the DNR. The bill specifies that DATCP is to conduct the fire fighting foam Clean Sweep “in cooperation and with the assistance of the Department of Natural Resources” and “with the advice of the Department of Natural Resources.”

SB 717 would complement language in the 2019-21 biennial budget that directed the DNR to conduct a survey to inventory PFAS-containing foam in the state. The survey was mailed out to 825 fire chiefs, statewide, on January 24, 2020 and results are expected in early April. Fire department input is crucial to helping the state obtain a full understanding of how much PFAS-containing foam is currently on hand, how it is used, and what needs to be done to ensure that Wisconsin firefighters and the communities they serve are protected. Information obtained through this survey will help with the development of best-management practices for the use and storage of PFAS-containing foam. The data can also be used to accurately develop a cost estimate for a statewide PFAS-containing foam collection and disposal effort.

I note the ongoing survey effort because the budget allocation in SB 717 may be insufficient to collect PFAS-containing fire fighting foam in Wisconsin, based on the experiences of other states. Michigan executed a contract for \$1.4 million, Washington budgeted \$2.5 million, and New York spent \$600,000 for similar one-time foam collection efforts, for which spending typically occurred within a single year. In addition, local governments would still have the expense of replacing their fire fighting foam with alternatives.

The infrastructure, agency staffing needs (that include potentially substantial program administration and technical assistance needs), and contract options to undertake the collection, storage, and disposal of PFAS-containing foam in Wisconsin have not been determined. In Michigan, the foam is continuing to

be collected by a contractor, and it was reported that it is stored in a warehouse before being shipped to Idaho for solidification and disposal in a hazardous waste landfill.

SB 717 will help reduce the financial burden on local governments seeking to safely dispose of PFAS-containing fire fighting foam and create a statewide, voluntary program for the collection and disposal of PFAS-containing fire fighting foam, which is preferable to piecemeal efforts by local governments. Without state support, efforts by individual municipalities may be more costly and may not always result in appropriate disposal. Although it does not align with the Legislature's session schedule, it may be advantageous to wait on implementation until more information is gathered from the fire department survey on PFAS-containing foam amounts and funding needed.

On behalf of the DNR's Bureau of Waste and Materials Management, I would like to thank you for your time today. I would be happy to answer any questions you may have.



State of Wisconsin  
Governor Tony Evers

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**Department of Agriculture, Trade and Consumer Protection**

January 29, 2020

**Re: SB 717: expanding the clean sweep program to include collection of certain firefighting foams**

Chairman Cowles, and members of the Senate Committee on Natural Resources and Energy. Thank you for the opportunity to provide information about SB 717 related to expanding the clean sweep program to include collection of certain firefighting foams. My name is Bradford Steine, and I am the Legislative Liaison at the Department of Agriculture, Trade and Consumer Protection. With me today is Lori Bowman, who is the Director of the Agrichemical Management Bureau at DATCP. Lori directly supervises the state's clean sweep program. I will briefly describe the work the department does with regards to the clean sweep program, and how SB 717 might impact those efforts.

**Background:**

Wisconsin's Clean Sweep program is a grant program that reimburses communities that collect and dispose of household hazardous wastes, agricultural pesticides, and prescription drugs. Counties, towns, villages, cities, tribes, sanitary and sewerage districts, or regional planning commissions are eligible to apply for grants to support collection and disposal of household hazardous wastes or agricultural pesticides, or to buy prescription drug drop boxes. In 2018, 46 grants were awarded, resulting in the collection of: 2.23 million pounds of household hazardous waste, 37,483 pounds of unwanted medicines, and 127,960 pounds of agricultural hazardous waste.

**Comments on the bill:**

SB 717 includes \$250,000 in GPR for DATCP, with the advice of the DNR, to contract with a third party to conduct the collection and storage or disposal of certain fire-fighting foam containing PFAS. Although the program in SB 717 differs slightly from the current clean sweep program, DATCP would administer it in a similar fashion. DATCP would work closely with the DNR to identify a qualified third party to dispose of PFAS foams through a contract or other arrangement. As with other Clean Sweep programs, DATCP would not directly perform the collection, but would provide funds to a third party for the collection and disposal of these products. DATCP does not currently have the ability to collect, store, or dispose of these products.

There is not currently available data on the total amount of PFAS-containing fire-fighting foam in Wisconsin that would be eligible under this bill for collection, storage, and disposal, and it is also not known how many eligible institutions/sites maybe seeking to dispose of PFAS-containing fire-fighting foam. However, we understand the DNR is conducting a survey to better assess the need, and we are confident that we can utilize that data to work with a third party on implementing the charge set forth in this bill.

Thank you again for the opportunity to provide information on SB 717 as it is currently written. We would be happy to answer any questions committee members may have.

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January 28, 2020

Members of the Senate Committee on Natural Resources and Energy.

Apologizes for not being able to testify in person due to a prior commitment.

Please accept this testimony in strong support of Senate Bill 717 which would requires State agencies to collect and store or dispose of fire fighting foams that contain PFAS substances.

This mission and goal of firefighting and firefighters is to protect the public which is done with high regard in communities throughout the State. Unfortunately, one of the tools we use to protect the public is laden with PFAS or commonly referred to as "forever chemicals."

Besides serving as Fire Chief to our local community, I served as President of the Wisconsin State Fire Chiefs Association from 2017-2018. We know the slim budget margings that most fire departments operate on and many of them through fundraisers and pancake breakfasts. From small to all, fire departments throughout the State need SB717 to assist in the disposal of these chemicals.

Senate Bill 717 is important to fire departments, firefighters and our communities as we want to be socially responsible citizens and properly dispose of these chemicals found in our firefighting foam. Departments around the State purchased these foams and will now bear the cost of not only replacing them with truly safer foams but also the cost of disposal. Senate Bill 717 will fund such storage and disposal.

Please strongly consider supporting SB717. Local fire departments and communities throughout the State need this help to properly dispose of these "forever chemicals" and get back to the business of protecting our communities.

Respectfully,

Jonathan Cohn, Greenfield Fire Chief