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**ROBERT L. COWLES**

Wisconsin State Senator  
2nd Senate District

JOINT COMMITTEES:  
Audit Committee, Co-Chair

**Testimony on 2021 Senate Bill 156**  
Senator Robert Cowles  
Senate Committee on Natural Resources and Energy  
March 11th, 2021

Thank you, Committee Members, for allowing me to testify on 2021 Senate Bill 156. This bill, which was part of the 2019 Speaker's Task Force on Water Quality package, will help to collect and properly dispose of some of the unused and unwanted PFAS-containing firefighting foam in Wisconsin.

Per- and polyfluoroalkyl substance (PFAS) contamination of ground and surface water is a 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), is used by first responders to fight flammable liquid fires, such as those at Husky Oil Refinery in Superior and MG&E substation in Madison. While those emergencies are infrequent, these foams have also been regularly used in training for these dangerous situations for decades.

As the emergencies that require AFFF 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. Meanwhile, deteriorating containment measures may lead to accidental and inadvertent discharges into the environment and continued exposure of this compound to firefighters.

According to a study conducted by the Department of Natural Resources (DNR), 64% of Wisconsin's fire departments have AFFF resulting in at least 63,000 gallons and up to 96,000 gallons of AFFF scattered around the state. Over 30,000 gallons of this foam is expired or otherwise unwanted yet is still being stored.

2021 Senate Bill 156 provides the Department of Agriculture, Trade and Consumer Protection's (DATCP) Clean Sweep program with \$500,000 SEG from the Environmental Management Account in FY 2021-2022 to administer a program or contract with a third-party to collect and store or dispose of voluntarily-surrendered firefighting foam that contains PFAS. Priority will be given to collecting firefighting foam from local units of government and the state. Firefighting foam that is collected must be stored in an environmentally safe manner until properly disposed of or treated in accordance with the DNR's administrative rules.

This bill helps to create the necessary balance between reducing the dangers to human health, including firefighters, and negative environmental footprint these chemicals pose while also ensuring that the costs of the complex collection and disposal of PFAS-containing firefighting foam doesn't rest solely on the backs of local governments. 2021 Senate Bill 156 also compliments 2019 Wisconsin Act 101 - which limits the use of this foam for training and testing - by ensuring that fire departments throughout Wisconsin have a safe method to collect, store, and dispose of unused and unwanted firefighting foam that contains PFAS.



# TIMOTHY RAMTHUN

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

03/11/2021

## Testimony on Senate Bill 156, Senate Committee on Natural Resources and Energy

Madam Chair 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 156, which seeks to expand the clean sweep program to include collection of firefighting foams containing polyfluoroalkyl substances (PFAS).

This bill is a reintroduction of Senate Bill 717 from last session, which passed this committee by unanimous vote but failed to receive a floor vote.

Senate Bill 156 seeks to allocate \$500,000 in segregated funds from the state's environmental fund towards collecting, storing, and disposing of environmentally hazardous PFAS firefighting foam.

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 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 156 allows the Department of Agriculture, Trade, and Consumer Protection (DATCP) to use those funds 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 156 also ensures the costs of the complex collection and disposal of PFAS 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 156 and allowing me to testify in favor of it. I am happy to answer any questions you may have.



STATE SENATOR  
**Eric Wimberger**  
DISTRICT 30

March 11, 2021

Senate Committee on Natural Resources and Energy  
Testimony in favor of Senate Bill 156

Mr. Chairman and members,

Thank you for the opportunity to testify today on Senate Bill 156, which I am pleased to author alongside Senator Cowles. As many of you are aware, the PFAS problem in Wisconsin has received the most attention in my district, though as we have learned in the past few weeks, this problem exists across the state. The residents of Marinette and Peshtigo were among the first in the state to be recognized as being affected by these chemicals in their groundwater. Along with Senator Cowles, I want to thank my constituent and former Representative John Nygren for his efforts on this issue.

PFAS, or Per and Polyfluoroalkyl Substances, are chemicals that occur in a variety of products that we use in everyday life. However, in high concentrations, they can have serious health consequences.

Johnson Controls/Tyco have maintained a facility in Marinette for decades, at which they manufacture firefighting foam. Prior iterations of that foam contained PFAS, and for years that foam was tested at the facility in Marinette and later washed away. This led to residents in the Town of Peshtigo, which immediately borders the Tyco facility, being affected by these chemicals.

While we cannot erase the damage that has been done to residents in this area, several good things have come out of this situation. First, firefighting foam containing PFAS is no longer tested at the Marinette facility. Secondly, Johnson Controls has agreed to pay, in perpetuity, for clean municipal drinking water for the residents of the Town of Peshtigo. Finally, our fire departments have come together to ensure that those departments still storing PFAS-containing foam, have an opportunity to dispose of it safely. SB 156 would give the Clean Sweep Program at DATCP an additional \$500,000 to go toward disposal of the upwards of 60,000 gallons of this foam remaining in tanks at fire departments around the state. This foam is, in many cases, past its expiration date and no longer wanted, but proper cleanup and disposal is not simple. I ask for your support of SB 156 today so that the cost of disposing of this foam the right way does not fall entirely on our local governments.



State of Wisconsin  
Governor Tony Evers

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

March 11, 2021

**RE: SB-156 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-156 related to expanding the clean sweep program to include collection of certain firefighting foams. My name is Lori Bowman, and I am the Director of the Agrichemical Management Bureau at the Department of Agriculture, Trade and Consumer Protection (DATCP). I directly supervise the state's clean sweep program, and will briefly describe the work the department does with regard to the clean sweep program, and how SB-156 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 2019, 67 grants were awarded, resulting in the collection of: 2 million pounds of household hazardous waste, over 41,000 pounds of unwanted medicines, and over 119,000 pounds of agricultural hazardous waste.

Based on the results of a survey of Wisconsin fire departments conducted by the Department of Natural Resources (DNR) in 2019, DNR estimates that the total amount of fluorinated fire fighting foam currently in storage across the state is at least 63,200 gallons and may be as high as 96,300 gallons. It is also estimated that there may be expired or unwanted foam in excess of 30,000 gallons that require disposal.

**Comments on the bill:**

SB-156 includes \$500,000 in funding for DATCP 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-156 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.

Thank you again for the opportunity to provide information on SB-156 as it is currently written. I am happy to answer any questions committee members may have.

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To: Senate Committee on Natural Resources and Energy  
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities  
Toni Herkert, Government Affairs Director, League of Wisconsin Municipalities  
Date: March 11, 2021  
Re: SB 156 - Expanding and Providing additional funding for the Clean Sweep Program to include collection of certain fire-fighting foams

The League of Wisconsin Municipalities supports SB 156, expanding and providing additional funding for the Clean Sweep Program to include collection of certain fire-fighting foams. We thank the bill's author, Sen. Cowles, for his continued leadership in addressing the emerging contaminants classified collectively as per and polyfluoroalkyl substances (PFAS).

Last session, Sen. Cowles authored 2019 Wisconsin Act 101, prohibiting the use of Class B and Class A/B firefighting foams containing intentionally added PFAS, except in certain emergency and testing situations when specific conditions are met to prevent discharges of the foam to the environment.

SB 156 is designed to help fire departments dispose of firefighting foams containing PFAS and mirrors legislation that Senator Cowles and Representative Ramthun introduced last session, which the Assembly unanimously passed on February 18, 2020. Unfortunately, the Senate failed to pass the bill when the Covid-19 pandemic caused the Senate to cancel its last regular session floor day in March 2020.

SB 156 provides \$500,000 in funding for disposal of firefighting foam containing PFAS, a \$250,000 increase over the bill that the Assembly passed last session. Our neighbor to the east, Michigan, spent \$1.4 million on a contract to safely dispose of approximately 30,000 gallons of PFAS foam. According to a DNR survey, Wisconsin could have between 63,000 and 96,000 gallons of PFAS foam sitting idle in fire departments around the state. The funding provided in this bill is a great start to addressing our PFAS foam disposal problems in Wisconsin. We appreciate the author's recognition that local governments need help funding the disposal costs associated with this outdated and harmful product.

We urge the committee to recommend passage of SB 156. Thank you for your time and consideration of our comments.



**WISCONSIN STATE**  
FIRE CHIEFS ASSOCIATION  
*Together We Make A Difference*

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MILWAUKEE, WI 53225  
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## Correspondence Memorandum

**Date:** Tuesday, March 09, 2021

**To:** Members of the Senate Natural Resources and Energy Committee

**From:** Chief Christopher Garrison, WSFCA President

**Re:** Support SB 156

On behalf of the Wisconsin State Fire Chiefs Association (WSFCA), we sincerely appreciate Senator Cowles and Representative Ramthun introducing legislation that is a good first step to assist municipal-based fire departments with the collection and disposal of PFAS-based firefighting foam.

**By way of this memo, the WSFCA is requesting members of the Senate Natural Resources and Energy Committee members support and vote in favor of Senate Bill 156. Passage of SB 156 would launch a collection and disposal program for PFAS-containing Firefighting Foam through DATCP's Clean Sweep Program.**

As the WSFCA has indicated in previous communications to the Governor, Legislature, DNR and DATCP; the State's Fire Chiefs consistent priority and primary support is focused on removing unused, unwanted, and expired PFAS-based firefighting foam from Wisconsin-based fire stations to ensure this product stays out of our environment.

Presently and for the foreseeable future, the 800+ Wisconsin Fire Departments are facing a financial 1-2-3 punch as it relates to their current firefighting foam inventories. First, there is a cost to collect and dispose the PFAS-based firefighting foam. According to the DNR's 2020 Wisconsin [Fluorinated Firefighting Foam Survey Results](#), a majority of Wisconsin's fire departments would face an approximate \$1.5 million charge to collect and dispose 30,000 gallons of PFAS-based firefighting foam throughout the state. Second, to fulfill their mission of saving lives and structures during fire-related emergencies, the same fire departments would be required to purchase replacement foam at an approximate cost of \$1.1 million to replace the 30,000 gallons previously collected and disposed of. Third, there are unspecified costs to test and train personnel to utilize the replacement foam in a safe, effective, and environmentally friendly manner.

As frontline emergency departments with personnel committed to not only fulfilling our primary mission of saving lives and structures for the communities in which we serve; but also providing additional paramedic and EMS-based services to those contracting the COVID-19 virus, the 800+ Wisconsin-based Fire Departments cannot absorb the additional costs to accomplish this necessary and vital task. Nevertheless, the WSFCA and its members are committed to doing their fair-share along with our state partners to reduce overall PFAS use, and as a result, protecting our shared environment.



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**FIRE CHIEFS ASSOCIATION**  
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Thank you once again for engaging and considering Wisconsin fire service experience and input to address PFAS within our state by supporting SB 156. If you should have further questions or need additional information, please contact George Klaetsch at [gklaetsch@kpasllc.com](mailto:gklaetsch@kpasllc.com)



# WAMA

## WISCONSIN AIRPORT MANAGEMENT ASSOCIATION

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TO: MEMBERS OF THE SENATE NATURAL RESOURCES AND ENERGY COMMITTEE

FROM: LISA MARONEY, EXECUTIVE DIRECTOR OF THE WI AIRPORT MANAGEMENT ASSOCIATION (WAMA) 608.206.5829

DATE: MARCH 11, 2021

SUBJECT: SUPPORT SB 156, EXPANDING CLEAN SWEEP

Thank you for the opportunity to provide testimony in support of Senate Bill 156, expanding the clean sweep program to include fire fighting foam containing PFAS.

WAMA represents all eight of the Wisconsin airports with commercial airline services located throughout the state. In addition, we also represent smaller, non-commercial airports. Most of our member airports are municipally owned. The commercial airports provide their own fire fighting equipment and foam or in partnership with a federal military facility. Other airports receive fire fighting services from their local municipality.

At this time it is unlikely that airports have fire fighting foam they wish to dispose of. That will change once the Federal Aviation Administration approves an alternative, but it is unclear at this time when that might occur.

Currently, the FAA requires that airports use fire fighting foam that contains PFAS. The 2018 FAA Reauthorization Act (sec 332.) says, "not later than 3 years after the date of enactment...(FAA) shall not require the use of fluorinated chemicals to meet performance standards..." This is not an outright ban on using fluorinated foams, but rather provides the option for airports to use fluorine-free foams (assuming FAA approves some), if airports choose to do so. By October, 2021, the FAA is required to stop mandating that PFAS containing foam be used. While the date given to FAA to approve some PFAS free foams is October 5, 2021, it is questionable if they will meet that deadline.

Again, thank you for the opportunity to provide written testimony in support of SB 156. Please feel free to contact me if you have questions or desire additional information.