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Senate Overrides Evers' Veto of Community-Supported PFAS Relief *Governor's Veto Causing Unnecessary Delay in Delivery of Funds* *Override is Next Step to Ensure PFAS Victims not Treated like Polluters*

MADISON, WI —Today, Senator Eric Wimberger (R – Green Bay) voted to overturn the governor's veto of Senate Bill 312, which delivers relief to people across Wisconsin affected by polyfluoroalkyl substances, also known as PFAS.

Last summer, Legislative Republicans created a \$125 million PFAS Trust Fund in the 2023-25 Wisconsin State Budget. Senate Bill 312 is the comprehensive plan supported by all three local government groups representing PFAS-impacted towns, counties and cities to get this needed relief to communities and private well owners. Governor Evers chose to veto Senate Bill 312 delaying relief for victims of these "forever chemicals" and instead proposed to create a slush fund for the Department of Natural Resources.

"While Governor Evers continues to hold up this needed relief, Legislative Republicans remain committed to ensuring every person in Wisconsin has access to clean, safe drinking water and pollution victims have the protections they need to move forward with testing and remediation," said Wimberger. ***"Peshtigo, Marinette, Wausau, and Stella have been waiting needlessly because of the governor's veto, and apparently it is up to the legislature alone to get these communities the help they need."***

In addition to providing much-needed financial resources for those affected by PFAS pollution, Senate Bill 312 also includes important protections that allow innocent landowners to test and begin cleanup efforts without fear that they will be on the hook for the cost of remediation. A provision the governor has staunchly opposed at the behest of Madison lobbyists.

Wimberger continued, ***"Not only does Governor Evers continue to allow his DNR to spread PFAS on farm fields, but his veto made it clear that he plans to turn around and punish the very people whose land he has contaminated. And as federal standards change, the same punishment will fall on anyone living near an airport like on French Island in La Crosse, anyone living in a pollution plume like in the Town of Peshtigo, and anyone who lives in a subdivision that used to be a farm that took biosolids."***

"At apartments in Ashwaubenon, the DNR discovered PFAS in the ground first put there in 1952. Apartment owners who never even thought of checking for PFAS prior to purchasing the land now find themselves on notice from the DNR they are on the hook. A homeowner in Dodgeville was given notice in 2021 that her property emitted PFAS, likely due to foam extinguishing a fire. A man in Chilton was noticed in 2022 that his property emitted PFAS from an unknown source, yet he's on the hook for cleanup. There are many more, and the notices will likely be in the hundreds of thousands in the coming years. The DNR has an active list for the last 20 years of the some 13,000 locations onto which it spreads municipal biosolids, none of which the DNR kept track of PFAS levels. That doesn't

include the surely many sites onto which industry dumped, and now is owned by an unfortunate innocent landowner. Today's veto override takes us one step closer to ensuring that the growing list of victims of PFAS are treated like victims instead of being punished like actual polluters.

The Wisconsin State Senate also voted to override the governor's veto on numerous other bills, including legislation that established a statewide wolf population goal; a change in law to allow teacher apprenticeship programs; and funding for hospital emergency department services for Chippewa County and Eau Claire.

"The efforts of today right the governor's wrongs, and accomplish of goals of Wisconsinites throughout the state, not just those in Madison." said Sen. Wimberger.

What Was Vetoed: The Comprehensive Plan Supported by Affected Communities

Meanwhile, the Legislature's PFAS relief plan [was supported by](#) all three statewide local government associations representing every level of local government in Wisconsin – including dozens of PFAS-affected communities across the state.

Instead of listening to PFAS-affected communities, Governor Evers has spent months demanding the \$125 million for PFAS relief be released and turned into a slush fund to be administered by the DNR without any guardrails or oversight. In fact, the Governor's first detail-free funding 'plan' had so little substance that he withdrew the plan after taking heat and introduced [a new request](#) months later. **This latest request which he falsely claims is "functionally identical" to the Legislature's PFAS relief plan, borrows fragments of just two of the 19 provisions** contained in the now vetoed Senate Bill 312. Funding requests like the one used by Governor Evers, don't have the power to alter state law, and therefore cannot give affected communities the full flexibilities, protections and programs they're asking for and that are included Senate Bill 312.

By vetoing Senate Bill 312 the Governor has

- Vetoed **protections for innocent landowners** who did not cause the pollution on their property. Protections will induce more testing, identification of problems statewide and ensure contamination is addressed;
- Vetoed **assistance to increase the number of laboratories certified to test for PFAS**
- Vetoed **further studies of PFAS** at the Universities of Wisconsin;
- Vetoed provisions that would **start remediation at sites without a responsible party** or where the responsible party is an innocent landowner;
- Vetoed **flexibilities to PFAS-affected local governments** allowing them to treat contamination on-site;
- Vetoed provisions that would **stop the further inadvertent spread of PFAS between aquifers;**
- Vetoed **prioritizing state loan funding** for the extension of water and sewer service to areas impacted by PFAS contamination;
- Vetoed **extending eligibility under the Well Compensation Program** to ensure PFAS-impacted residents can properly utilize the program;
- Vetoed **protecting municipalities** from enforcement above and beyond identified standards;
- Vetoed consideration of **a state-sponsored surface water treatment pilot program** to improve water quality in a contaminated river, stream, or lake;
- Vetoed **limitations on grant programs** to protect funds and ensure grants are used on known substances harmful to human health.

A Slush Fund Isn't Enough – Impacted Communities Need a Change in the Law

If money alone was enough to tackle this issue, Governor Evers could release any of the more than \$1 billion in COVID relief funds under his sole control today. However, he's already tried that. Two years ago Governor Evers put \$10 Million of federal COVID money into the Well Compensation Fund and expanded eligibility to include PFAS. Of the 598 applicants, just 26 used it for PFAS contamination, totaling less than 6% of these funds. On French Island alone there are some 1600 contaminated wells. Without the protections for innocent landowners in SB 312, PFAS victims are afraid to test and seek help because the liability is too great.

“Poison Pills” & False Claims of “Polluter Loopholes”

Governor Evers has claimed that victim protections for innocent landowners will benefit polluters. However, critics of the bill have failed to identify how the narrowly tailored protections for victims would benefit polluters. Legal memos from the non-partisan Legislative Council, sent to the Governor by the author, dispute this, saying that PFAS manufacturers and other polluters would not qualify for protections. [See the memos here](#) and [here](#).

In [a letter to Governor Evers](#) prior to his veto, Senator Wimberger again explained the legal and financial nightmare facing victims of 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 are 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.***

Democrats Continue to Vote Against PFAS Relief

Democrats on the budget-writing committee, the Joint Finance Committee (JFC) opposed including \$125 million in the budget for PFAS relief. Every single JFC democrat voted against including these funds in the budget, and then joined their democratic colleagues in voting against the budget. Now, the same Democrats who opposed this relief in the budget are now demanding the money be released as an unaccountable slush fund so DNR can dominate victims of pollution with new enforcement actions.

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Senator Eric Wimberger represents the 30th Senate District, which includes parts of Brown, Oconto, and Marinette Counties.