



TIMOTHY RAMTHUN

STATE REPRESENTATIVE • 59th ASSEMBLY DISTRICT

01/30/2020

Testimony on Assembly Bill 792, Assembly Committee on Environment

Chairman Kitchens and Members of the Assembly Committee on Environment,

Thank you for holding a public hearing today and allowing me to testify in favor of Assembly Bill 792, 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.

Assembly Bill 792 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. Assembly Bill 792 also ensures 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 Assembly Bill 792 and allowing me to testify in favor of it. I am happy to answer any questions you may have.

Testimony on 2019 Assembly Bill 792

Senator Robert Cowles
Assembly Committee on Environment – January 30, 2020

Thank you, Chairman Kitchens and Committee Members, for allowing me to submit testimony on 2019 Assembly Bill 792. 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.

AB 792 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 Assembly Bill 792 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 advert 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.

Assembly Bill 792 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.



Assembly Committee on Environment

2019 Assembly Bill 792

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

January 30, 2020

Good afternoon Chairman Kitchens 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 Assembly Bill 792 (AB 792) 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.”

AB 792 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 allocation in AB 792 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.

AB 792 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

Department of Agriculture, Trade and Consumer Protection

January 30, 2020

Re: AB 792: expanding the clean sweep program to include collection of certain firefighting foams

Chairman Kitchens, and members of the Assembly Committee on Environment. Thank you for the opportunity to provide information about AB 792 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 AB 792 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:

AB 792 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 AB 792 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 AB 792 as it is currently written. We would be happy to answer any questions committee members may have.

Wisconsin - America's Dairyland

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Environment

FROM: Daniel Bahr, WCA Government Affairs Associate

DATE: January 30, 2020

SUBJECT: Support for Assembly Bill 792

The Wisconsin Counties Association (WCA) supports AB 792 relating to expanding the Clean Sweep program to include collection of certain firefighting foams and making an appropriation. The bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP), in collaboration with the Wisconsin Department of Natural Resources (WDNR), to collect and store or dispose of firefighting foams that contain perfluoroalkyl or polyfluoroalkyl substances (PFAS) and that are voluntarily surrendered.

Most recently, county employees working in the areas of solid waste disposal and county land use and conservation departments have begun efforts to effectively keep PFAS out of the water supply. The WCA Government Affairs Staff, in consultation with experts at the county level, believe that AB 792 is a good step towards controlling the contamination of the water table with perfluoroalkyl or polyfluoroalkyl substances. We view the bill as a common-sense effort to protect the drinking water supply and to address an issue that is becoming more salient as it related to water contamination.

WCA respectfully requests that the Committee support AB 792.

Please feel free to contact WCA if you need additional information.



Greenfield Fire Department
4333 South 92nd Street
Greenfield, Wisconsin 53228
Phone: 414-545-7946

January 29, 2020

Members of the Assembly Committee Environment.

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

Please accept this testimony in strong support of Assembly Bill 792 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 margins 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.

Assembly Bill 792 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 AB792. 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



Bernie Sorenson, Emergency Manager

206 Court Street, Chilton, WI 53014
Office: (920) 849-1473
Toll Free: (833) 620-2730
Cell: (920) 418-4407 | Fax: (920) 849-1472
Email: Bernie.sorenson@calumetcounty.org

Emergency Management

January 28, 2020

RE: 2019 LRB-4889 – Expansion of Clean Sweep Program

Dear Chairman Kitchens and Members of the Assembly Committee on Environment,

As the Emergency Manager for Calumet County, I would like to express my full support of LRB-4889 - Expansion of Clean Sweep Program.

Without the future expansion of, and additional appropriation to this program, the safe disposal of PFAS firefighting foams would become a major undertaking and financial hardship for many Wisconsin counties, municipalities and townships. This task would be especially burdensome for our smaller units of government, as much of this foam is currently owned, stored and utilized by our volunteer fire agencies. Not only must our response agencies consider the potential liability associated with having to use their existing PFAS supplies during an emergency event, they must also take into account the disposal costs of their existing product and eventual purchase of an approved alternative. By incorporating PFAS collection and disposal into the Clean Sweep program, at least two of their three major concerns might be alleviated.

After discussions with the manager of our own county's Clean Sweep program, I want to further emphasize the need for the additional appropriation(s) to the already underfunded program. Although this program may be the only effective way to handle such an undertaking, the appropriate financial assurances must be allocated so as to not negatively impact or further limit its current capabilities and effectiveness.

Thank you for addressing this extremely important matter regarding the health, safety and fiscal well-being of all Wisconsin's citizens and local governmental bodies.

Sincerely,

Bernie Sorenson
Emergency Manager

bls

