

**2017 DRAFTING REQUEST**

**Bill**

For: **John Nygren (608) 266-2343** Drafter: **swalkenh**  
 By: **Nathan** Secondary Drafters:  
 Date: **2/20/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**  
 Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Require DHS to promulgate rules setting health advisory levels for PFOAs and PFOSs

**Instructions:**

See attached

*Per SWOB*

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/21/2018	kfollett 2/21/2018			
/P1	swalkenh 3/5/2018		dwalker 2/21/2018		
/P2		kfollett 3/5/2018	lparisi 3/5/2018		
/1			lparisi 3/6/2018	lparisi 3/6/2018	

FE Sent For:

2  
Not  
Needed

<END>



2/20

Nathan (Rep. Nugren)

Require DHS to establish/develop health advisory levels for PFOAs and PFOS

- OK to include emergency rule exceptions to speed process

- OK to talk w/ DHS



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5568(?)  
SWB:...

Handwritten initials and marks: 'LGF' and '1/11'.

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

IN 2/21

Requested soon ASAP today

NOT for floor

Gen

1 AN ACT ...; **relating to:** health advisory levels for certain groundwater  
2 contaminants *and granting rule-making authority*

***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Health Services to establish, by rule, health advisory levels for perfluorooctanoic acid and perfluorooctanesulfonic acid, compounds commonly referred to as PFOA and PFOS, respectively, in groundwater.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 SECTION 1. 254.25 of the statutes is created to read: ✓  
4 **254.25 Groundwater contaminants.** The department shall promulgate  
5 rules to establish health advisory levels relating to perfluorooctanoic acid and  
6 perfluorooctanesulfonic acid in groundwater. The department may promulgate the ✓  
7 rules necessary under this section ✓ as emergency rules under s. 227.24.  
8 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide  
9 evidence that promulgating a rule under this section as an emergency rule is

**SECTION 1**

1 necessary for the preservation of the public peace, health, safety, or welfare and is  
2 not required to provide a finding of emergency for a rule promulgated under this  
3 paragraph. *section*

\*\*\*\*NOTE: I have included exemptions to expedite emergency rule-making. There  
are additional exceptions to rule-making procedures you could include if desired. Please  
let me know if you would like to discuss those options.

4

**(END)**

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



3/5

Nathan (Rep. Nygren)

Revise to direct DHS to establish  
state health based quality standards for PFOA + PFOS

DNR will do enforcement,

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
Box 7921  
Madison WI 53707-7921

Scott Walker, Governor  
Daniel L. Meyer, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



March 2, 2018

Karen McKeown, State Health Officer/Administrator  
DHS Division of Public Health  
1 West Wilson St.  
Madison, WI 53701-2659

**Subject: Request for Recommendations for State Groundwater Quality Standards**

Dear Ms. McKeown:

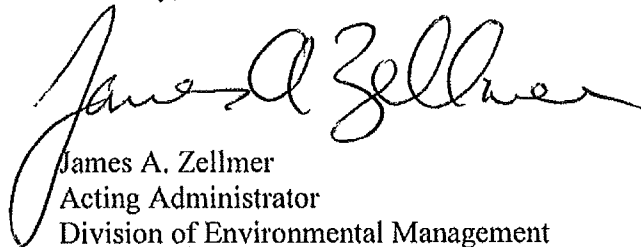
The Department of Natural Resources requests that your agency recommend state health based groundwater quality standards for 16 substances (Attachment 1), provided adequate toxicologic information is available. These substances have been found in, or are considered to have a reasonable probability of entering, the groundwater resources of the state.

The list of substances in Attachment 1 has been prioritized by category, in accordance with ch. 160, Stats. Other available information, such as whether a lifetime health advisory level or US Environmental Protection Agency reference dose had been established for the substance, and statewide occurrence of the substance in groundwater, was considered in prioritizing the list.

We also request that your agency review existing groundwater standards for 11 substances (Attachment 2), and the toxicological basis for those standards. It appears that there may be new toxicologic information for these substances that may justify revising current standards.

We appreciate your assistance and look forward to working with you in our joint effort to protect public health and the environment.

Sincerely,



James A. Zellmer  
Acting Administrator  
Division of Environmental Management

cc: Dr. Jon Meiman - DHS  
Chuck Warzecha - DHS  
John Petty - DATCP  
Lori Bowman - DATCP

Darsi Foss - DNR  
Joe Van Rossum - DNR  
Steve Elmore - DNR  
Andrea Keller - DNR

Bruce Rheineck - DNR

### Attachment 1

List with categorization and ranking of substances for possible new health based NR 140 Groundwater Quality Standards development

<u>Substance</u>	<u>CAS RN</u>	<u>Category</u>	<u>Rank</u>
1. Chromium, Hexavalent	18540-29-9	II	High
2. Strontium	7440-24-6	I	High
3. Thiamethoxam	153719-23-4	II	High
4. Imidacloprid	138261-41-3	II	High
5. Clothianidin	210880-92-5	II	High
6. Isoxaflutole	141112-29-0	II	High
7. Isoxaflutole DKN degradate	143701-75-1	II	High
8. Isoxaflutole BA degradate	142994-06-7	III	High
9. Thiencarbazone-methyl	317815-83-1	III	High
10. Dacthal TPA & MTP degradates	(TPA) 2136-79-0 (MTP) 887-54-7	I	High
11. Glyphosate	1071-83-6	II	High
12. Glyphosate AMPA degradate	1066-51-9	II	High
13. Sulfentrazone	122836-35-5	II	High
14. Bacteria, Escherichia coli (E. coli)	N/A	I	High
15. Perfluorooctanoic Acid (PFOA)	335-67-1	I	High
16. Perfluorooctane Sulfonate (PFOS)	1763-23-1	I	High

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CAS RN – Chemical Abstract Service (CAS) registry number (RN)

N/A – not applicable

Category I - detected in groundwater in excess of "federal number"

Category II - detected in groundwater but not in excess of "federal number", or detected but no "federal number" established

Category III - reasonable probability of being detected in groundwater

"Federal No." - established US EPA maximum contaminant level, "suggested no adverse response level"/health advisory level or cancer risk level



**Attachment 2**

**List of substances for possible revisions to existing NR 140 Groundwater Quality Standards**

<u>Substance</u>	<u>CAS RN</u>	<u>Current NR 140 ES/PAL</u>
1. Trichloroethylene (TCE)	79-01-6	5 ppb/0.5 ppb
2. Tetrachloroethylene (PCE)	127-18-4	5 ppb/0.5 ppb
3. 1,2,3-Trichloropropane (1,2,3-TCP)	96-18-4	60 ppb/12 ppb
4. 1,1-Dichloroethane (1,1-DCA)	75-34-3	850 ppb/85 ppb
5. Boron	7440-42-8	1,000 ppb/200 ppb
6. Molybdenum	7439-98-7	40 ppb/8 ppb
7. Aluminum	7429-90-5	200 ppb/40 ppb
8. Cobalt	7440-48-4	40 ppb/8 ppb
9. Barium	7440-39-3	2,000 ppb/400 ppb
10. 1,4-Dioxane	123-91-1	3 ppb/0.3 ppb
11. Bacteria, Total Coliform	N/A	0*/0*

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CAS RN – Chemical Abstract Service (CAS) registry number (RN)

NR 140 ES/PAL – WI Groundwater Quality Enforcement Standard (ES) and Preventive Action Limit (PAL) in ch.  
NR 140, Wis. Adm. Code

ppb = parts per billion (ppb) or micrograms per liter (ug/L)

N/A – not applicable

\* bacteria not present in water sample



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5568/P1  
SWB:kjf

IP2  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 3/5  
Requested to later  
than 3/16 a.m.,  
WISAP pls

perfluorooctane  
sulfonate

State health-based  
groundwater quality standards

1 AN ACT to create 254.25 of the statutes; relating to: health advisory levels for  
2 certain groundwater contaminants and granting rule-making authority.

Analysis by the Legislative Reference Bureau

State health-  
based  
groundwater  
quality  
standards

This bill requires the Department of Health Services to establish, by rule, health advisory levels for perfluorooctanoic acid and perfluorooctanesulfonic acid compounds commonly referred to as PFOA and PFOS, respectively, in groundwater.

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1 necessary for the preservation of the public peace, health, safety, or welfare and is  
2 not required to provide a finding of emergency for a rule promulgated under this  
3 section.

4 **\*\*\*NOTE:** I have included exemptions to expedite emergency rule making. There  
are additional exceptions to rule-making procedures you could include if desired. Please  
let me know if you would like to discuss those options.

**(END)**

## **Walkenhorst Barber, Sarah**

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**From:** Schwanz, Nathan  
**Sent:** Tuesday, March 06, 2018 11:07 AM  
**To:** Walkenhorst Barber, Sarah  
**Subject:** RE: Draft review: LRB -5568/P2

Sarah,  
This looks good. Can you send it over with the stripes? Thanks.

Nathan

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**From:** Walkenhorst Barber, Sarah  
**Sent:** Monday, March 05, 2018 4:37 PM  
**To:** Schwanz, Nathan <Nathan.Schwanz@legis.wisconsin.gov>  
**Subject:** FW: Draft review: LRB -5568/P2

Hi Nathan,

Attached is a PDF of a /p2 version of the draft, as discussed. Please let me know whether this looks on track or if you would like additional changes.

Best,  
Sarah

**Sarah Walkenhorst Barber**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 3215  
[sarah.walkenhorstbarber@legis.wisconsin.gov](mailto:sarah.walkenhorstbarber@legis.wisconsin.gov)

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**From:** LRB.Legal  
**Sent:** Monday, March 05, 2018 4:31 PM  
**To:** Walkenhorst Barber, Sarah <[Sarah.WalkenhorstBarber@legis.wisconsin.gov](mailto:Sarah.WalkenhorstBarber@legis.wisconsin.gov)>  
**Subject:** Draft review: LRB -5568/P2

**Draft Requester: Rep. John Nygren**

**Following is the PDF version of draft LRB -5568/P2.**



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5568/P2

SWB:kjf

1

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*No  
changes*

1 AN ACT *to create* 254.25 of the statutes; **relating to:** state health-based  
2 groundwater quality standards for certain groundwater contaminants.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Health Services to establish state health-based groundwater quality standards for perfluorooctanoic acid and perfluorooctane sulfonate, commonly referred to as PFOA and PFOS, respectively.

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5 health-based groundwater quality standards for perfluorooctanoic acid and  
6 perfluorooctane sulfonate.

7 (END)