



Legislative Fiscal Bureau

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February 12, 2020

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 792/Senate Bill 717: Clean Sweep Program for Firefighting Foam

Assembly Bill 792 (AB 792) and Senate Bill 717 (SB 717) would create a collection and disposal program for certain firefighting foams. AB 792 was introduced on January 24, 2020, and referred to the Assembly Committee on Environment. On January 30, 2020, a public hearing was held. On February 6, the Assembly Committee recommended the bill for passage on a vote of 8-0.

SB 717 was introduced on January 24, 2020, and referred to the Senate Committee on Natural Resources and Energy. On January 29, a public hearing was held. On February 5, the Senate Committee recommended the bill for passage on a vote of 5-0.

BACKGROUND AND CURRENT LAW

The Department of Agriculture, Trade and Consumer Protection (DATCP) operates the clean sweep program, which provides grants to counties and municipalities for the collection and disposal of pesticides, farm chemicals, unwanted prescription drugs, and hazardous wastes. The program is provided \$750,000 annually from the environmental management account of the segregated (SEG) environmental fund and is administered by 0.75 position at a cost of approximately \$76,000 agricultural management fund SEG annually.

Under the clean sweep program, municipalities operate locations for collection of waste that are temporary (up to three days per year), continuous (four or more days per year), or permanent (at least six months and with permanent infrastructure for collections). DATCP grants provide reimbursement for up to 75% of local costs, with reimbursement-eligible activities including: (a) costs to hire a hazardous waste contractor; (b) equipment rentals, supplies and services to operate the collection site and handle disposal, including permanent, secure drop boxes for unwanted prescription drugs; (c) staff costs related to a continuous or permanent collection event; and (d) educational and promotional activities. Grants may not be used to collect, among other items: (a) uncontaminated oil; (b) batteries; (c) contaminated soil or debris; (d) fluorescent tubes; (e) triple-

rinsed plastic pesticide containers; (f) materials or devices that may be disposed of at other waste or recycling sites; (g) personal care products; (h) infectious waste and hypodermic needles; and (i) chemicals for which there is no federal- or state-approved disposal method.

Per- and polyfluoroalkyl substances (PFAS) are a large group of human-made chemicals that have been used to manufacture firefighting foam typically used to contain fires associated with flammable liquids such as petroleum products. Due to their chemical structure, PFAS do not break down easily and may accumulate in the environment and human body. The Environmental Protection Agency (EPA) reports studies on laboratory animals have found certain PFAS may cause reproductive and developmental, liver and kidney, and immunological effects, including causing tumors. EPA further reports symptoms may include increased cholesterol levels, low infant birth weights, cancer, thyroid hormone disruption, and adverse effects on the immune system.

EPA has established health advisories for two types of PFAS (known as PFOA and PFOS), and is studying the development of other regulatory actions related to PFAS. In June, 2019, the state Department of Health Services (DHS) made recommendations for groundwater quality standards for PFOA and PFOS, which could potentially be used in future state regulatory actions related to cleanup of concentrations of PFAS that exceed those standards. The Department of Natural Resources (DNR) has also requested DHS review of multiple additional PFAS, and the review is expected to continue into 2020. DNR is currently in the process of reviewing DHS recommendations and developing administrative rules to establish environmental standards for PFOA and PFOS in groundwater, surface water, and public drinking water.

2019 Wisconsin Act 9, the 2019-21 biennial budget act, provided DNR \$50,000 environmental management SEG in 2019-20 to fund a survey of state and local government emergency responders to determine the level of use of PFAS-containing firefighting foam in Wisconsin. DNR reports survey efforts are ongoing. On January 24, 2020, the UW-Madison Survey Center, on behalf of DNR, mailed a survey to 825 fire departments across Wisconsin, and results are expected in early April, 2020. DNR expects accumulated survey data will allow it to develop an estimate on the total cost of collecting all PFAS-containing firefighting foam in Wisconsin, an inventory of how much PFAS-containing firefighting foam is in use, and best management practices related to the use and storage of PFAS-containing firefighting foams. DNR is unable to report the total cost of collection of PFAS-containing firefighting foam from fire departments in Wisconsin because data collection is ongoing, but suggests proposed funding will not be sufficient to collect all existing firefighting foam. Funding for similar programs in other states has included \$1.4 million in Michigan, \$600,000 in New York, and at least \$1.7 million in Washington.

SUMMARY OF BILL

AB 792/SB 717 ("the bill") would create a continuing appropriation within DATCP's Division of Agricultural Resource Management and provide \$250,000 GPR in 2019-20 to create a clean sweep program for PFAS-containing firefighting foams. Under the bill, DATCP, in consultation with DNR, would be responsible for administering a program to collect, store, or dispose of voluntarily surrendered PFAS-containing firefighting foam. The bill would allow DATCP to contract with a third party.

The bill would require DATCP to give priority to collection of PFAS-containing firefighting foam from state and local units of government, although other individuals would be eligible. The bill specifies that any firefighting foam collected be stored in an environmentally safe manner until it is disposed of, although it does not define "environmentally safe." The bill does not require a match from program participants, unlike the existing clean sweep program, which requires a 25% match.

FISCAL EFFECT

The bill would provide \$250,000 GPR in 2019-20 in a continuing appropriation for the program. Under a continuing appropriation, DATCP would be authorized to carry forward unexpended balances until they are depleted. DATCP reports it would use existing staff to administer the program.

Prepared by: Rory Tikalsky