



**ASSEMBLY AMENDMENT 2,
TO SENATE BILL 559**

February 20, 2020 - Offered by Representative SWEARINGEN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “districts” insert “, PFAS laboratory standards, PFAS
3 research and investigations, and providing an exemption from emergency rule
4 procedures”.

5 **2.** Page 2, line 2: after that line insert:

6 “**SECTION 2d.** 36.25 (56) (a) 3. of the statutes is created to read:

7 36.25 (**56**) (a) 3. Studying, with schools of public health, PFAS, the human
8 health effects of PFAS, the safe destruction and disposal of PFAS, and safe levels of
9 PFAS in the human body, groundwater, and drinking water, and providing
10 information relating to these studies to the public. In conducting the studies under
11 this subdivision, the collaborative shall consult all available research and science.
12 In this subdivision, “PFAS” means perfluoroalkyl or polyfluoroalkyl substances.

13 **SECTION 2k.** 36.25 (56) (f) of the statutes is created to read:

1 36.25 (56) (f) No later than January 1, 2021, the board shall submit a report
2 showing the scientifically safe levels determined under par. (a) 3. to the chief clerk
3 of each house of the legislature for distribution under s. 13.172 (3) to the standing
4 committees having jurisdiction over matters regarding natural resources. The board
5 may notify the chief clerk of the legislature if it needs additional time to complete the
6 report under this paragraph, and the clerk shall notify the standing committees
7 having jurisdiction over matters regarding natural resources.

8 **SECTION 2n.** 281.62 (5) of the statutes is created to read:

9 281.62 (5) The department shall, when no responsible party for contamination
10 is available: test water samples for the presence of any perfluoroalkyl or
11 polyfluoroalkyl substance for which the department has received a recommendation
12 from the department of health services under s. 160.07 (3), in noncommunity water
13 systems, as defined in sub. (1) (b), municipal water systems, as defined in s. 160.257
14 (1) (c), and private wells for which the owner consents, that are in proximity to sites
15 or facilities listed in the department's online Bureau for Remediation and
16 Redevelopment Tracking System as containing perfluoroalkyl or polyfluoroalkyl
17 contamination or as having discharged perfluoroalkyl or polyfluoroalkyl substances;
18 investigate emerging contaminants that are perfluoroalkyl or polyfluoroalkyl
19 substances in those areas; and provide temporary potable water or treatment
20 systems in those areas.

21 **SECTION 2p. Nonstatutory provisions.**

22 (1) TESTING LABORATORIES; EMERGENCY RULES.

23 (a) The department of natural resources shall use the procedure under s. 227.24
24 to promulgate, no later than the first day of the 7th month beginning after the
25 effective date of this paragraph, emergency rules establishing criteria for certifying

1 laboratories to test for any perfluoroalkyl or polyfluoroalkyl substances, including
2 the standards and methods for such testing, and shall certify laboratories that meet
3 these criteria. Notwithstanding s. 227.24 (1) (a) and (3), the department of natural
4 resources is not required to provide evidence that promulgating a rule under this
5 paragraph as an emergency rule is necessary for the preservation of public peace,
6 health, safety, or welfare and is not required to provide a finding of emergency for a
7 rule promulgated under this paragraph.

8 (b) Before emergency rules are promulgated under par. (a), the department of
9 natural resources may require testing for a perfluoroalkyl or polyfluoroalkyl
10 substance to be done according to any nationally recognized procedures.

11 (c) Emergency rules promulgated under par. (a) for drinking water shall be
12 based on federal environmental protection agency protocols, if any, for testing for
13 perfluoroalkyl and polyfluoroalkyl substances. In promulgating emergency rules
14 under par. (a) for nondrinking water, the department of natural resources shall take
15 into consideration the latest version of the federal department of defense's Quality
16 Systems Manual for Environmental Laboratories.

17 (2) BIENNIAL BUDGET REQUEST. The 2021-23 biennial budget request to the
18 department of administration from the department of natural resources shall
19 include funding for addressing any perfluoroalkyl and polyfluoroalkyl substance for
20 which the department has received a recommendation from the department of
21 health services under s. 160.07 (3).

22 (3) RECOVERY OF COSTS. The department of natural resources is entitled to
23 recover the costs of testing, investigations, and providing temporary potable water
24 under s. 281.62 (5) from a responsible party who has used a fire fighting foam
25 containing a substance for which the costs are incurred. Reimbursements to the

1 department of natural resources under this subsection shall be credited to the
2 environmental fund for environmental management.

3 (4) RECONCILIATION PROVISION. The treatment of s. 36.25 (56) (a) 3. and (f) is void
4 if 2019 Assembly Bill 801 or 2019 Senate Bill 712 is not enacted.”.

5 (END)