

Delivered via electronic mail

October 8, 2020

Wisconsin Department of Natural Resources
Secretary Preston Cole
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RE: PFAS Testing—The Public Right to Know

Secretary Cole:

The undersigned organizations respectfully request that the Wisconsin Department of Natural Resources (DNR) order public water systems within the state to test for per- and polyfluoroalkyl substances (PFAS).¹ The people of Wisconsin have a right to know if their drinking water is contaminated with toxic chemicals, and the only way to obtain that information is through widespread, comprehensive testing.

Testing for PFAS is a crucial first step to protecting public health. These chemicals are extremely dangerous because they persist in the environment and build up in the human body over time. PFAS have been linked to an increased risk for a wide range of adverse health impacts, including certain types of cancer, reproductive and developmental problems, thyroid hormone disruption, high cholesterol, ulcerative colitis, and more.

Pregnant mothers and infants are particularly important populations to protect from exposure due to the vulnerability of developing babies and the potential presence of PFAS in blood, placenta, amniotic fluid, and breast milk. Drinking contaminated water is the most easily preventable exposure pathway, and reducing exposure can significantly improve public health outcomes. But that only works if the public knows when their water is contaminated.

Wisconsin is significantly lagging behind other Great Lakes states like Michigan, Minnesota, Ohio, and Illinois when it comes to systematically testing public water supplies. Michigan, for example, started a statewide sampling initiative in 2018 with the goal of verifying that public water supplies, schools, daycares, and Tribal systems are protective of the populations they serve. Nearly every one of those systems was tested, and elevated concentrations of PFAS were detected in public water systems that together serve nearly half a million people.²

¹ DNR has explicit authority to issue orders requiring testing of unregulated contaminants like PFAS. Wis. Stat. § 280.11; Wis. Stat. § 281.17(8); Wis. Admin. Code NR § 809.73.

² AECOM, 2018 PFAS Sampling of Drinking Water Supplies in Michigan (July 26, 2019), available at https://www.michigan.gov/documents/pfasresponse/2018_PFAS_Sampling_of_Drinking_Water_Supplies_in_Michigan_663543_7.pdf.

We support DNR's ongoing rulemaking efforts to regulate PFAS but also understand that those rulemakings will not be finalized for years. And while DNR may request testing as part of those rulemakings, such a request is not an order and is therefore unenforceable. Public water systems may simply refuse to test for PFAS, just as wastewater treatment plants refused a similar request last year.³

Furthermore, testing is needed for all PFAS that are detectable in drinking water, not just PFOA and PFOS, which are the only two PFAS that currently proposed administrative rules will address. PFAS exist in the world as complex, inconsistent, and transforming mixtures. Individual compounds are rarely if ever detected in humans by themselves, and exposure to multiple toxic chemicals at the same time can increase the risk of adverse health impacts. Testing for all detectable PFAS would also be consistent with drinking water sampling at known priority sites like the Tyco/JCI site in Marinette.

The people of Wisconsin cannot afford to wait any longer. They need to know if their drinking water is contaminated with PFAS or not. Each day the public is deprived of that information is another day that exposure to these toxic chemicals could have been prevented.

Thank you for your attention to this important matter. Please let us know if you would like to discuss any questions or concerns that arise as you consider our request.

Sincerely,

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³ Chris Hubbuch, *Sewage treatment plants pass on DNR request for PFAS testing*, WISCONSIN STATE JOURNAL (Oct. 19, 2019), available at https://madison.com/wsj/news/local/environment/sewage-treatment-plants-pass-on-dnr-request-for-pfas-testing/article_381916c1-b7c4-5308-9a47-01f75c1c2087.html.

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Cc: Governor Tony Evers
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