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# TIMOTHY RAMTHUN

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STATE REPRESENTATIVE • 59<sup>th</sup> ASSEMBLY DISTRICT

04/15/2021

## Testimony on Assembly Bill 140, 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 140, which seeks to expand the clean sweep program to include collection of firefighting foams containing polyfluoroalkyl substances (PFAS).

This bill is a reintroduction of Assembly Bill 792 from last session, which passed this committee by unanimous vote.

Assembly Bill 140, as amended, seeks to allocate \$1,000,000 in segregated funds from the state's environmental fund towards collecting, storing, and disposing of environmentally hazardous PFAS firefighting foam.

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 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 140 allows the Department of Agriculture, Trade, and Consumer Protection (DATCP) to use those funds 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 140 also ensures the costs of the complex collection and disposal of PFAS 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 140 and allowing me to testify in favor of it. I am happy to answer any questions you may have.

STANDING COMMITTEES:

Natural Resources & Energy, Chair  
Transportation & Local Government, Vice-Chair



JOINT COMMITTEES:  
Audit Committee, Co-Chair

## Testimony on 2021 Assembly Bill 140

Senator Robert Cowles

Assembly Committee on Environment

April 15th, 2021

Thank you, Chairman Kitchens and Committee Members, for holding a hearing and allowing me to testify on 2021 Assembly Bill 140. This bill – which was part of the 2019 Speaker’s Task Force on Water Quality package – will help to collect and properly dispose of unused and unwanted PFAS-containing firefighting foam.

Per- and polyfluoroalkyl substance (PFAS) contamination of ground and surface water is a 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), is used by first responders to fight flammable liquid fires, such as those at Husky Oil Refinery in Superior and MG&E substation in Madison. While those emergencies are infrequent, these foams have also been regularly used in training for these dangerous situations for decades.

As the emergencies that require AFFF 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. Meanwhile, deteriorating containment measures may lead to accidental and inadvertent discharges into the environment and continued exposure to firefighters. According to a study conducted by the Department of Natural Resources (DNR), 64% of fire departments have AFFF resulting in at least 63,000 gallons and up to 96,000 gallons of AFFF scattered around the state. Over 30,000 gallons of this foam is expired or otherwise unwanted yet is still being stored.

Assembly Bill 140 as amended by Assembly Amendment 1 provides the Department of Agriculture, Trade and Consumer Protection’s (DATCP) Clean Sweep program with \$1 million SEG from the Environmental Management Account in FY 2021-2022 to administer a program or contract with a third-party to collect and store or dispose of voluntarily-surrendered firefighting foam that contains PFAS. Priority will be given to collecting firefighting foam from governmental units. Firefighting foam that is collected must be stored in an environmentally safe manner until properly disposed of or treated in accordance with the DNR’s existing emergency administrative rules. This was clarified in the amendment process. Finally, the amendment provided a technical clarification on the effective date for if the bill were to be passed prior to the State Budget.

This bill helps to create the necessary balance between reducing the dangers to human health, including firefighters, and negative environmental footprint these chemicals pose while also ensuring that the costs of the complex collection and disposal of PFAS-containing firefighting foam doesn’t rest solely on the backs of local governments. 2021 Assembly Bill 140 also compliments 2019 Wisconsin Act 101 – which limits the use of this foam for training and testing – by ensuring that fire departments throughout Wisconsin have a safe method to collect, store, and dispose of unused and unwanted firefighting foam that contains PFAS.

The companion to 2021 Assembly Bill 140, Senate Bill 156, passed the Senate Committee on Natural Resources and Energy as amended 5 – 0 last week.

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**WISCONSIN STATE**  
FIRE CHIEFS ASSOCIATION  
*Together We Make A Difference*

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## Correspondence Memorandum

**Date:** Monday, April 12, 2021

**To:** Members of the Assembly Committee on Environment

**From:** Chief Christopher Garrison, WSFCA President

**Re:** Support AB 140

On behalf of the Wisconsin State Fire Chiefs Association (WSFCA), we sincerely appreciate Rep. Ramthun & Sen. Cowles introducing legislation that is a good first step to assist municipal-based fire departments with the collection and disposal of PFAS-based firefighting foam.

**By way of this memo, the WSFCA is requesting members of the Assembly Environment Committee members support and vote in favor of Assembly Bill 140. Passage of AB 140 would launch a collection and disposal program for PFAS-containing Firefighting Foam through DATCP's Clean Sweep Program.**

As the WSFCA has indicated in previous communications to the Governor, Legislature, DNR and DATCP; the State's Fire Chiefs consistent priority and primary support is focused on removing unused, unwanted, and expired PFAS-based firefighting foam from Wisconsin-based fire stations to ensure this product stays out of our environment.

Presently and for the foreseeable future, the 800+ Wisconsin Fire Departments are facing a financial 1-2-3 punch as it relates to their current firefighting foam inventories. First, there is a cost to collect and dispose the PFAS-based firefighting foam. According to the DNR's 2020 Wisconsin [Fluorinated Firefighting Foam Survey Results](#), a majority of Wisconsin's fire departments would face an approximate \$1.5 million charge to collect and dispose 30,000 gallons of PFAS-based firefighting foam throughout the state. Second, to fulfill their mission of saving lives and structures during fire-related emergencies, the same fire departments would be required to purchase replacement foam at an approximate cost of \$1.1 million to replace the 30,000 gallons previously collected and disposed of. Third, there are unspecified costs to test and train personnel to utilize the replacement foam in a safe, effective, and environmentally friendly manner.

As frontline emergency departments with personnel committed to not only fulfilling our primary mission of saving lives and structures for the communities in which we serve; but also providing additional paramedic and EMS-based services to those contracting the COVID-19 virus, the 800+ Wisconsin-based Fire Departments cannot absorb the additional costs to accomplish this necessary and vital task. Nevertheless, the WSFCA and its members are committed to doing their fair-share along with our state partners to reduce overall PFAS use, and as a result, protecting our shared environment.





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Thank you once again for engaging and considering Wisconsin fire service experience and input to address PFAS within our state by supporting AB 140. If you should have further questions or need additional information, please contact George Klaetsch at [gklaetsch@kpasllc.com](mailto:gklaetsch@kpasllc.com)



# Town of Peshtigo Fire Department



W2435 Old Peshtigo Road  
Marinette, WI 54143

Fire Chief: Michael Folgert  
E-mail: [topfire@townofpeshtigo.org](mailto:topfire@townofpeshtigo.org)  
Non-emergency phone: 715-582-4380  
Emergency: Dial 911

Date: April 13, 2021

To: Members of the Assembly Committee on Environment

From: Chief Michael Folgert, Town of Peshtigo Fire Department

Re: Support of AB 140

Thank you, Chairperson Kitchens, and members of the Assembly Committee on Environment, for this opportunity to express my support for Assembly Bill 140, which would expand the the clean sweep program to include the collection and disposal of certain firefighting foams.

I am the fire chief for the Town of Peshtigo, a community of a little over 4,000 residents located in far northeastern Wisconsin adjacent to the City of Marinette. Our community has the dubious distinction of having one of the largest, most complex PFAS contamination sites being investigated and targeted for clean-up in the state of Wisconsin. This is due to our close proximity to an industrial complex that has manufactured, tested and trained with various firefighting foams and other extinguishing agents for many years. Now, the chemicals contained within those products have moved off site and have contaminated both our ground and surface waters.

Three years ago, I couldn't even tell you what PFAS was, now we have hundreds of contaminated wells, foam sightings in our waterways on a regular basis, numerous residents drinking bottled water, and citizens reporting adverse health impacts.

As a volunteer firefighter for over 38 years, and fire chief for the past 11 years, I have never experienced an issue more complex, more time consuming and more disturbing as PFAS. I cannot emphasize enough the adverse impact this contamination has had on our community, nor the stress and strain it has taken on our volunteer fire department. Others across the state are beginning to see the same story unfold in their community.

As a past and present user of various foam products, our fire department has been in the crosshairs as well. Although our mission has always been the protection of lives and property, I would have never suspected we'd be publicly accused of killing fish, deforming

livestock and contributing to groundwater contamination. In recent years we have had people following fire trucks to see if we are using foam, have been denied the use of water fill sites and have had to answer public record requests for information from incidents that occurred 15-25 years ago to determine if foam was used. Now, our insurance provider has placed us on notice that any liabilities or damages caused by pollution as the result of use of PFAS containing foams may not be covered. The Wisconsin fire service needs help and AB 140 will provide just that.

As a fire department, we are trying to move forward, but it has been difficult. Once we learned more about PFAS, we modified our standard operating procedures and hired an environmental contractor to clean out our apparatus and dispose of our PFAS containing foams. At our own cost, we were able to eliminate several hundreds of gallons of PFAS foam products in an environmentally safe manner.

Although we are a small, all volunteer fire department, with a limited budget, and limited resources we felt we had no choice but to eliminate PFAS containing products and switch to a non-fluorinated foam product immediately. We strongly encourage other departments do the same, but recognize the difficulty in doing so with limited budgets and other competing priorities for expenditures of our limited funds.

AB 140 establishes a mechanism, and provides for an appropriation, that will enable other fire departments and communities across the state to make the same decision as we did, that is to get rid of their PFAS foam before they are forced to confront the same issues we did.

A statewide collection, disposal and replacement program for PFAS containing foam is a critical need to ensure that PFAS is removed from our fire stations, not only to protect our state's surface and groundwaters, but also to allow for the fire service to restore our credibility and continue our mission of protecting lives and property.

Once again, thank you for allowing for input and for considering passage of this legislation that will assist the Wisconsin fire service in removing unused, unwanted and expired PFAS-containing foam from fire stations, and ultimately from being introduced into our environment.



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To: Assembly Committee on Environment  
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities  
Toni Herkert, Government Affairs Director, League of Wisconsin Municipalities  
Date: April 15, 2021  
Re: AB 140 - Expanding and Providing additional funding for the Clean Sweep Program to include collection of certain fire-fighting foams

The League of Wisconsin Municipalities supports AB 140, expanding and providing additional funding for the Clean Sweep Program to include collection of certain fire-fighting foams. We thank the bill's authors, Representative Ramthun and Senator Cowles, for their continued leadership in addressing the emerging contaminants classified collectively as per and polyfluoroalkyl substances (PFAS).

Last session, the Legislature passed Senate Bill 310, 2019 Wisconsin Act 101, prohibiting the use of Class B and Class A/B firefighting foams containing intentionally added PFAS, except in certain emergency and testing situations when specific conditions are met to prevent discharges of the foam to the environment.

AB 140 is designed to help fire departments dispose of firefighting foams containing PFAS and mirrors legislation that Representative Ramthun and Senator Cowles introduced last session, which the Assembly unanimously passed on February 18, 2020. Unfortunately, the Senate failed to pass the bill when the Covid-19 pandemic caused the Senate to cancel its last regular session floor day in March 2020.

AB 140 originally provided \$500,000 in funding for disposal of firefighting foam containing PFAS, a \$250,000 increase over the bill that the Assembly passed last session. Our neighbor to the east, Michigan spent \$1.4 million on a contract to safely dispose of approximately 30,000 gallons of PFAS foam. According to a DNR survey, Wisconsin could have between 63,000 and 96,000 gallons of PFAS foam sitting idle in fire departments around the state. Due to the extent of the problem in the state, the authors have introduced an amendment in both houses that would increase the funding for disposal to \$1 million. With that increase, the funding provided in this bill is a great start to addressing our PFAS foam disposal problems in Wisconsin. We appreciate the author's recognition that local governments need help funding the disposal costs associated with this outdated and harmful product.

We urge the committee to recommend passage of AB 140. Thank you for your time and consideration of our comments.

*YOUR VOICE. YOUR WISCONSIN.*