Wisconsin

Enacted Legislation

Name (bill number)	Year	PFAS Addressed	Agency responsible	Summary of Action	Codified at
2023 S.B. 70	2023	PFAS	State of Wisconsin Investment Board	Established a nonlapsible trust fund designated as the PFAS fund for the receipt of, among other funds, all moneys, other than fines and forfeitures, that are received under settlement agreements or orders in settlement of actions or proposed actions for violations of chs. 280 to 299 that relate to perfluoroalkyl or polyfluoroalkyl substances.	Wis. Stat. § 25.90
SB 310: Wisconsin Act 101 (link)	2019	Per and polyfluoroalkyl substances	Department of Natural Resources	This act relates to the use of fire fighting foam that contains intentionally added PFAS. It prohibits all use of AFFF containing PFAS except in emergency fire fighting/prevention situations. Testing facilities that have property containment, treatment, and disposal measures can also use AFFF containing PFAS, if the department of natural resources approves so. Anyone who is found to be in violation of this act could be subject to penalties under current environmental provisions (forfeiture of $10–$5,000 for each violation).	Wis. Stat. § 299.48

Enacted Regulations

Name	Year	PFAS Addressed	Authorizing Statute	Summary of Action	Citation
Drinking Water Maximum Contaminant Level	2022	PFOS and PFOA		On Aug. 1, 2022, NR 809 was revised to include standards for PFOS and PFOA. The new MCL standards are set at 70 ppt for each contaminant individually or combined. The state has issued a statement of scope to start the rulemaking process to amend NR 809 to incorporate the federal MCLs. (link).	Wis. Adm. Code § NR 809.20 (link).
Surface Water Quality Criteria	2022	PFOS and PFOA	Wis. Stats. §§ 281.12, 281.12(1)(a)–(b), 281.15, 281.65(4)(c) and (cd), 283.13(5), 283.31(3)–(4), 283.37, 283.55, 283.83, and 227.11(2)	DNR developed PFOS and PFAS surface water quality standards to protect human health. The new standards will become part of the WPDES permit procedures/requirements beginning with surface water permits issued on October 1, 2022 and thereafter. For more information, see link.	Wis. Adm. Code § NR 106.97 et seq.
Firefighting Foam	2022		Wis. Stat. § 299.48	DNR adopted regulations implementing Wisc. Stat. 299.48 that set forth appropriate containment, treatment and disposal or storage measures	NR 159.01 – 159.09 (webpage link).

Other Administrative Actions

What	Year	PFAS addressed	Who	Summary of Action
Wisconsin PFAS Action Council	2019			The Wisconsin PFAS Action Council (formerly known as the PFAS Coordinating Council) was formed in 2019 through Executive Order #40. The Council led the development of a comprehensive Wisconsin PFAS Action Plan. A progress report on Action Plan implementation was submitted to the Governor in August 2022. In January 2023, WisPAC was reestablished as an advisory committee through Executive Order #182.

PFAS External Advisory Group	2019		DNR	The PFAS External Advisory Group was established by Executive Order #40. The Group is a collaborative forum for the DNR to solicit constructive feedback on PFAS initiatives in Wisconsin, staffed by DNR (link).
PFAS Technical Group	2021			The PFAS Technical Group is a working group formed in 2021 to present and discuss information related to PFAS in Wisconsin. The group is intended to serve as an information-sharing hub to better inform PFAS-related initiatives (link).
Drinking Water Health Advisory	2021		DHS	DHS issued an interim area-wide drinking water health advisory for French Island in March 25, 2021. (link). This action enabled the DNR to provide temporary emergency water to residents with private wells on French Island who are not currently receiving water from the city of La Crosse.
PFAS Fish Consumption Advisories		PFOS and PFOA	Department of Natural Resources and Department of Health Services	The DNR works closely with DHS to issue consumption advisories for PFAS where and when necessary. Fish consumption advisories are based on guidance from the Great Lakes Consortium for Fish Consumption Advisories. DNR has issued general statewise safe-eating guidelines that apply to fish from most Wisconsin waters. Exceptions are in place for some waters due to elevated levels of PFOS (link). The DNR's current fish consumption advisories are available in Choose wisely: a health guide for eating fish in Wisconsin [PUB-FH-824].
PFAS Deer Consumption Advisory	2020	PFAS	Department of Natural Resources and Department of Health Services	In September 2020, the DNR and DHS issued a Do Not Eat Advisory for the liver of white-tailed deer in the Marinette area [PDF] based on the results of PFAS sampling in deer tissue.
PFAS and Manganese Grant Program	2024	PFAS		In 2024, Wisconsin received funding from the Environmental Protection Act to provide financial assistance to Other-Than-Municipal Community and non-profit, Non-Transient Non-Community public water systems to address and decrease their PFAS levels to meet the proposed EPA levels. This program is funded by the Bipartisan Infrastructure Law and is known as the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC). (website).

Funding Available to Help Communities Address PFAS Contamination in Wastewater (news release) (link)	2023	Per- and polyfluoroalkyl substances	Department of Natural Resources	Announcing new funding available through the BIL in the state's Clean Water Fund Program for communities dealing with PFAS contamination in wastewaters. It includes when communities must apply and examples of projects that would qualify.
PFAS Laboratory Certification		Per- and polyfluoroalkyl substances	Department of Natural Resources	The DNR offers certification to laboratories for PFAS in drinking water (potable water), aqueous (non-potable water), and non-aqueous matrices. (website).
Interim Strategy for Land Application of Biosolids and Industrial Sludges Containing PFAS (report) (link)	2024	PFOS and PFOA	Department of Natural Resources	This document is meant to expand more on the department's interim strategy to regulate biosolids. On page 3 the report begins to discuss PFAS and their presence in municipal wastewater and biosolids and in industrial sludges. There isn't any federal regulations/criteria on PFAS in biosolids. It briefly discusses their PFOS and PFOA standards for surface and groundwater before going into the interim strategy. It proposes sampling for PFAS prior to land application in order to ensure compliance with state NPDES (WPDES)
DNR Issues Wastewater Discharge Permit For JCI/TYCO Facility in Marinette (news release) (link)	2020	PFOS and PFOA	Department of Natural Resources	News release announcing that they were reissuing the WPDES permit to JCI/Tyco. As part of the agreement to reissue the permit, JCI/Tyco agrees to install treatment to remove PFAS before it enters groundwater treatment plants near their site. They are limited to discharging only 11 ppt of PFOS into the Menominee River

Other State Actions

What/Title	Year	PFAS Addressed	Who	Summary of Action
Surface Water and Fish Tissue PFAS Sampling	2019 - 2020		Wisconsin Department of Natural Resources	The DNR's Water Quality Program conducted a multi-year, statewide monitoring project to sample fish tissue and water chemistry at select sites around the state near known or probable sources of PFAS. The DNR's website contains links to the sampling reports as well as an interactive map of monitoring sites and preliminary reports (link). This information is helping DNR develop water quality standards that will protect human health from the health effects of exposure to PFOS through fish consumption.
Public Input, Meetings & Rulemaking Efforts (webpage) (link)			Department of Natural Resources	Page about all the different public meetings and other ways people can get involved with DNR's rulemaking procedures for PFAS related issues. Under each group there is a link to subscribe to updates from the different councils/groups.
Voluntary Drinking Water PFAS Sampling Project for Municipal Systems		Per- and polyfluoroalkyl substances	Department of Natural Resources	Page about the department's voluntary program for communities looking to test their municipal water supplies. It gives some background on the program, and how to do sampling. There are some videos at the end about how to do sampling and more information on the program. Program has now been concluded. (link)

PFAS Investigation and Cleanup (webpage) (link)		Per- and polyfluoroalkyl substances	Department of Natural Resources	DNR states that PFAS compounds meet the definitions of a hazardous substance and/or environmental pollution under state statutes (s. 292.01, Wis. Stats.). Discharges of PFAS to the environment are subject to regulation under ch. 292, Wis. Stats., and the requirements for immediate notification, investigation and remediation under chs. NR 700-799, Wis. Adm. Code. When sites are discovered to be contaminated by PFAS, the DNR works with responsible parties to take any necessary immediate or interim actions to protect human health and the environment. Information about sites where PFAS contamination has been reported to the DNR is available on the DNR's Remediation and Redevelopment Program database (BRRTS on the Web). On the BRTTS there are about 146 sites that were listed as PFAS sites. ● PFAS Contamination in Dane County (webpage) (link) ● PFAS Contamination in the Marinette and Peshtigo Area (webpage) (link) ● PFAS Contamination in the Town of Campbell and French Island (webpage) (link) ● PFAS Contamination in the Town of Stella (webpage) (link)
PFAS and Foam on Waterways (link)		Per- and polyfluoroalkyl substances	Department of Natural Resources	This page provides information on PFAS and surface foam (both naturally occurring, and foam caused by discharge). The website discusses health concerns and reporting/sampling efforts. DNR does not sample foam normally but may on a case-by-case basis, especially when there is an upstream or nearby PFAS source. The DNR has conducted foam sampling at a limited number of locations, including the Peshtigo River [PDF] and Starkweather Creek [PDF].
PFAS Resources for Communities			Department of Natural Resources	This webpage is meant to provide information to community leaders who discover PFAS contamination. It provides a brief explanation of different resources provided by the department, like funding resources and a Community Response to PFAS in Drinking Water Toolkit.
PFAS Interactive Data Viewer			Department of Natural Resources	The PFAS Interactive Data Viewer is a mapping tool that incorporates datasets from several DNR programs to show locations throughout Wisconsin that have been impacted by PFAS. (link)

PFAS Ambient Shallow Groundwater Study (webpage) (link)		Per- and polyfluoroalkyl substances	Department of Natural Resources	Provides information about the study conducted to determine PFAS contamination in shallow groundwaters. The full study was published in 2023 in the Environmental Science & Technology journal. On the page there are dropdowns to provide more information on the study, results, how the study was conducted, who was involved, and answering some questions about the study.

Outreach Actions

What/Title	Year	PFAS Addressed	Who	Summary of Action
PFAS: Perfluoroalkyl and Polyfluoroalkyl Substances (webpage) (link)		Per- and polyfluoroalkyl substances	Department of Natural Resources	General landing page that provides links to all the sampling and public information regarding PFAS contamination and exposure.
Reducing PFAS in Your Drinking Water (factsheet) (link) (other language options)	2023	Per- and polyfluoroalkyl substances	Department of Health Services	This 4 -page factsheet provides information on how to reduce PFAS from drinking water at home. It discusses filters that can be bought and how to check for PFAS contamination risk and other contamination. On page 3 it compares granular activated carbon and reverse osmosis filters.
PFAS and Backyard Gardening (factsheet) (link) (other language options)	2023	Per- and polyfluoroalkyl substances	Department of Health Services	This 2-page factsheet starts by discussing what PFAS are and how they get into home gardens. It mentions that a lot of research is still needed to be done in order to understand PFAS build up in plants. The fast sheet also discusses about how to know if there is a PFAS contamination in municipal or private well sources. It ends by discussing how you can "safely garden" to avoid the effects of PFAS contamination.
Safe Drinking Water Loan Program State Fiscal Year 2024 Draft Intended Use Plan Open for Comments (news release) (link)	2023		Department of Natural Resources	Asking for input on the Department's Safe Drinking Water Loan Program Fiscal Year Plan.

How PFAS Affect Fish and Wildlife (video) (link)	2024		Department of Natural Resources	This short video discusses about the risk of PFAS exposure from hunting and fishing. It mentions that PFAS contamination can be stored in animals and the effects of exposure on human health. It ends by discussing the DNR and DHS's fish advisories.
What are PFAS? (video) (link)	2024	Per- and polyfluoroalkyl substances	Department of Natural Resources	This short video provides background information on PFAS such as what products they were used in, how you can get PFAS exposure, effects of PFAS exposure, and how to reduce the risk of PFAS exposure.
How Wisconsin is Addressing PFAS (video) (link)	2024		Department of Natural Resources	This short video discusses the sampling work that the DNR is doing to identify where PFAS contamination is. It mentions the interactive map of all the sampling data collected by DNR and DHS.
Environmental and Health Impacts of PFAS (website) (link)	2024	PFOS and PFOA	Department of Natural Resources	This is a general page that provides information about concerns around PFAS. It provides some information about the EPA's new MCLs announced in April and about the state's own drinking water standard for PFOS and PFOA. In three tabs in provides more information and links to state resources and federal resources on environmental impacts and health impacts of PFAS contamination. The last tab just provides more general resources on PFAS.
PFAS News (webpage) (link)	2024		Department of Natural Resources	Page for all announcements from the department going back to 2018. Under each dropdown there are links to different news releases, announcements, flyers, info packets, and documents.
Waste Containing PFAS (webpage) (link)		Per- and polyfluoroalkyl substances	Department of Natural Resources	Providing information on how to dispose of waste that is known to contain PFAS. The page provides some information to learn about whether your waste contains PFAS and about how to manage hazardous waste generally. It ends by listing what waste management options are currently available both in and out of the state.

Chemicals: Perfluoroalkyl and Polyfluoroalkyl (PFAS) Substances (webpage) (link)	Last updated 2024	PFOS, PFOA, FOSA, NEtFOSA, NEtFOSAA, NetFOSE, PFNA, PFHxS, GenX, PFDA, PFDoA, DONA, PFUnA, PFBA, PFTeA, PFHxA, PFODA, PFBS	Department of Health Services	Department's general webpage that provides information about PFAS, the DHS's drinking water health advisory levels for 18 PFAS (ng/L), and providing links to other state and federal agency websites to learn more about PFAS contamination in waters and foods, and about blood testing for PFAS.

Proposed Legislation

Bill Name	Year	PFAS Addressed	Summary of Action	Status
SB 310 (link)/ AB 323 (link)	2019	Per and polyfluoroalkyl substances	This bill would have created statute 299.48 to ban the use or discharge of Class B firefighting foam containing PFAS unless it is an emergency firefighting or prevention operation or testing (calibration, conformance, or fixed system testing) if the testing facility has implemented appropriate containment, treatment, and disposal methods to prevent discharge into the environment.	Died in Assembly committee on Rules
SB 109/ AB 85 (link)	2019	Perfluorooctanoic acid and perfluorooctane sulfonate acid	Would have had required the DHS create health-based groundwater for PFOA and PFOS.	Died in Senate Committee on Natural Resources and Energy and Assembly Committee on Environment

SB 302/ AB 321 (link)	2019	Perfluorohexane sulfonic acid, perfluorononanoic acid, perfluorobutane sulfonic acid, and perfluoroheptanoic acid	Would have amended existing laws to require the Department of Natural Resources to establish PFAS MDLs for the listed PFAS, standards, and monitoring requirements for drinking water, groundwater, surface water, air, solid waste, soil, and sediment. Would also have added in amendments that would have allocated funds to the department to do emergency responder surveying, investigation, modeling (planning), and other PFAS related activities. Would have also allowed the department of health services to create and enforce interim standards for PFAS substances in drinking water sources (MDLs) until permanent rules are established. The department of health services would have also had to determine if air emission standards should be set to protect human health and set them if they decide they are needed. Would have required the natural resources department to also to set emergency rules of acceptable PFAS levels and standards, "requirements, and required response actions" for any PFAS they determine is harmful to human health and the environment. Emergency regulations would have gone into effect on 7/1/2022.	Died in Senate Committee on Natural Resources and Energy and Assembly Committee on Environment
AB 952: (link)	2020	Per and polyfluoroalkyl substances	Would have required DNR to by Jan. 2021 determine if there is a safer alternative to PFAS in food packaging. DNR woud have had to report to the legislature by Jan 1, 2021, if there as a safer alternative and begin prohibiting the use of PFAS by Jan. 2023.	Failed to pass out of Assembly Committee on Environment
SB 717/ AB 792 (link) (link)	2020	Per and polyfluoroalkyl substances	Would have required the Department of Agriculture, Trade and Consumer Protection and DNR to collect, store, and dispose of all firefighting foam containing PFAS that are voluntarily surrendered to them. The Department of Ag., Trade and Consumers would have been allowed to work with third parties to collect, store, and dispose of the foam from cities, villages, towns, and counties.	Passed out of Joint Committee on Finance and Assembly but died in Senate

SB 772/ AB 843 (link)	2020	Per and polyfluoroalkyl substances including PFOS and PFOA	Would have required DNR to create an emergency rule to establish groundwater standards for PFOS, PFOA, and any other PFAS that DHS recommends they create a standard for. They also would have been required to create surface water quality standards and MCL for drinking water sources for any PFAS DHS recommends that DNR create groundwater standards for. Would have also created a municipal grant program to provide funds to municipalities to address PFAS contamination when they do not know who caused the contamination. Lastly, would have created the PFAS action fund to collect all money from PFAS settlements and orders. DNR would have been required to create criteria for certifying labs for PFAS testing and certify labs that have met those criteria. Also would require any site that generates solid or hazardous waste to provide transportation, treating, storage, and disposal information to DNR	Died in Senate after passing out of their Committee on Natural Resources and Energy and Assembly after passing out of Committee on Environment
SB 773/ AB 842 (link)	2020	Per- and polyfluoroalkyl substances	This bill would have provided $250,000 to the University of Wisconsin Board of Regents to support funding for PFAS research ("technologies for destroying PFAS"). $1 million would also been appropriated to the DNR to test for PFAS in "noncommunity water systems" that are located close to potential PFAS contamination and in municipal public water supply systems. $120,000 would have been given to DNR to investigate PFAS and to provide alternative water or treatment for contaminated waters where the responsible party is unknown. $5 million would be provided biennially for the PFAS municipal grant program. For DNR it also created a new appropriation for the PFAS settlement funds collected in the PFAS action fund.	Died in Senate after passing out of Committee on Natural Resources and Energy and Assembly after passing out of the Committee on Environment.

SB 775/ AB 921 (link)	2020	Per- and polyfluoroalkyl substances	Would have created a municipal grant program to fund municipalities testing for PFAS contamination in water sources.	Died in Senate Committee on Natural Resources and Energy and Assembly Committee on Environment.
SB 774/ AB 922 (link)	2020	Perfluorooctanoic acid, perfluorooctanesulfonic acid, perflurobutane sulfonic acid, perfluoroheptanoic acid, perfluorohexane sulfonic acid, and perfluorononanoic acid.	Would have created PFAS management zones for drinking water sources that test above 70 ppt for PFOA and PFOS. Would have required DNR create an advisory committee to advise them on promulgating PFAS rules.	Died in Senate Committee on Natural Resources and Energy and Assembly Committee on Environment
AB 867 (link)	2020	Per and polyfluoroalkyl substances	This bill would have increased the fees for CAFOs and made some other changes related to them. In addition, it would have requires testing for water contamination of public and private waters near known PFAS contamination (DNR and DHS), would have allocated money for DNR to assist municipalities in addressing PFAS contaminated sites, and have DHS make recommendations to DNR for setting PFAS groundwaer samples.	Died in Senate committee on Agriculture

SB 361/AB 419 (link)	2022	Per and polyfluoroalkyl substances	Among other things, would have required DNR to use the department of health services' recommended groundwater enforcement levels for PFAS until they set their own groundwater enforcement standards for all facilities and activities that may negatively affect groundwater that are already regulated by state agencies. Would have also required the DNR to use the department of health service's enforcement standards MCLs for public water systems and water suppliers. Would have required the DNR to also adopt water quality criteria for all PFAS DHS has made recommendations for groundwater enforcement. Beginning Jan. 2025 the sale, distribution, offering to sell of food packaging containing intentionally added PFAS would have been prohibited. Violations of the prohibition would result in a civil forfeiture of $10 to $5,000 per violation. Lastly, the DHS would have been required to do biomonitoring studies to assess PFAS exposure and understand how to better inform communities.	Died in Senate Committee on Labor and Regulatory Reform and Assembly Committee on Government Accountability and Oversight
AB 43 (link)	2023	Per and polyfluoroalkyl substances specifically PFOA and PFOS, PFHxS, PFNA, PFBS	Would have required DNR to establish rules for acceptable levels, standards, monitoring requirements, and action response for PFAS in drinking water, groundwater, surface water, air, soil, solid waste, sediment, and beds of navigable waters. Would have created a municipal grant program for specific entities to receive grants from DNR when they have tested or trained with AFFF containing PFAS (including third part testing or training).	Failed to pass out joint committee on Finance

SB 312/ AB 312 (link)	2024	Perfluorooctanesulfonic acid, perfluorooctanoic acid, perfluorohexanesulfonic acid, perfluorononanoic acid, perfluoroheptanoic acid, oerfluorodecanoic acid and any other per or polyfluoroalkyl substances that state or federal laws have been promulgated for	Would have created a municipal PFAS grant program to provide funds to municipalities for PFAS testing, disposal of biosolids that contain PFAS, costs related to upgrading infrastructure/ remediate PFAS contamination, and costs incurred by fire departments to address PFAS contamination from their actions. Would have also created grant programs for landowners whose property has become contaminated with PFAS and owners/renters of contaminated drinking wells. Would require DNR to survey fire departments about their use and possession of firefighting foam containing PFAS and work with third parties to collect the foam. The bill would have created a new pilot project to test and treat surface waters that are contaminated with PFAS. Would create a separate rate class for water utility customers who are affected by PFAS contamination (with authorization under a certificate of authority)	Passed out of Assembly and Senate but failed to pass "notwithstanding the objections of the Governor"

Proposed Regulation

What/Title	Year	PFAS Addressed	Statute	Summary of Action and Status
Groundwater Standards	2018		Wis. Stat. § 160.001–160.50 Groundwater Protection Standards (link)	In 2018, DNR requested that your DHS provide state, health-based groundwater quality standard recommendations for 16 substances, including some PFAS substances. In 2018, that request was increased to 40 substances. The process for developing groundwater standards is specified in Wis. Stat. ch. 160. Recommendations for several PFAS substances were made in 2019 and 2020. DNR announced in December 2023 that it stopped its rulemaking process because the final economic impact statement was in excess of $10 million for a 2-year period. Legislative authority is required for such rulemakings, which is pending (link).

Cases

I. Wisconsin v. 3M et al. (complaint) (Press Release)
The AG and Governor Evers filed a lawsuit against 18 manufacturers (3 based in the state) for "wrongful, deceptive, and tortious conduct" which they claimed led to PFAS contamination of Wisconsin's water, land, and other natural resources.

II. Wisconsin v. Tyco Fires Products LP et al. (complaint) (press release)
The Wisconsin AG filed an environmental enforcement suit against Tyco Fires Products LP and Johnson Controls, inc. for violations of the state hazardous substance laws requiring them to notify the Department of Natural Resources when there is a discharge of PFAS. The defendants failed to notify DNR or to remediate the contamination around the Fire Technology Center in Marinette.

III. Safe Skies Clean Water Wis., Inc. v. Nat'l Guard Burea, 578 F.Supp. 3d 998 (W.D. Wis. Jan. 5, 2022)

IV. Wilson v. Tegels, 2023 U.S. Dist. LEXIS 186745, 2023 WL 6847377 (W.D. Wis. Oct. 17, 2023)
Plaintiffs were seeking relief under the 8th Amendment for PFAS contamination of drinking water at Jackson Correctional Institution. Plaintiff is incarcerated at the facility and appeared pro se. The defendant is a warden with the Wisconsin Department of Justice.

V. Wis. Mfrs. & Commerce, Inc. v. Wis. Dep't of Nat. Res., 411 Wis. 2d 462 (Wis. Ct. App. Mar. 6, 2024)
Held that the Circuit court was correct in holding that the Wisconsin Natural Resources Board was the property party in this suit.

a. Wis. Mfrs. & Commerce, Inc. v. Wis. Dep't of Nat. Res., 409 Wis. 2d 93 (Wis. Ct. App. July 18, 2023)
Order granting partial summary judgment for plaintiff was vacated; a resolution between the parties made an order requiring sampling for PFAS contamination moot.