



VIA ELECTRONIC DELIVERY

April 9, 2024

The Honorable Tony Evers
Governor of the State of Wisconsin
115 East, State Capitol
Madison WI 53702

Dear Governor Evers:

I am writing again in support of Senate Bill 312 and, while you have repeatedly expressed your intention of vetoing, I *sincerely* hope you will reconsider and listen to those directly impacted by PFAS contamination rather than activists alone. It has been reported that more than a dozen Wisconsin environmental and public health groups, including our very own local Save Our Water (S.O.H2O), are urging you to veto SB 312, however, the information that should be guiding your decisions is the non-partisan memorandums put out by the Wisconsin Legislative Council. The fact that many of the reasons given for opposition have already been discredited by your very own Wisconsin Legislative Council, coupled with the support of League of Wisconsin Municipalities, Wisconsin Towns Association and Wisconsin Counties Association, should be carrying significant weight in your ultimate decision.

In your February 28, 2024 response letter to me you state SB 312 *"contains dangerous language limiting the Department of Natural Resources' (DNR) authority to take action to respond to PFAS contamination and hold polluters accountable."* This was shown to NOT be the case in the December 4, 2023 Wisconsin Legislative Council memorandum which concluded a company or other entity that manufactures PFAS would likely NOT fall within the six categories developed for "innocent landowner" qualification and *"except with respect to certain limited situations, the bill does not prohibit DNR from taking enforcement action against a person who recklessly or intentionally caused environmental contamination."*

It appears those in opposition of SB 312 referenced a recently released report, *A Report on Wisconsin's Spills Law: Examining the Wisconsin Department of Natural Resources' Enforcement of the Spills Law for Discharges of Per- and Polyfluoroalkyl*, which was prepared by Staff Attorney Rob Lee of Midwest Environmental Advocates. The report shows that the "hypothetical scenarios used to justify new limits on DNR's enforcement authority have never occurred." I fail to understand why verbiage protecting innocent landowners from something that has never occurred with no intention of occurring in the future would be such an area of contention.

During a recent listening session with Senators Eric Wimberger and Mary Felzkowski and Representative Jeffrey Mursau on March 14, 2024, Doug Oitzinger, member of S.O.H2O, shared his only opposition to the bill was the verbiage "promulgated standard" noting that Wisconsin currently does not have groundwater standards which, in his opinion, would prevent our local Tyco/Johnson



Controls Inc. from being held accountable for our local PFAS contamination. This was again proven to be incorrect with the latest March 22, 2024 Wisconsin Legislative Memorandum stating “. . . DNR may arguably if any promulgated standard – including a standard that is not directly ‘applicable’ – has been exceeded, meaning the DNR could arguably proceed based on a groundwater sample showing a level of PFAS that would violate the surface water or drinking water standards if found in surface or drinking water.”

I was pleased to hear you acknowledge that innocent landowners deserve protection during your visit to Marinette Water Utility on March 11, 2024. During that visit your only apparent objection to SB 312 was that it did not release the \$125 million set aside for PFAS. I read a recent report that you are considering calling finance committee lawmakers back into session to release the \$125 million which I wholeheartedly support as long as you also sign SB 312 into law to protect those innocent landowners. Back in the day a handshake and a promise may have been enough to protect those who needed it but today? Today is the day everything needs to be in writing as people, positions and attitudes change. What has never been done in the past could very well happen tomorrow.

I urge you, once again, to sign SB 312 as every purported reason not to has been discredited by your very own non-partisan Wisconsin Legislative Council. It is time that you listen to those with no hidden agenda other than clean water and protection for the innocent.

Respectfully,

A handwritten signature in black ink that reads "Jennifer Friday".

Jennifer Friday
Town of Peshtigo Chairperson
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CC: Senator Eric Wimberger
Senator Rob Cowles
Attorney Joe Ruth, Wisconsin Towns Association