



July 23, 2025

Adam DeWeese – DG/5
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707

VIA EMAIL: DNRAAdministrativeRulesComments@wisconsin.gov and
Adam.DeWeese@wisconsin.gov

**Re: Comments on Draft Economic Impact Analysis for Board Order DG-01-24 (PFAS
Drinking Water Standards)**

Dear Mr. DeWeese:

On behalf of our members, the Midwest Food Products Association (MWFP), Wisconsin Manufacturers & Commerce (WMC), and the Wisconsin Paper Council (WPC) appreciate the opportunity to provide comments on the draft Economic Impact Analysis (EIA) associated with draft rule (Board Order) DG-01-24. The draft rule proposes to adopt new and updated Maximum Contaminant Levels (MCLs) for certain per- and poly-fluoroalkyl substances (PFAS) in Chapter NR 809, Wis. Adm. Code, that are consistent with recently promulgated federal MCLs.

Introduction

Founded in 1905, **MWFP** represents food processors and their allied industries throughout Illinois, Minnesota, and Wisconsin. Our advocacy encompasses issues such as food safety, sanitation, and environmental regulations, including the protection of water quality. Given Wisconsin's position as one of the nation's leading states in vegetable growing and processing, we have a keen interest in ensuring that water resources remain clean and safe and that resulting regulations are both carefully designed and consistently enforced.

Water is an essential ingredient in food manufacturing. Food processors rely on accessible, high-quality water for raw product washing, cleaning operations, heating, cooling, and steaming, among other production steps. We share the Department's commitment to ensuring water is free of harmful substances and maintaining public trust in our food system.

WMC is the largest general business association in Wisconsin, representing approximately 3,800 member companies of all sizes, and from every sector of the economy. Since 1911, WMC's mission has been to make Wisconsin the most competitive state in the nation to do business. That mission includes ensuring that state agencies engaged in the administrative rulemaking process are faithfully following the requirements of Wisconsin law. WMC member businesses are affected by state drinking water rules insofar as they are customers of a community water system or qualify as a transient or non-transient non-community water system.

WPC is the premier trade association that advocates for the papermaking industry before regulatory bodies, and state and federal legislatures to achieve positive policy outcomes. WPC also works to educate the public about the social, environmental, and economic importance of paper, pulp, and forestry production in Wisconsin and throughout the Midwest. The pulp and paper sector employs over 30,000 people in Wisconsin and has an annual payroll of \$2.5 billion.

Below are our comments, based on feedback from our member companies and our review of the draft EIA.

1. The compliance costs are not zero.

The draft EIA's conclusion that there is no new state-imposed financial burden overlooks the fact that entities in Wisconsin—including public water systems at or serving food processing, papermaking and other manufacturing facilities—will incur substantial compliance costs if PFAS treatment or monitoring is needed in order to align with very stringent federal standards.

Wis. Stat. § 227.137(3)(b)1. plainly requires DNR to include in the final EIA an “estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units, and individuals as a result of the proposed rule, expressed as a single dollar figure.” In the draft EIA, DNR has taken an incrementalist approach, concluding that Wisconsin “is not imposing additional costs above what is required in federal rules[.]” As a result, DNR concludes that the implementation and compliance costs are zero dollars (\$0) and will not be \$10 million or more in any two-year period. Draft EIA, §§ 9-10 (page 1).

Nothing in Wis. Stat. § 227.137 permits DNR to exclude actual and known compliance costs from its analysis because those costs are attributable to a federal mandate. Nor does this statute authorize DNR to classify some costs of implementing and complying with the rule as “federal costs” that are excluded from the analysis. While it is true that public water systems will be required to comply with federal standards in the absence of state standards, it is possible that federal standards will change in the future.

In such a case, the Chapter NR 809 standards would not automatically change, and public water systems would still be required to comply with potentially more stringent state requirements.

In this scenario, there is no question that compliance costs would be incurred “a result of the proposed rule.”

We acknowledge the Department’s responsibility to incorporate federal requirements into state law to maintain primacy under the Safe Drinking Water Act. But under state law, DNR retains a statutory obligation to analyze the total implementation and compliance costs that are expected to be passed along to businesses, local governments, or individuals to promulgate a rule.

For purposes of the REINS Act (Wis. Stat. § 227.139), DNR is also required to determine whether \$10,000,000 or more of implementation and compliance costs are reasonably expected to be incurred over any two-year period as a result of the proposed rule. Wis. Stat. § 227.137(3)(b)2. In the draft EIA, DNR fails to uphold its statutory obligations by simply reporting the compliance cost as zero dollars (\$0). DNR must correct these deficiencies in the final EIA.

2. The final EIA should accurately reflect costs of complying with the PFAS standards.

Fortunately, DNR has already taken meaningful steps to quantify implementation and compliance costs. Section 14 of the draft EIA (pages 3-6) and Attachment A describe implementation and compliance costs of the proposed PFAS standards and costs to small businesses based on the U.S. Environmental Protection Agency’s (USEPA’s) economic impact analysis.

DNR should take the next step: validating whether the USEPA’s national cost figures are appropriate and representative for Wisconsin. We ask that it do so to ensure a thorough, accurate, and honest economic impact analysis. We are aware that multiple community water systems in Wisconsin have either completed or are in the process of constructing treatment systems to remove PFAS from drinking water systems. The costs incurred or estimated to be incurred to construct these systems should be considered in DNR’s analysis.

Likewise, for non-transient, non-community (NN) water systems, a category that includes many small- and medium-sized businesses and employers, DNR should provide additional, state-specific analysis of implementation and compliance costs. NN systems are operated by small businesses. Policymakers and the public must have a clear understanding of the costs that will be imposed by the proposed rule.

DNR’s acknowledgement of compliance costs may also be informative to federal and state policymakers, as they consider the best way to address PFAS risks and ensure safe drinking water.

3. Sections 8 and 14 of the final EIA should acknowledge and summarize economic impacts to utility rate payers, including industrial water customers.

The draft EIA does not identify “public utility rate payers” as an impacted class in Section 8 (page 1) of the draft EIA. Section 14 (pages 3-6) also does not attempt to quantify impact to public utility rate payers, including industrial water users.

WDNR’s analysis in Section 14 indicates that implementation and compliance obligations with the proposed PFAS drinking water standards will fall heavily on community water systems. Specifically, DNR’s current projection suggests that these systems will face total annualized compliance costs of \$26.6 million in the first year after promulgation of the rule. Absent federal or state assistance (the availability of which is uncertain), these costs with the proposed PFAS drinking water systems will likely be passed on, in whole or in part, to water customers. The draft EIA does not explain why public utility rate payers are not identified as an impacted class. DNR should analyze impacts to public utility rate payers, including industrial water customers, in the final EIA.

4. WDNR’s rulemaking process should consider EPA’s recent announcement that it will extend the date for compliance with the PFAS drinking water standards and the effect of pending litigation.

On May 14, 2025, USEPA Administrator Lee Zeldin announced that the agency proposes to extend compliance deadlines for PFOA and PFOS until 2031, establish a federal exemption framework, and engage in additional outreach to public water systems.¹

The federal PFAS MCLs, upon which this rulemaking is based, are also subject to a pending challenge in the U.S. Court of Appeals for the District of Columbia Circuit in *American Water Works Association, et al. v. Environmental Protection Agency, et al.*, Docket No. 24-1198. As of this writing, the case is being held in abeyance based on USEPA’s unopposed motion for a continued pause in the proceedings “in light of EPA’s decision to reconsider portions of the challenged rule.” Accordingly, it stands to reason that additional changes could be coming to the federal PFAS MCLs. Based upon uncertainties surrounding the federal MCLs, and the potential that scientific advancements in the coming years could see the development of more cost-effective treatment solutions to address PFAS in drinking water, MWFP, WMC, and WPC believe it would be imprudent for DNR to rush the economic impact analysis or rulemaking process.

DNR should consider waiting until federal law and policy surrounding the PFAS MCLs is settled before incorporating federal standards into state-level rules. With the extension for compliance to 2031, the Department should have plenty of time to see pending litigation and attendant changes in federal regulations play out, and still complete this rulemaking.

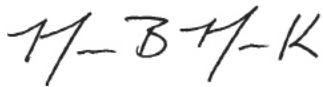
¹ U.S. Env’tl. Protection Agency, Press Release, EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS, <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos> (May 14, 2025).

Conclusion

Thank you for considering our comments. We respectfully request that the final EIA for Board Order DG-01-24 more properly acknowledge the economic burdens on Wisconsin businesses associated with the proposed rule, include Wisconsin-specific analysis of implementation and compliance costs, and account for uncertainties that may impact the currently proposed PFAS MCLs at the federal level.

If you have any questions or require additional input, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "N-B-H-K".

Nick Novak
President
Midwest Food Products Association

A handwritten signature in black ink, appearing to read "Adam Jordahl".

Adam Jordahl
Director of Environmental & Energy Policy
Wisconsin Manufacturers & Commerce

A handwritten signature in blue ink, appearing to read "Scott Suder".

Scott Suder
President
Wisconsin Paper Council

July 22, 2025

VIA EMAIL ONLY

Department of Natural Resources
Attn: Constantine.Tsoris
P O Box 7921
Madison, WI 53707-7921

Constantine.Tsoris@wisconsin.gov

**RE: Comments on Economic Impact Analysis for DG-01-24
Revisions to ch. NR 809 related to drinking water standards for PFAS**

Dear Mr. Tsoris:

These comments are filed on behalf of the Municipal Environmental Group - Water Division (MEG - Water). MEG - Water is an association of 79 municipal water systems that reviews and comments on legislation and administrative rules that impact municipal water systems.

The proposed rule seeks to update NR 809 to reflect new federal standards for certain PFAS. The Department notes in its economic impact analysis that EPA finalized federal regulations that create Maximum Contaminant Levels (MCLs) for PFOS, PFOA, PFHxS, PFNA, PFBS, and HFPO-DA in April 2024. EPA also created a Hazard Index (HI) for mixtures of PFHxS, HFPO-DA, PFNA, and PFBS. A primacy agency, like the Wisconsin Department of Natural Resources, has two years to adopt new federal regulations, although an extension is possible.

The Department has prepared a draft Economic Impact Analysis (EIA) for DG-01-24 and is soliciting comments and additional information before finalizing its EIA and submitting it to the Legislative Council. Wisconsin Statute § 227.137(3)(b) requires the Department to provide an estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local government units, and individuals as a result of the proposed rule. The Department must also make a determination as to whether \$10 million or more in implementation or compliance costs are reasonably expected to be incurred by or passed along to businesses, local government units, and individuals over any 2-year period as a result of the proposed rule. Wis. Stat. § 227.137(3)(b)2.

The Department's EIA for this proposed rule separately estimates the total statewide cost of the federal PFAS rule and "the additional cost" of Wisconsin's rule. This treatment resulted in the Department finding that "[t]he state is not imposing additional costs above what is required by federal rules." Therefore, the Department contends that implementation of this rule will not cost \$10 million or more over any 2-year period, avoiding the requirement in Wis. Stat. § 227.139(1) that the Department stop work on the proposed rule until the legislature acts to authorize the promulgation.

Absent this interpretation of Wis. Stat. § 227.137(3)(b), the proposed rule would clearly require legislative approval. The EIA estimates that the total annual cost for all municipally owned systems in Wisconsin to comply with the federal regulation will be \$24.7 million per year. The Department, however, estimates the total cost of complying with the state rules to be zero.

MEG - Water questions the Department's interpretation of Wis. Stat. §§ 227.137(3)(b)2 and 227.139(1) to exclude costs that the Department attributes solely to compliance with federal requirements. Nothing in the statutes direct the Department to exclude costs to comply with federal requirements from the assessment. Furthermore, the fact that the Legislature specifically exempted proposed state rules to implement federal clean air act rules from the requirement of Wis. Stat. § 227.139(1) strongly indicates that other state rules adopted to meet federal laws are not similarly exempt.

It appears, therefore, that the Department's interpretation of Wis. Stat. §§ 227.137(3)(b)2 and 227.139(1) which distinguishes between federally-imposed costs and state-imposed costs is contrary to the plain language and intent of the statutes. Regardless of the reason that this rule is being proposed for adoption, the Department is obligated to follow Wisconsin's rule-making process.

MEG - Water also questions the Department's assertion that the proposed state rule will be no more strict than federal law. The Department's proposed rule and EIA do not recognize, or contemplate, that potential changes to the federal PFAS rule may result in components of the Department's proposed rule no longer being federally required.

On June 7, 2024, the American Water Works Association (AWWA) filed a lawsuit against the United States Environmental Protection Agency (EPA) challenging the federal PFAS rule. *American Water Works Association v. Environmental Protection Agency, et al.*, USCA Case #24-1188. The case is temporarily on hold as EPA evaluates the position it may take with regard to the litigation and PFAS rule going forward.

On May 14, 2025, however, EPA announced that it planned to retain the PFOA and PFOS drinking water standards but delay related compliance deadlines from 2029 to 2031. EPA also indicated that it intends to rescind regulations for the hazard index and the other four PFAS standards. How EPA intends to effectuate its plans is not yet clear.

If portions of the federal PFAS rule are subsequently vacated or rescinded by reason of AWWA's litigation or other federal action, Wisconsin systems would remain subject to the vacated or rescinded requirements if the Department's rules are finalized first. While Wisconsin rules must be no less stringent than federal standards to maintain primacy, they are permitted to be more stringent. And, given SDWA's anti-backsliding provision, the Department may not be allowed to revise state rules to match less restrictive federal rules. If this situation occurs, it will be Department rules that will be imposing a substantial portion of the identified \$24.7 million a year costs on Wisconsin's municipal-owned water systems in the next several years, not the federal rules.

Department of Natural Resources
July 22, 2025
Page 3

SThank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions about them.

Sincerely,

MUNICIPAL ENVIRONMENTAL GROUP – WATER DIVISION

A handwritten signature in blue ink, appearing to read "Lawrie Kobza". The signature is fluid and cursive, with the first name "Lawrie" written in a larger, more prominent script than the last name "Kobza".

Lawrie J. Kobza
Legal Counsel

cc: MEG - Water Members (*via email only*)

Delivered via electronic mail

July 23, 2025

Briana Harter
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707
Briana.Harter@wisconsin.gov
RE: Comments on Economic Impact Analysis for DG-01-24

Dear Briana Harter,

Midwest Environmental Advocates, Citizens for Safe Water Around Badger, River Alliance of Wisconsin, SaveOurH2O, League of Women Voters of Wisconsin, Oneida County Clean Waters Action, Save Our Water, Wisconsin's Green Fire, Clean Water Action Council, Sierra Club Wisconsin Chapter, Milwaukee Water Commons, and Wisconsin Environmental Health Network (hereinafter, "Commentors") submit these comments in support of the economic impact analysis ("EIA") for proposed rule DG-01-24. The proposed rule will update certain per- and polyfluoroalkyl substances ("PFAS") requirements for public water systems ("PWS") codified in Wis. Admin. Code NR ch. 809, to be consistent with the Environmental Protection Agency's ("EPA") enacted federal requirements. The targeted PFAS include the contaminant compounds perfluorooctanoic acid ("PFOA"), perfluorooctane sulfonic acid ("PFOS"), perfluorohexane sulfonic acid ("PFHxS"), perfluorononanoic acid ("PFNA"), perfluorobutane sulfonic acid ("PFBS"), and hexafluoropropylene oxide dimer acid ("HFPO-DA"). Among the provisions of greatest interest to the undersigned, the proposed rule establishes lower Maximum Contaminant Levels ("MCLs") for certain PFAS contaminants to reduce exposure to toxic contaminants in drinking water and to protect public health.

1. To maintain primacy, the Wisconsin DNR must promulgate state rules that "are no less stringent than" the National Primary Drinking Water Regulations (NRDWRs).

Under the federal Safe Drinking Water Act ("SDWA"), the EPA is authorized to adopt National Primary Drinking Water Regulations ("NPDWRs") for drinking water contaminants that all PWSs must meet.¹ The EPA may grant primary enforcement responsibility (also called "primacy") for PWSs to states that meet certain requirements, including adoption of state administrative rules that are "no less stringent than" the NPDWRs.² Currently, the Wisconsin DNR is the primacy agency authorized to enforce the SDWA and the regulations promulgated

¹ 42 U.S. Code § 300g-1(b)(1)A.

² 42 U.S.C. § 300g-2(a); 40 CFR § 142.10.

thereunder for PWSs in Wisconsin.³ Wisconsin's state statutes authorize the DNR to "establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act."⁴ Thus, Wisconsin may impose stricter standards, but must at least adopt state regulations that are as strict as the corresponding federal regulations, in order to maintain primacy status.

In April 2024, the EPA finalized federal regulations that created MCLs for PFOS, PFOA, PFHxS, PFNA, PFBS, and HFPO-DA. The EPA also created a Hazard Index (HI) to address the toxic effects from mixtures of PFHxS, HFPO-DA, PFNA, and PFBS and their likely co-occurrence in drinking water. The final federal rule requires all community and non-community non-transient PWSs to complete monitoring by April 26, 2027. Further, the federal rule requires any PWS that exceeds the PFAS MCLs or HI to take action to reduce PFAS levels no later than April 26, 2029. To retain primary enforcement responsibility, Wisconsin "must adopt all new and revised national primary drinking water regulations" and submit a request for approval of those program revisions to the EPA no later than two years after promulgation of the revised EPA regulations, unless the state requests and the EPA grants a two-year extension.⁵

If the EPA finds that Wisconsin is out of compliance with any federal NPDWR regulation, the EPA may step in to enforce the federal regulations rather than the Wisconsin DNR.⁶ In other words, if Wisconsin does not adopt the federal PFAS rule, the DNR could lose its enforcement authority under the SDWA, and local PWSs would be regulated by the EPA rather than the DNR. For example, the DNR identified 96 PWSs with at least one sample result above the federal PFAS MCLs that must be addressed by April 26, 2029, regardless of if the federal rule is promulgated.⁷ Thus, to maintain primacy over these 96 PWSs, the DNR must adopt the proposed PFAS rule or risk the EPA stepping in to enforce the federal PFAS regulations. Losing primacy would create a more complicated enforcement process and reduce Wisconsin's ability to respond to local PWS needs. Therefore, to maintain primacy, enforcement responsibility, and the ability to respond to local public drinking water needs, Wisconsin must revise their state regulations to adopt the EPA's federal PFAS rule under the SDWA.

2. Wisconsin PWSs must comply with federal law regardless of whether the DNR amends its administrative rules to adopt the PFAS rule revisions, so there will be no additional cost to water systems to comply with the adopted state rules.

When proposing the adoption of an administrative rule, Wis. Stat. § 227.137 requires the DNR to prepare an EIA detailing the economic effect of the proposed rule on businesses, local

³ *Primacy Agency Drinking Water Data*, USEPA, <https://www.epa.gov/DWdata/primacy-agency-drinking-water-data> (last visited July 8, 2025).

⁴ Wis. Stat. § 281.17(8)(a).

⁵ 40 CFR § 142.12(a) and (b).

⁶ 40 CFR § 142.30(b).

⁷ WDNR, Fiscal Estimate & Economic Impact Analysis for DG-01-24, at 2-3 (2025).

governments, and the state economy. Pursuant to the Regulations from the Executive in Need of Scrutiny Act (“REINS Act”), state legislative authorization of administrative rules is required if an EIA shows “that \$10,000,000 or more in implementation and compliance costs are reasonably expected to be incurred by or passed along to businesses, local governmental units, and individuals over any 2-year period as a result of the proposed rule.”⁸ The plain language of the statute makes it clear that state legislative authorization is required only if *but for* the proposed rule, businesses, governments, and individuals would incur costs of \$10 million or more.⁹

In the rule amendments currently proposed, the DNR plans to adopt the federal PFAS rule revisions as amendments to Wis. Admin. Code NR ch. 809, to make Wisconsin’s administrative rules consistent with the revised federal requirements and maintain state primacy. Further, even if Wisconsin did not adopt the federal rule revisions into state law, Wisconsin’s PWSs would still be required to comply with the revised federal regulations. By adopting the PFAS revisions, the DNR will ensure that its rules remain “no less stringent than” the NPDWRs and will maintain Wisconsin’s state primacy under federal law.¹⁰

In the DNR’s Fiscal Estimate & Economic Impact Analysis for DG-01-24, all anticipated costs are related to the implementation of the federal PFAS revisions with no additional costs of implementing the state rule. In other words, the EIA shows the baseline costs from the federal rules and adopting the PFAS revisions will cost no more in implementation and compliance beyond what is already required by federal law. Further, DNR implemented a 70 ppt state standard for PFOA and PFOS in 2022, meaning Wisconsin already monitors community and non-transient, non-community PWSs for PFOA and PFOS.¹¹ Even more, the testing methods used by the DNR to test for PFOA and PFOS include all other PFAS contaminants listed in the proposed rule.¹² Thus, the DNR can complete monitoring of community and non-community non-transient PWSs utilizing its already implemented methods, reducing the energy and costs in complying with the federal rule revision. Overall, the DNR’s estimate of \$0 in costs as a result of the proposed rule DG-01-24 comports with the legal requirements under both the REINS Act and Wis. Stat. § 227.139, and does not require state legislative authorization for adoption.

The DNR’s EIA estimates are not impacted by the federal government’s intention to repeal drinking water standards. On May 14, 2025, the EPA announced its intent to reconsider

⁸ 2017 Wis. Act 57; As codified in Wis. Stat. § 227.139(1).

⁹ Wis. Stat. § 227.137(3)(b)1.

¹⁰ 42 U.S.C. § 300g-2(a); 40 CFR § 142.10.

¹¹ Wis. Admin. Code NR § 809.20.

¹² U.S. Env’t Prot. Agency, Method 537.1 Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (EPA/600/R-20/006), 2020; U.S. Env’t Prot. Agency, Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (EPA/815/B-19/020), 2019.

regulations related to PFHxS, PFNA, HFPO-DA, and the HI mixture of these PFAS and PFBS.¹³ However, reconsidering those regulations will be a long process and will likely be subject to litigation, making it uncertain if the drinking water standards will be repealed. Further, DNR is only charged with making an estimate of compliance based on current circumstances and is not required to speculate about uncertain developments in federal regulations or estimate the costs therefrom. Therefore, the potential reconsideration of PFAS regulations does not undermine the DNR's EIA for the proposed rule, especially since the PFAS regulations are still currently in effect.

3. Reducing PFAS exposure will improve community health and yield substantial economic benefits for Wisconsin.

PFAS accumulate and can adversely impact health.¹⁴ Adverse health effects from PFAS exposure include cancer, hepatic, developmental, immunological, and cardiovascular effects.¹⁵ Concerningly, pregnant women and developing fetuses, lactating women, elderly persons, children, and individuals with preexisting medical condition are more at risk for developing adverse health effects from PFAS.¹⁶ By reducing exposure to PFAS contamination, Wisconsin can lower the negative health effects on individuals exposed to toxic PFAS contaminants, creating both individual and overall systematic economic benefits.

Adopting the federal PFAS rules will reduce costs associated with providing clean drinking water and preventing adverse health impacts from PFAS exposure. For example, in 2024, the DNR supported the remediation of PFAS at over 100 sites in Wisconsin.¹⁷ Each site exposes individuals to adverse health impacts from consuming PFAS, potentially increasing health care costs. Further, the DNR spent approximately \$516,230.96 to provide temporary emergency water to residents in impacted communities to reduce adverse health impacts from PFAS exposure.¹⁸ Consequently, reducing PFAS exposure in Wisconsin communities will reduce costs from the DNR needing to provide safe drinking water to impacted residents.

Under Wis. Stat. § 227.137(3)(c), an EIA includes an analysis of quantifiable benefits of the proposed rule. The EPA attempted to overview some of the anticipated economic benefits from adopting the federal PFAS rule in reducing adverse health impacts. To illustrate, the EPA anticipates the PFAS rule will result in an annual economic benefit of \$1,549.40 million nationally due to savings from annual cardiovascular disease, birth weight, renal cell carcinoma,

¹³ *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, U.S. Env't Prot. Agency, <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos> (last visited July 21, 2025).

¹⁴ WDNR. 2023. *Wisconsin's Community Response to PFAS in Drinking Water*, at 2.

¹⁵ U.S. Env't Prot. Agency. *Human Health Toxicity Assessment for Perfluorooctanoic Acid (PFOA) and Related Salts*. EPA/815/R24/006, 2024.

¹⁶ *Id.*

¹⁷ WDNR. 2024. *PFAS in Wisconsin: January – June 2024*, at 7.

¹⁸ *Id.*; WDNR. 2024. *PFAS in Wisconsin: July – December 2024*, at 7.

and bladder cancer costs.¹⁹ Even more, the calculated anticipated economic benefits do not cover all the anticipated health savings from adopting the proposed PFAS rule. For example, the EPA could not quantify the economic benefits related to immune hepatic, endocrine, metabolic, reproductive, or musculoskeletal health issues that stem from PFAS exposures. As such, the anticipated economic benefits are likely much higher than the annual \$1,549.40 million nationally since other, nonquantifiable adverse health effects would be reduced by adopting the PFAS proposed rule. Therefore, adopting the federal PFAS revisions will not only reduce the adverse health risks to communities across Wisconsin, but will also reduce the overall annual costs associated with PFAS exposure.

4. The DNR should move as quickly as possible to adopt the PFAS revisions into Wis. Admin. Code NR ch. 809.

The DNR anticipates that the PFAS revisions will become effective in the fall of 2026.²⁰ Currently, the DNR expects that the rule revisions adopting the PFAS requirements will go before the Natural Resource Board (“NRB”) for adoption over the winter of 2025-2026.²¹ Commentors encourage the DNR to work as quickly as possible to achieve the earlier projected timeframe and to present the PFAS rule revisions to the NRB no later than the NRB’s December 2025 meeting. To promote and protect safe drinking water in Wisconsin, Commentors urge the DNR to strive for the PFAS rules to be effective as soon as possible.

The Wisconsin DNR has a duty to protect drinking water for all people of Wisconsin.²² To avoid eliminating the DNR’s ability to respond to local needs and to maintain state authority over Wisconsin’s drinking water, proposed rule DG-01-24 should be promulgated into Wis. Admin. Code NR ch. 809 for Wisconsin to maintain primacy status. Promulgating the proposed rule will provide both health and economic benefits to the people of Wisconsin by reducing PFAS exposure that would otherwise cause adverse health effects and require medical intervention. Therefore, Commentors support the Wisconsin DNR’s EIA of the proposed rule DG-01-24, and encourages its adoption as soon as possible.

Sincerely,

Midwest Environmental Advocates

Hannah Malicky, Law Clerk
clerk@midwestadvocates.org

¹⁹ U.S. Env’t Prot. Agency, Economic Analysis for the Final Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation, at 6-4 (2024).

²⁰ *Federal PFAS Maximum Contaminant Levels*, DNR, <https://dnr.wisconsin.gov/topic/DrinkingWater/FederalPFASMCLs.html> (last visited July 14, 2025).

²¹ *Id.*

²² Wis. Admin. Code § NR 809.01.

Rob Lee, Staff Attorney
rlee@midwestadvocates.org

Laura Olah, Executive Director
info@cswab.org
Citizens for Safe Water Around Badger (CSWAB)

Bill Davis, Senior Legal Analyst
bdavis@wisconsinrivers.org
River Alliance of Wisconsin

Cindy Boyle, Founder
cindy@boyledesigngroup.net
SaveOurH2O

Debra Cronmiller, Executive Director
dcronmiller@lwvwi.org
League of Women Voters of Wisconsin

Eric Rempala
eroutdoors@hotmail.com
Oneida County Clean Waters Action (OCCWA)

Lee Donahue, Wisconsin Resident
timleedonahue@gmail.com
Town of Campbell

Jeff Lamont, President
jjjlamont@gmail.com
Save Our Water

Nancy Stencil, Wisconsin Resident
nstencil7983@gmail.com
Village of Rib Mountain

Paul Heinen, Policy Director
pheinen@wigreenfire.org
Wisconsin Green Fire

Crystal Brown, Executive Director
contact@cleanwateractioncouncil.org
Clean Water Action Council

Don Ferber, Co-Chair
d_ferber@sbcglobal.net
Sierra Club Wisconsin Chapter

Brenda Coley, Co-Executive Director
bcoley@milwaukeeewatercommons.org
Milwaukee Water Commons

Beth Neary, Co-President
bneary55@gmail.com
Wisconsin Environmental Health Network



Testimony on the Economic Impact Analysis for DG-01-24
Peter Burress, Government Affairs Manager
July 18, 2025

My name is Peter Burress and I work as the Government Affairs Manager with Wisconsin Conservation Voters. We have offices in Madison and Milwaukee, where we work with our network of over 40,000 members and supporters to engage voters to protect our environment. I appreciate the opportunity to provide comments on the Economic Impact Analysis for DG-01-24. We support the rule as drafted, as it will ensure Wisconsin's administrative code is consistent with the EPA's health-based Maximum Contaminant Level Goals for six PFAS.

We appreciate that the DNR is soliciting input on the economic impacts of setting these standards, and we support the determination that there are no implementation costs beyond what is required by federal rules. Given that this rule is central to ensuring that Wisconsin maintains its primary enforcement responsibility over water quality standards, we must finalize it as expeditiously as possible. This will ensure our impacted communities have clear guidelines and processes in place for how to protect their residents.

There are real health-related economic impacts of not moving forward with this proposed rule as expeditiously as possible. As they are currently structured, Wisconsin's economic impact analyses do not account for the cost of inaction. Given the negative health effects and resulting costs associated with PFAS contamination, the cost of inaction is steep. We cannot afford it.

There is mounting evidence linking PFAS to a long list of negative health effects including cancer, thyroid disease, increased cholesterol levels, reduced immune system function and vaccine response, increased blood pressure and pre-eclampsia in pregnant women, and lower infant birth weights.¹ Across the state, 96 public water systems exceed the EPA's new maximum contaminant levels, and there is more we need to do to ensure we deliver support to the one-third of Wisconsinites who rely on private wells for their drinking water.

There are real costs associated with facing cancer treatments, miscarriages, heart surgeries, and developmental challenges. A recent study estimated that across the United States, Americans are spending up to \$62.6 billion annually on health costs associated with PFAS contamination.² Assuming 1.8% of the United States population lives in Wisconsin, that means we could be spending up to \$1.13 billion annually on PFAS health expenses.

Given comprehensive research on the health impacts associated with these chemicals, and the fact that the federal government already set these more protective standards, we urge the DNR to finalize this rule and send it to the NRB by December, 2025 at the latest. We owe it to every Wisconsinite to make progress on this issue as quickly as possible, and we welcome any opportunity to work with the DNR to help make it happen. Thank you for your time, and for all you do to set policy that protects the health of future generations.

*For more information, contact Peter Burress at peter@conservationvoters.org or 920-421-3601.
Visit Wisconsin Conservation Voters at www.conservationvoters.org.*

¹ <https://www.dhs.wisconsin.gov/chemical/pfas.htm>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC10198842/>