

Appendix D: Local Government Advisory Group Recommendations

The following pages include the recommendations forwarded to WisPAC from the **Local Government External Advisory Group**. These recommendations were based upon input received at the respective external advisory group meetings.

The following recommendations are organized by four focus areas, which reflects the initial way in which WisPAC had organized the solicitation of input. Subsequently, it was decided that the four focus areas were not sufficiently distinct.

Focus Area 1: Preventing Future Discharges and Exposures

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Evaluate PFAS-containing products and eliminate “non-essential” uses of PFAS in products.

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

Regulating PFAS in our environment (air, groundwater, drinking water, surface water, wastewater, soil, sediment, etc.) is a reactive, rather than proactive, approach to protect human health and the environment. Because PFAS compounds are ubiquitous, including in everyday household products, they are also present in all of our waste streams. There are significant costs and operational feasibility issues that would need to be weighed against the needs of the community for installation of PFAS treatment at public water supplies. Publicly-owned treatment works (POTWs) are not designed to remove these persistent bioaccumulative contaminants from wastewater and it is economically and technically unfeasible to install treatment.

Landfilling is the most common disposal method for industrial and consumer PFAS-containing waste materials. This creates an ongoing threat of contamination into the environment through discharge of landfill leachate and landfill leakage. While some PFAS chemicals are no longer found in new U.S. products, these chemicals still find their way into landfills after the end of products’ useful life. Unless we can begin phasing out non-essential PFAS compounds, they will continue to be found in our drinking water, wastewater and solid waste.

The LGAG recommends that Wisconsin follow the EU lead in developing an evaluation of PFAS-containing products, immediately phasing out “non-essential” PFAS use in products and only allowing continued use of “essential” PFAS in products until alternatives are developed with a deadline of 2030 to use only PFAS-free products.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. “we need to think about...”, comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Create stricter labeling requirements (transparency) for manufacturers of products containing PFAS.

Provide information for consumers on PFAS-containing products and encourage purchase of PFAS-free products.

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include listing PFAS as potential toxins and set strict product labeling requirements for manufacturers, distributors and retailers. The plan should also include confirmation testing of products to ensure manufacturers are reporting accurate information. Results should be used to establish reporting thresholds for PFAS that are lower than the usual federal statutory thresholds for other regulated chemicals due to concerns for their environmental persistence and bioaccumulation potential.

The plan should include more stringent requirements than currently required by Safety Data Sheets (SDS) for all suspected PFAS-containing products manufactured and/or sold in the United States. SDSs are intended to identify workplace hazards for chemical products and must include hazard information for any component at or above the 1% level. Fluorosurfactants are highly efficient, requiring only very small quantities to achieve their intended function. These levels are often well-below SDS reporting thresholds at in-use concentrations.

The current product safety data and technical information sheets often provide limited information. For example, some SDSs identify PFAS-containing ingredients as “C8”, “proprietary” or “trade secret” or may state only the chemical category, such as “partially fluorinated”. Lack of full structure information makes it difficult for consumers to assess environmental fate and toxicity or to assess the relevance of toxicity data for newly developed PFAS substitutes.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. “we need to think about...”, comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Provide assistance for Local Government Units (LGUs) to develop a PFAS Pollutant Minimization Program (PMP).

- Standardized industrial user survey
- Information on products for informed public purchasing
- Model ordinances and state enforcement support

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The LGAG recommends that the WisPAC Action Plan include guidance LGUs may use to identify entities discharging PFAS to wastewater systems or disposing of PFAS at landfills or other waste disposal sites.

The Action Plan should also include development of a model Industrial User Survey, which would assist POTWs in identification of potential sources of PFAS that contribute to the sewerage system. This Action Plan should also identify possible sources of funding for local government resources and staffing.

The Action Plan should also include investigation of regulatory tools local governments and/or the DNR could use to reduce the volume of PFAS pollutants discharged into sewer systems. This could include the development of model ordinances for implementation of those regulatory tools, where practicable.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about..."), comments on process of how to implement the proposal, etc.

Focus Area 2: Inventorying & Minimizing Current PFAS Exposures

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Provide assistance and funding to local fire departments to inventory and properly manage PFAS-containing aqueous film-forming foam (AFFF)

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

Aqueous film-forming foam (AFFF) is highly effective foam intended for fighting high-hazard flammable liquid fires. Currently, DOD and FAA-regulated airports must maintain an inventory of AFFF to extinguish flammable liquid fires.

Some vendors are now offering “fluorine-free” foam. However, it may not be easy to tell if the foam contains PFAS since these chemicals are not always reported on a safety data sheets (SDS). A good indicator that the foam contains PFAS is if it mentions fluorosurfactant, fluoroprotein, C6, or the use of “fluoro”, however, not all fluorinated surfactants are made of PFAS. This results in the fire department contacting the manufacturer in writing to see if PFAS is used in its production.

The WisPAC Action Plan should include an aggressive plan to assist local fire departments manage the existing inventory of PFAS-containing aqueous film-forming foam (AFFF).

- Develop a health and safety plan:
 - Minimizing firefighters and community risk of exposure to AFFF products.
 - Develop education and information regarding fluorine free foam (FFF).
 - Develop education and information on PFAS foams that are being marketed as “safe” or “safer”.
- Develop inventory, storage, use and clean-up plan:
 - Require a site inventory of PFAS foam.
 - Develop best practices for storage and use.
 - Develop best practices for clean-up.
- Develop reporting requirements:
 - Require local fire departments to report to DNR when they have discharged PFAS foam.
 - Require fire departments to contract for clean-up and disposal of area where PFAS was discharged.
- Develop exemptions for fire departments that may require to use PFAS foam for high hazard facilities, such as hydrocarbon or ethanol processing and storage.
- Create a licensing program for fire departments that must maintain an inventory of PFAS foam to ensure proper training, use and clean up.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. “we need to think about...”, comments on process of how to implement the proposal, etc.



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Issue/Problem Statement

Brief summary of issue, concerns, etc.

Provide funding to local government units (LGUs) who seek to inventory and address local PFAS sources

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include a plan to assist LGUs in proactively identifying PFAS sources in their community and provide guidance and funding for the redevelopment of property affected by PFAS contamination.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about..."), comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Provide guidance on PFAS Best Management Practices for treatment and destruction/disposal

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

In the absence of PFAS regulations, communities are questioning what the most appropriate method of treatment/disposal for is PFAS-containing liquid and solid wastes. The properties of PFAS that make these substances ideal industrial and consumer products subsequently make PFAS-containing products difficult to properly treat and dispose of at end of useful life.

PFAS are detected in wastewaters and landfill leachate due to their widespread uses in consumer and industrial products. There are three existing options for removing PFAS from wastewaters: granular activated carbon (GAC), ion-exchange (IX) resins, and high-pressure membrane filtration of nanofiltration and reverse osmosis (RO). All three options require a significant capital investment for installation and operation and, because these processes do not destroy PFAS compounds, produce residual wastes with highly concentrated PFAS.

Landfilling typically serves as a common and accessible disposal method for most PFAS-containing waste, but there is uncertainty of the long-term consequences and management of PFAS in landfill leachate. Some states have begun sampling programs for PFAS in landfill leachate, and a few landfills now refuse to accept PFAS-contaminated soil and groundwater generated from remediation programs at impacted sites.

EPA is currently considering multiple disposal techniques, including incineration, to effectively treat and dispose of PFAS waste.

The WisPAC Action Plan should include a focused effort from regulators to develop guidance, BMPs and regulation specific to PFAS, including handling and disposing of PFAS waste from contaminated sites.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about...", comments on process of how to implement the proposal, etc.

Focus Area 3: Identifying & Addressing Historic or Legacy PFAS Discharges and Exposures

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Fund and conduct additional studies around the state to identify and communicate known legacy sites

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include a plan and funding for additional studies to identify and alert Local Government Units of PFAS contamination. PFAS sampling should be part of site investigations near probable PFAS sources. PFAS sampling should be included in routine monitoring of rivers and lakes. Sampling should be conducted at sites where historical information indicates PFAS was used in industrial or manufacturing processes.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. “we need to think about...”, comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Expedite development of clear interim cleanup standards for various media (soil, groundwater, sludge, landfill waste, etc.) and create clear guidelines for expectations on clean-up and remediation schedules for remediation of sites where sampling has revealed PFAS contamination, while final clean-up standards are being developed.

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include expedited state action, such as emergency rule development or executive order, to develop interim statewide clean-up standards for soil and groundwater. Creating these standards will obligate persons responsible for contamination and the state to act.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about...", comments on process of how to implement the proposal, etc.

It is important that we establish standards based on sound science. That takes time but needs to be done. However, until that happens there needs to be a sufficiently clear interim standard to require responsible persons to address contamination.

While a statewide clean-up standard is appropriate on an interim basis, final standards should be developed to account for the fact that contaminant transport may be different in different soil and ground water régimes.

Focus Area 4: Educating, Engaging and Communicating About the Risks Associated with PFAS

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Provide clear communication from state agencies on PFAS risks

- Create dedicated website/resources combining DNR/DHS information
- Determine what various concentrations mean in what media
- Identify and respond to knowledge or regulatory gaps as well as misinformation
- Emphasize effective public education for broad audience, including marginalized groups

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include development of a single state agencies' PFAS website that is easy to navigate and find and that provides information for Local Government Units and the public to stay informed on the issue. The Action Plan should clearly and consistently communicate and engage the public on risks associated with exposure to PFAS through a coordinated state agency website. Clear, consistent communication through consultation and information sharing between agencies and the public will greatly increase community understanding of the PFAS issue. It will also reduce dissemination of misinformation that leads to public confusion, anxiety and distrust of state and local government activities. This, in turn, will allow agencies to continue the important work of determining the most appropriate PFAS management and responses, commensurate with risks identified through detailed assessment and analysis of all available information.

The website should provide basic information on toxicology so that the public can better understand the risks.

- We know that PFAS do not readily breakdown and that low levels of PFAS have been found throughout our environment. Higher levels can be found in water and fish near facilities that manufactured, disposed or used PFAS. This requires differentiating high concentration sites from background concentrations.
- The risk of public exposure to PFAS from ingestion, such as through drinking water or the consumption of fish, is significantly higher than that from direct contact with PFAS-contaminated surface water, soil or sediment.
- The communication plan should include what is known and identify gaps in knowledge about potential human exposures and health effects based on PFAS production, use and human exposure data.

To date, most of what is known about PFAS exposure and health effects is based on studies of the two chemicals that have been manufactured for the longest period of time: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about..."), comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Create communications/risk communications toolbox for municipalities

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should include development of a Risk Communication Toolbox for Local Government Units that is a ready-to-use, “one-stop-shop” developed through a coordinated state agency effort to support local governments in developing, as they deem appropriate, their own PFAS risk communication materials. The toolbox should include press release templates, social media posts, FAQs, factsheets and other quick references. The materials should focus on communicating risk and providing background information to the public prior to and during a discovery/release event as well as general information on PFAS.

The toolbox should contain tools and resources for communicating risk to the public about PFAS in the various media (groundwater, drinking water, wastewater, biosolids, soil, sediment, etc.). Determining when and how to use these materials should be decided at the LGU level, in collaboration with state agencies, since each PFAS discovery/release event varies on a case-by-case basis. LGUs would work with state officials to determine at what PFAS levels, in what type of media and how to best inform the public.

The toolbox should include resources needed by LGUs, including: templates, general information documents, and graphics:

- **Templates:** Templates should be ready-to-use in Adobe PDF and Microsoft Word formats, include prompts to fill in system-specific information and be developed with the public as the audience including:
 - Press Releases,
 - Advisories,
 - Social Media and Text Alerts, and
 - Public Messaging.
- **General information:** These materials should be developed to provide basic information about PFAS, including:
 - Frequently Asked Questions,
 - Factsheets.
- **Graphics:** Graphics that can be used on websites, in factsheets and other media to help convey the message.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. “we need to think about...”, comments on process of how to implement the proposal, etc. Other Recommendations:

Other Recommendations

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Fast-track the development of policies and procedures to keep the level of human exposure to the most toxic or prevalent PFAS compounds below health standards.

Consider practicability of standards given widespread occurrence of PFAS.

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

Per- and polyfluoroalkyl substances (PFASs) are a group of fluorinated substances of interest due to their widespread presence in the environment. A few PFASs have comparatively extensive amounts of human epidemiological, exposure, and experimental animal toxicity data (e.g., PFOA and PFOS), whereas little toxicity and exposure information exists for much of the broader set of PFASs.

The WisPAC Action Plan should direct state researchers to gather and assess data on chemical toxicity and environmental exposures for PFAS of highest concern; health impacts, and the effectiveness and cost of different technologies for treating or removing PFAS from different media.

We need to better understand the complex science of PFAS total exposure and impacts, verifiable analytical methods, and real-world risk before providing common health standards. The PFAS policy goal should be to determine the most effective steps needed to reduce human exposure and implement them within the broad context of protecting human health. This requires differentiating high concentration sites from background concentrations and taking action to regulate and mitigate concentrations at high use sites. It also demands both a reassessment of products we produce and use daily, and a realistic assessment of how to control PFAS chemicals already in the background environment. The most significant action we need to take today is to remove these chemicals of emerging concern from commerce and pursue cleanup and remediation at contaminated sites and waterbodies. Source reduction and pollution prevention can serve as the most efficient means of addressing the persistent background presence of PFAS and effectively limit future exposure to PFAS.

Comments

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Issue/Problem Statement

Brief summary of issue, concerns, etc.

Get standards/BMPs ASAP for disposal methods like landspreading, landfilling, etc.

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

In the absence of PFAS regulations, generators of PFAS-containing waste are questioning what the most appropriate methods of treatment or disposal. Lack of regulations and Best Management Practices lead to potential risks and liabilities for the generator. The WisPAC Action Plan should include development of Best Management Practices for biosolids landspreading and disposal options for PFAS-containing waste and wastewater.

Comments

Any dissenting opinions, additional comments that do not directly fit into the proposal (e.g. "we need to think about...", comments on process of how to implement the proposal, etc.

Issue/Problem Statement

Brief summary of issue, concerns, etc.

Identify research gaps respond

- Inventory and make available existing research (e.g. performance and availability of fluorine-free foams, toxicity of shorter chain compounds, etc.)

Recommendation

What does the LGAG recommend? We may want to include alternatives if there is more than one way to go about it.

The WisPAC Action Plan should require state agencies to inventory existing research, identify gaps and focus resources on research needed to better understand toxicity of discontinued PFAS (e.g. PFOA and PFOS) and replacement compounds (e.g. GenX and PFBS), occurrence, laboratory analytical methods, and treatment and disposal.

Comments

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