



**Testimony Before the Speaker's Task Force on Water Quality
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Good afternoon. My name is Jennifer Giegerich. I am the government affairs director for Wisconsin Conservation Voters. We have offices in Madison, Milwaukee, Eau Claire, and Green Bay, where we work with our network of over 40,000 members and supporters to engage voters to protect our environment, and work in close partnership with many local conservation groups. I would like to thank all of you for meeting with your constituents last week for Conservation Lobby Day to discuss the need for more water quality items in the state budget. Eighty-one organizations from all across the state came together on Conservation Lobby Day to call for stronger protections for our drinking water.

Drinking water contamination in Wisconsin is real. While it's difficult to estimate the exact number, the Wisconsin Center for Investigative Journalism found that "Hundreds of thousands of Wisconsin's 5.8 million residents are at risk of consuming drinking water tainted with substances including lead, nitrate, disease-causing bacteria and viruses, naturally occurring heavy metals and other contaminants."ⁱ

It's hard to believe that people in Wisconsin, in 2019, can't turn on their taps and drink their water. There are 75 families hauling water from Algoma High School because they don't have water in their homes that can be used to brush their teeth, cook, or drink. Women of child bearing age are told not to drink tap water in Wisconsin's rural areas because of possible harm to developing fetuses. Children are showing up with lead poisoning that will impact their ability to learn and succeed for the rest of their lives. In some cases, liquid manure has even poured out of kitchen faucets and showers.

In most of these cases, the people living without safe water in their homes are not responsible for the pollution that contaminated their water. And yet, the state has not done its work to stop the pollution that is causing the problems. The families and homeowners living without potable water feel the daily cost in time and money to access clean water, and have the sense there is no end in sight because polluters are allowed to continue polluting.

That's why we appreciate this task force. It's an opportunity to look at this issue holistically and think differently about how to keep this basic necessity for all life clean and safe for generations to come. Thank you for the opportunity to testify.

To protect *drinking* water, we need to flip the script on how we address *groundwater* pollution in Wisconsin.

Over two thirds of our state's residents get their drinking water from groundwater. When there is pollution in our groundwater, it is a threat to our drinking water, which makes it a public health crisis. If

we continue to ignore the root causes of the pollution getting into our drinking water, it will continue to spread and it will be more difficult and more expensive to ensure safe drinking water for Wisconsinites. An ounce of prevention is worth a pound of cure.

Agriculture Pollution

First and foremost, Wisconsin must address the outsized impact agriculture has on our water quality, and acknowledge that our efforts to date to address agriculture pollution have been far too inadequate.

I'm going to start out by addressing the elephant in the room when we talk about water quality in Wisconsin. If we are ever going to get to a policy framework that succeeds in keeping harmful contaminants out of our groundwater, we have to acknowledge the reality that we can't continue to spread manure on our landscape the way we currently do and not expect groundwater contamination. Our failure to seriously address manure and fertilizer application on our lands is having serious impacts on the health and daily lives of people in our state.

It is the recommendation of our state's Department of Public Healthⁱⁱ that women of child-bearing age not drink water with elevated nitrate levels because it may cause certain birth defects early in the pregnancy, well before most women know they are pregnant. Those birth defects include:

- Spina bifida, a condition in which the spinal cord is exposed because the backbone does not adequately form to protect it. Spina bifida may result in physical and intellectual disabilities that can range from mild to severe, depending on the size and location of the opening in the spine.
- Babies born missing limbs.
- Babies born with cleft palate and cleft lip.

There are also studies that suggest long-term exposure to nitrates may lead to higher rates of colon cancer, stomach cancer, bladder cancer, diabetes, and thyroid conditions.ⁱⁱⁱ

Here's the problem with the DHS recommendation – it's becoming less and less possible to drink water in rural Wisconsin without coming into contact with unsafe levels of nitrates. The Department of Natural Resources estimates that 42,000 private wells and 300 public water systems have nitrates above the health standards^{iv}.

And it's not just nitrates. Bacteria such as E.coli and pesticides are also in agriculture pollution, and can cause reproductive problems, neurological disorders, and gastrointestinal illness. These are particularly problematic for infants, young children, the elderly, pregnant women, and people with compromised immune systems. All of these problems are exacerbated by the extreme cases of flooding we are now seeing on a more frequent basis. The National Ground Water Association said flooding over the past month put 280,000 Wisconsin wells at risk for contamination.^v As someone who underwent an aggressive chemotherapy regime two years ago, I can attest that it's a period when you can least handle additional problems. Imagine having to take care of yourself when your immune system is weak, you're feeling terrible, and you can't drink your tap water or use it to prepare your food. It is an unbelievable burden when you are least capable of handling it. And, yet, for too many of our citizens, that is their reality.

We need to stop allowing the most dangerous manure spreading practices that most often lead to pollution to our rivers, lakes, streams, groundwater, and, eventually, the water that comes out of our taps.

Here are a few examples of changes we could and should make to manure management in Wisconsin.

1. We should **enact a ban on winter manure land spreading**, similar to what Ohio adopted in 2015, after the Toledo water scare when people in northwestern Ohio couldn't drink their water for three days. Spreading a liquid substance on frozen ground is on its face a bad idea. Ohio's legislation, which went into effect in July 2015, prohibits the spreading of manure on snow-covered or frozen soil. It was phased in for farms of various sizes over a couple of years. As of 2017, all farms were prohibited from the practice.^{vi} SB 247 was recently introduced in the Michigan legislature that would also ban fertilizers and manure from being spread on frozen or snow covered soils.^{vii}

2. We need to **expand what we consider "sensitive areas" where we limit manure spreading**.^{viii} Last July, changes to NR 151 finally went into effect. These changes require more restrictive land spreading in 22 counties on the eastern side of the state where the karst geology creates particular problems. Karst geology is full of holes, fissures, drainage systems, and other openings in the rock that create direct conduits to drinking water. But, we know other areas of the state have similar issues, such as southwestern counties. It was the well testing in three southwest Wisconsin counties that led to this task force. Wisconsin should get started immediately to begin that rulemaking process.

3. The **DNR needs the resources to do the work of protecting our water**. CAFO fees need to cover the costs of actually getting and reviewing their permit. It is not fair to ask taxpayers to subsidize the cost of large farms doing business. We need more staff at DNR to work in the CAFO program to ensure water quality is protected. This is the fairest way to raise those funds.

Governor Evers proposed raising the CAFO permits in Wisconsin to a \$660 annual fee and \$3,270 for initial application fees, which is more in line with what CAFOs in other Midwest states pay. It is still significantly below our neighbor to the west. A CAFO in Minnesota pays \$12,660 over five years, while the increase in Wisconsin would have them paying \$6,570 over that same five years. Under current application fees, Wisconsin CAFOs are only paying \$1,725 over five years.

Wisconsin should also look at the volume of waste generated and the work it takes to review the permit. CAFOs have never paid their fair share for the work they receive from the state. Other industries pay substantially more in permit fees. Cities that produce the same amount of waste annually as some CAFOs pay around \$100,000 for the same permit.

4. Finally, **we have to address the concept of cost-share** as a requirement for enforcement. I can think of no other industry in our state where we only enforce the laws necessary to protect our drinking water – and our health – if we pay them. No other Midwestern state requires cost-share as a condition of enforcement.

I realize this is a very bold suggestion in Wisconsin, and I don't make it lightly. If we were to do this, we would have to do it fairly and with enough lead-time to give everyone a chance to get ready and make the transitions that need to happen. If we don't get rid of cost-share, Wisconsin needs to commit to the full cost of implementing 100 percent compliance with manure management practices. We realize that is an enormous cost, but the cost of not addressing our agriculture pollution head-on is also enormous – and growing every year.

Emerging Contaminants

Another area of groundwater contamination we need to address is **emerging contaminants**. As long as chemicals are used before we fully know their impacts, we are going to find new pollution in our water. The most obvious ones right now are PFAS, which stand for Per- and Polyfluoroalkyl Substances. There are more than 3,000 forms of PFAS. These are a class of chemicals that build up in our environment and our bodies and do not breakdown. This makes them extremely difficult to remediate once we find them in our water. In Wisconsin, they are linked to firefighting foam. We are seeing hotspots where the foam was used in military and firefighter training exercises, as well as actual firefighting activities.

The U.S. Center for Disease Control has advised doctors that PFAS have been linked to increased rates of testicular and kidney cancer. Exposure can also lead to liver lesions, kidney degeneration, and damage to liver function. In addition, a number of large epidemiological studies have related higher maternal exposure to these chemicals to lower birth weight.^{ix}

This issue is in the news right now because of several high profile cases in Wisconsin. In February, it was disclosed that the manufacturer TYCO had contaminated the wells of over 120 properties in Marinette with 19 different PFAS compounds.^x Those homeowners can't drink the water that comes out of their taps until filter systems are installed. And, the city of Madison recently voted to shut down a municipal drinking well that had elevated levels of PFAS.^{xi}

We need to have a rapid response to emerging drinking water problems. We currently have a very drawn out regulatory process that does not allow the state to address the needs of its citizens without first assessing the cost to the industry and only after looking at what other Midwest states are doing — regardless of whether citizens in those states have been exposed to the same problem. We have to prioritize Wisconsin citizens and address health threats in a timely matter.

Wisconsin should be looking to set standards for *classes* of chemicals, not just individual ones, when they show up together like PFAS do. When testifying before Congress in September 2018, Dr. Linda Birnbaum, the director of the National Institute of Environmental Health Services said, "Approaching PFAS as a class for assessing exposure and biological impact is the best way to protect public health."^{xii}

Wisconsin should aggressively move to set standards for PFAS as a class of chemicals, as other states have done. This approach has been used successfully before – it is similar to how we set standards for dioxins and PCBs.

Lead

Finally, Wisconsin must address drinking water quality issues that are caused by the prevalence of lead pipes in our communities. We know the impact on health and we know the solution, we just have to act. This is especially urgent in our schools and daycares.

Lead's effects are severe and permanent. Reduced intelligence, learning disabilities and developmental delays have all been attributed to lead exposure in young children, particularly those under age six whose developing brains are most vulnerable.^{xiii} Studies have also linked childhood lead poisoning to disruptive behavior at school and a greater likelihood of violent crime in adulthood. Lead exposure in pregnant women has been associated with an increased risk of fetal death.^{xiv}

Legislators can begin now by supporting the Governor's budget proposal to assist communities by funding lead lateral replacements. You can also support SB 526 and SB 855^{xv} from last session, which would have ensured kids weren't in schools and daycares with elevated lead levels in the water.

Additionally, Wisconsin state government needs to get out of the way and allow communities to find funding and solutions to help citizens replace lead laterals. Local communities need a solution to the cost of replacing lateral lines so that the entire community is safe. Last session there was wide support for SB 48, but at the end it was amended to cap the percentage that local communities can offer in grants or loans. However, if local elected officials support creative funding solutions and the PSC signs off on the proposal, why should the state refuse to allow the pipes to be replaced in that way? Wisconsin should repeal the 50 percent limits on loans or grants for lateral replacements that passed in SB 48.

Our failure to adopt policies that keep pollution out of our drinking water is a public health crisis.

For those who say now won't be the time for the tough policies we need to protect our water quality, remember there is never a good time to get a cancer diagnosis, find the resources to care for a sick child, or miscarry a long wanted baby. Your constituents pay when policies in the Capitol don't match the level of the pollution problem. Protecting public health is the policy framework in which we need to view water quality decisions.

We appreciate that the members of this Task Force are committed to collecting more data and using science to help determine policy, but we can't use data collection to delay meaningful action. After last month's agency briefings, you know the scope of the health problem in this state. As members of this task force, you have committed to the citizens of Wisconsin to act to address those threats. The challenge you have taken on won't be easy, but it is critical that you do it. And we want you to know that we truly appreciate it.

In closing, we ask you to treat this issue as the public health crisis it is. As you consider possible solutions to our drinking water contamination problems, we ask you to consider:

- Reforming manure management practices and addressing cost sharing.
- Developing processes that allow the state to more quickly set standards for emerging drinking water threats and do it more broadly by class where appropriate.
- Funding lead pipe replacements and allowing local communities to address the issue of lateral lines as they see best.

Thank you for your time and consideration.

For more information, contact Jennifer Giegerich at Jennifer@conservationvoters.org or 608-208-1130. Visit Wisconsin Conservation Voters at www.conservationvoters.org.

ⁱ <https://www.wisconsinwatch.org/2015/11/safe-clean-drinking-water-eludes-many-wisconsinites/>

ⁱⁱ <https://www.co.sauk.wi.us/environmental-health/nitrate-information>

ⁱⁱⁱ <https://www.atsdr.cdc.gov/phs/phs.asp?id=1448&tid=258>

^{iv} <https://legis.wisconsin.gov/2019/committees/assembly/STF-WQ/media/1073/dnr-water-quality-presentation-for-websites.pdf>

^v <https://abcnews.go.com/Health/wireStory/flooding-poses-potential-risk-million-private-wells-61960495>

^{vi} <https://farmoffice.osu.edu/blog/mon-07062015-722pm/ohios-new-fertilizer-and-manure-application-restrictions-are-effect>

^{vii} <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/Senate/pdf/2019-SIB-0247.pdf>

^{viii} https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151

^{ix} https://www.atsdr.cdc.gov/pfc/docs/pfas_clinician_fact_sheet_508.pdf

^x <https://www.jsonline.com/story/news/local/wisconsin/2019/02/04/tyco-waited-4-years-disclose-toxins-wisconsin-drinking-wells/2727670002/>

^{xi} <https://www.nbc15.com/content/news/City-of-Madison-shuts-down-Well-15-temporarily--506667451.html>

^{xii} <https://www.hsgac.senate.gov/imo/media/doc/Birnbaum%20Testimony.pdf>

^{xiii} <https://www.wisconsinwatch.org/2016/01/140477/>

^{xiv} <https://news.wisc.edu/children-exposed-to-lead-more-likely-to-be-suspended-from-school/>

^{xv} <https://docs.legis.wisconsin.gov/2017/related/proposals/sb526> and

<http://docs.legis.wisconsin.gov/2017/related/proposals/sb855>