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Deep Dive - Milestone PFAS Legislation Passed

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Per- and polyfluoroalkyl substances (PFAS) are a class of manmade chemicals that have been used since the 1950s in products such as firefighting foam, nonstick cookware, water-resistant fabrics, food packaging, and industrial manufacturing. In other words, PFAS is everywhere. Because PFAS resist heat, water, and oil and do not readily break down in the environment, they are often referred to as "forever chemicals." Scientific research has linked exposure to certain PFAS compounds to adverse health effects, including increased cholesterol, reduced immune response, developmental impacts, and certain cancers.

While PFAS contamination has likely existed in Wisconsin for decades, it emerged as a problem in the public conscious in the late 2010s following the news of widespread groundwater contamination near Marinette and Peshtigo associated with the testing of firefighting foam. Since then, additional PFAS contamination sites have been found in around 100 other places throughout the state, impacting municipal water systems, private wells, surface waters, agricultural lands, and brownfield sites. As the scope of PFAS contamination has grown, so have legislative and state agency efforts to address this pollutant.

This month's Deep Dive will focus on PFAS, covering a brief legislative history of PFAS and the most recent milestone enactment of PFAS legislation.

PFAS Legislation in Previous Sessions

Beginning with the 2019-2020 Legislative Session, lawmakers have been devoting increased attention to PFAS. This includes a couple of enacted efforts.

[2019 Wisconsin Act 101](#) was the first new law targeting PFAS, with this legislation focused on restricting the use of Class B firefighting foams containing intentionally added PFAS. Act 101 prohibited the use of this foam used to contain flammable liquid fires in training exercises and limited its use to testing only to areas that can be contained to prevent environmental contamination but allowed its use for emergency situations.

[2021 Wisconsin Act 58](#), the 2021-2023 Biennial State Budget, built on Act 101 by allocating \$1 million for the statewide collection and proper disposal of tens of thousands of gallons of PFAS firefighting foam.

Throughout the 2019-2020 and 2021-2022 Legislative Sessions, other proposals addressing groundwater and drinking water standards, testing and monitoring requirements, grant programs, bans on PFAS in certain products, and cleanup funding were introduced but did not become law.

In the 2023-2024 Legislative Session, legislators saw traction on [2023 Senate Bill 312](#) and [Assembly Bill 312](#), comprehensive proposals meant to address Spills Law liability, municipal and landowner grant programs, and regulatory requirements relevant to PFAS. These bills trailed [2023 Wisconsin Act 19](#), the 2023-2025 Biennial State Budget, which invested \$125 million in a PFAS Trust Fund. While support was found in the legislature for these bills, the Governor ultimately vetoed the legislation. His veto message primarily surrounded concerns over Spills Law liability exemptions.

Milestone PFAS Legislation Enacted

Using 2023 Senate Bill 312 and Assembly Bill 312 as a starting point, Senator Eric Wimberger (R-Gillett) and Representative Jeff Mursau (R-Crivitz) continued working with Governor Tony Evers, the Wisconsin Department of Natural Resources (DNR), and interested stakeholders including the League on finding compromise that could get signed into law and release funding from the PFAS Trust Fund to impacted communities and individuals. Thanks to their dedicated and diligent work, a solution was found.

[2025 Wisconsin Acts 200](#) and [201](#) represent Wisconsin's most significant response to PFAS contamination to date, combining substantial state funding with changes to liability laws. Act 200 appropriates more than \$125 million to address PFAS contamination across the state, with nearly \$80 million committed to the PFAS Community Grant Program for municipalities and other local governments. While funding has been committed to these programs, the DNR has yet to release grant program guidelines or exact timelines on when funding will be available, though more details are expected later this year.

Act 201 establishes the legal framework governing how these resources are administered and modifies which parties are responsible for cleanup under the state's Spills Law. These changes limit liability for municipalities under certain circumstances, easing the administrative and financial burden on cities and villages while cleanup efforts from the state or other responsible parties commence. After municipalities were unfairly assessed liability for PFAS contamination they did not cause, these changes are very welcome to ensure that true responsible parties are held liable, not municipalities who did not cause the pollution.

Together, Acts 200 and 201 seek to accelerate PFAS investigation and cleanup, provide financial assistance to affected communities and property owners, and focus cleanup liability on parties more directly responsible for PFAS releases while reducing the burden on innocent or passive recipients of contamination. While these new laws will likely not be the last efforts in the Wisconsin State Capitol to address PFAS contamination, they do represent significant progress in our coordinated efforts for a cleaner Wisconsin.

Learn More About Acts 200 and 201

To keep municipal leaders up to date on PFAS and all the changes being made to address these forever chemicals, the League enlisted the help of some experts in the field to write about aspects of Acts 200 and 201 and regulatory changes from agencies for the August issue of *The Municipality*. If you have made it this far into our Deep Dive, you are going to want to make sure you read [this article](#) (pages 8 to 10).