

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
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Tony Evers, Governor  
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March 23, 2022

MS. DENICE NELSON  
JOHNSON CONTROLS, INC  
5757 N. GREEN BAY AVENUE  
MILWAUKEE, WI 53209

MR. SCOTT WAHL  
TYCO FIRE PRODUCTS LP  
1 STANTON STREET  
MARINETTE, WI 54143

*Via Email Only to [denice.karen.nelson@jci.com](mailto:denice.karen.nelson@jci.com) and [scott.wahl@jci.com](mailto:scott.wahl@jci.com)*

SUBJECT: Private Well Sampling Results Notification Letter  
**Continue to Use DHS's Recommended Standards for PFOA and PFOS**  
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI  
BRRTS #02-38-580694

Dear Ms. Nelson and Mr. Wahl:

On March 15, 2022, Johnson Controls, Inc. (JCI) and Tyco Fire Products, LP (Tyco) provided the Wisconsin Department of Natural Resources (DNR) a copy of a private well sampling results notification letter that was sent to a property owner in Marinette, Wisconsin with per- and polyfluoroalkyl substances (PFAS) testing results. The letter included changes to the reference criteria used for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS); JCI/Tyco removed Wisconsin's recommended enforcement standard of 20 parts per trillion (ppt), individual or combined, for PFOA and PFOS and added in the United States Environmental Protection Agency's (USEPA's) recommended interim Preliminary Remediation Goal (PRG) of 70 ppt combined for PFOA and PFOS. JCI/Tyco cited the Wisconsin Natural Resources Board's (NRB's) February 23, 2022 decision to not advance Rule DG-15-19, which if approved by the legislature and signed by the governor, would have amended Wisconsin Administrative Code (Wis. Adm. Code) ch. NR 140 to include numeric groundwater enforcement standards and preventive actions limits for PFOA and PFOS.

The DNR was not provided an opportunity to review the JCI/Tyco communication prior to its delivery to the property owner and does not approve of the removal of the recommended standard of 20 ppt for PFOA and PFOS from the notification letter. On June 21, 2019, the Wisconsin Department of Health Services (DHS) recommended to the DNR a groundwater enforcement standard of 20 ppt for PFOA and PFOS, individual or combined. The DHS's recommended health-based standard for PFOA and PFOS remains unchanged. Unless and until DHS recommendations change, the DNR will continue to rely on these as the recommended health-based standards for groundwater and surface water used for drinking water in Wisconsin.

In accordance with the requirements of Wis. Stat. ch. 160, the DNR proposed the DHS's recommendations for PFOS and PFOA as part of DG-15-19, revisions to NR 140 groundwater standards. While the NRB did not advance the proposed groundwater standards rule, the NRB's decision does not in any way change DHS's health-based recommendations. These recommendations remain valid and, as a result, **the DNR requests that JCI/Tyco include the DHS's recommended standard of 20 ppt for PFOA and PFOS and continue to reference DHS's recommended standards for PFAS in future notification letters (Wis. Adm. Code §§ NR 716.14(2)(c)9. and 722.09(2)(b)2.).**

Furthermore, as a reminder, on August 20, 2020, the DNR provided JCI/Tyco with a letter from DHS, which explained the importance of clarity in the private well notification letters so that people can interpret their testing results relative to current standards (promulgated, recommended, or in development). With this in mind, **the DNR requests that in future notification letters, JCI/Tyco limit the footnotes in the summary table to explanations of the recommended standards and not the rulemaking process.** (Alternatively, reverting back to the table and footnotes that JCI/Tyco used in its notifications letters in 2021 is acceptable.)

Sincerely,



Alyssa Sellwood, PE  
Complex Sites Project Manager  
Remediation & Redevelopment Program

cc: Jodie Peotter, DNR (via email: [Jodie.peotter@wisconsin.gov](mailto:Jodie.peotter@wisconsin.gov))  
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