

Bench Order Allows DNR to Temporarily Proceed with PFAS Initiative, with Limits

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[Wisconsin Manufacturers and Commerce's \(WMC's\) legal challenge](#) against the Wisconsin Department of Natural Resources' (DNR's) implementation of its Per- and Polyfluoroalkyl Substances (PFAS) initiative continues. On April 1, 2021, Judge William Hue of the Jefferson County Circuit Court (the Court) issued a bench order allowing DNR to continue its PFAS sampling and analysis, but restricting public dissemination of PFAS laboratory results. This order reversed, in part, the Court's March 29, 2021, [temporary restraining order \(TRO\)](#) that prohibited DNR from implementing the PFAS sampling program. That decision was based on the complaint and pleadings filed by WMC against DNR on March 30, 2021.

Judge Hue's bench order provides that DNR may resume the PFAS sampling program. However, it upholds elements of the earlier TRO, including preventing DNR from public distribution of information generated by the PFAS sampling program, including testing results from any existing sampling, analytical data, as well as names of permit holders that allowed DNR to collect samples for analysis.

The Court has set a hearing to be held on April 12, 2021, to consider and rule on WMC's request to have the Court issue an injunction that further blocks DNR's PFAS sampling program. It is likely that both WMC and DNR will ask the Court to revisit the April 1, 2021, bench order at the upcoming hearing.

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