

CS FOR HOUSE BILL NO. 240(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:**Referred:****Sponsor(s): REPRESENTATIVES HANNAN, Tarr****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl
2 substances; relating to the duties of the Department of Environmental Conservation;
3 relating to firefighting substances; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 46.03 is amended by adding new sections to read:

6 **Article 5A. Perfluoroalkyl and Polyfluoroalkyl Substances.**

7 **Sec. 46.03.340. Testing; drinking water.** (a) The department shall ensure
8 periodic testing for perfluoroalkyl substances and polyfluoroalkyl substances in all
9 drinking water used in the state that is in a water supply located in the state when a
10 perfluoroalkyl substance or polyfluoroalkyl substance is released in the area of the
11 water supply. If a test conducted under this subsection detects a perfluoroalkyl
12 substance or polyfluoroalkyl substance at a level equal to or greater than the limit
13 described in (b) of this section, the department shall ensure a person who routinely
14 uses the tested drinking water is provided, at no cost to the person,

(1) a source of drinking water containing levels of perfluoroalkyl substances and polyfluoroalkyl substances lower than the limits described in (b) of this section; and

(2) at least once a year for three years after a detection under this subsection, voluntary testing of the person's blood to monitor the person's exposure to perfluoroalkyl substances and polyfluoroalkyl substances.

(b) For purposes of (a) of this section, the limit of perfluoroalkyl substance or polyfluoroalkyl substance contamination in water is the lesser of

- (1) the limit established by the department in regulation; or
- (2) the following limits:

| SUBSTANCE | CUTOFF CONCENTRATION (parts per trillion) |
|--------------------------------------|--|
| perfluorobutanesulfonic acid | 420 |
| perfluoroctanoic acid | 8 |
| perfluoroctanesulfonic acid | 16 |
| perfluorononanoic acid | 6 |
| perfluorohexanesulfonic acid | 51 |
| perfluoroheptanoic acid | 400,000 |
| hexafluoropropylene oxide dimer acid | 370. |

(c) The department shall ensure a responder who ingests, inhales, or absorbs through the skin or eyes a perfluoroalkyl substance or polyfluoroalkyl substance, or fumes or another potentially harmful aspect of a perfluoroalkyl substance or polyfluoroalkyl substance, is provided voluntary testing of the responder's blood to monitor the responder's exposure to the perfluoroalkyl substance or polyfluoroalkyl substance, at no cost to the responder, at least once a year for three years after the exposure. In this subsection, "responder" means

- (1) a peace officer, firefighter, or other first responder; or
- (2) a person who contains or cleans up a perfluoroalkyl substance or polyfluoroalkyl substance.

Sec. 46.03.345. Liability for drinking water testing and blood testing costs.

(a) A person who causes a fire that results in a release of a firefighting substance

1 containing a perfluoroalkyl substance or polyfluoroalkyl substance is liable for the
2 costs of providing drinking water testing and blood testing under AS 46.03.340. This
3 subsection does not apply to a release of a firefighting substance to extinguish a fire in
4 a residential building or motor vehicle.

5 (b) A person who extinguishes a fire by releasing a firefighting substance that
6 contains a perfluoroalkyl substance or polyfluoroalkyl substance is not liable for the
7 costs of providing drinking water testing and blood testing under AS 46.03.340 unless
8 the firefighting substance was released for training or testing purposes.

9 (c) The liability of a person for costs under this section is in addition to other
10 liability under this chapter, AS 46.08, AS 46.09, or other state law for a release of a
11 perfluoroalkyl substance or polyfluoroalkyl substance.

12 (d) In this section,

13 (1) "motor vehicle" has the meaning given in AS 28.90.990, but does
14 not include a commercial motor vehicle, as defined in AS 28.90.990;

15 (2) "residential building" has the meaning given in AS 18.60.780.

16 **Sec. 46.03.350. Use of firefighting substances.** (a) A person engaged in the
17 business of oil or gas production, transmission, transportation, or refining may use a
18 firefighting substance that contains a perfluoroalkyl substance or polyfluoroalkyl
19 substance in the state unless the state fire marshal publishes notice under (b) of this
20 section that an alternative firefighting substance must be used.

21 (b) If the state fire marshal determines that a safe and effective alternative
22 firefighting substance is available for use by persons engaged in the business of oil or
23 gas production, transmission, transportation, or refining, the state fire marshal shall
24 immediately publish notice that the alternative firefighting substance must be used.

25 (c) The department shall accept for disposal from a person domiciled in the
26 state a firefighting substance that contains a perfluoroalkyl substance or
27 polyfluoroalkyl substance in a quantity not to exceed 25 gallons each year.

28 (d) Notwithstanding AS 46.03.320 and except as provided in (a) of this
29 section, a person may not use a firefighting substance that contains a perfluoroalkyl
30 substance or polyfluoroalkyl substance in the state unless the use is required by federal
31 law.

Sec. 46.03.359. Definitions. In AS 46.03.340 - 46.03.359, "perfluoroalkyl substance" and "polyfluoroalkyl substance" include

- (1) perfluorooctanoic acid;
- (2) perfluorooctanesulfonic acid;
- (3) perfluorononanoic acid;
- (4) perfluorohexanesulfonic acid;
- (5) perfluoroheptanoic acid;
- (6) perfluorobutanesulfonic acid;
- (7) hexafluoropropylene oxide dimer acid;
- (8) other perfluoroalkyl substances or polyfluoroalkyl substances

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY; RETROACTIVITY. AS 46.03.345, added by sec. 1 of this Act, applies retroactively to a release of a perfluoroalkyl substance or polyfluoroalkyl substance occurring before, on, or after the effective date of sec. 1 of this Act.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Environmental Conservation shall adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 4.** Sections 2 and 3 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 5.** AS 46.03.350(d), added by sec. 1 of this Act, takes effect October 4, 2021.

* **Sec. 6.** Except as provided in secs. 4 and 5 of this Act, this Act takes effect January 1, 2021.