

**SENATE BILL NO. 176**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATORS KIEHL, Gray-Jackson, Wielechowski, Begich

Introduced: 2/5/20

Referred: Resources, Finance

**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   **and relating to firefighting substances."**

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  
8               periodically test 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:

	CUTOFF CONCENTRATION
SUBSTANCE	(parts per trillion)
perfluorobutanesulfonic acid	420
perfluorooctanoic acid	8
perfluorooctanesulfonic 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. Use of firefighting substances.** (a) The department shall publish notice to inform the public when use of a firefighting substance that contains a

perfluoroalkyl substance or polyfluoroalkyl substance is no longer required by applicable federal law. Notwithstanding AS 46.03.320 and except as provided in (b) of this section, a person may not use a firefighting substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance in the state after the department publishes notice under this section.

(b) A person engaged in the business of oil or gas production, transmission, or refining may use a firefighting substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance in the state unless the state fire marshal publishes notice under (c) of this section that an alternative firefighting substance must be used.

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

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

**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 specified by the department in regulation.