



City of Gustavus, Alaska
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April 13, 2021

The Honorable Jesse Kiehl
Alaska State Senator for District Q
Sent via e-mail: Senator.Jesse.Kiehl@akleg.gov

Dear Senator Kiehl:

The City Council strongly supports SB121A. This Bill addresses many important issues the City of Gustavus is battling with. Gustavus is particularly impacted by the use of Aqueous Film Forming Foam (AFFF) containing polyfluoroalkyl and perfluoroalkyl (PFAS) substances. The contamination to our drinking water has significantly changed the lives of many residents and businesses in town.

Amending AS46.03 to address PFAS is an important step in addressing the devastation these substances have had on our town. All of the sections of this Bill are worth mentioning however, I would like to focus on two: 1) Section 46.04.340 Testing; drinking water; 2) Section 46.03.350 Use of firefighting substances.

Section 46.04.340 establishes cutoff concentration for seven substances. These limits clearly identify cutoff levels are lower than previous limits and will further the protection and recourse of our citizens.

Section 46.03.350 addresses the authority for the use of firefighting substances that contain PFAS, such as AFFF. This section, particularly subsection (b), protects local fire departments and municipalities by establishing a mechanism that recognizes no fault in the execution of their duties.

Please continue supporting our community and those that protect it.

Sincerely,

Brittney Cannamore, Mayor

Cc: Senate Resource Committee Senate.Resources@akleg.gov



To: Alaska Senate Resources Committee

Re: SB121, "An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

The Alaska Public Interest Research Group (AKPIRG) is writing in support of Senate Bill 121 (SB121). Founded in 1974, AKPIRG is a nonpartisan, nonprofit, statewide organization advocating on behalf of consumers and the public interest.

AKPIRG has been a strong supporter of toxic-free communities, putting out an annual Trouble in Toyland report, aiding with PFAS research through reports like Mind the Store, and working at the local level to ban flame-retardant chemicals from creating severe harm to children, firefighters, and other community members.

Currently, PFAS are used to make consumer products stain, grease and water resistant, including items like food packaging, carpet, upholstery, outdoor apparel, and in cookware, for stick resistance. In addition to consumer products, PFAS are used in industrial applications and firefighting foams for Class B petroleum and chemical fires.

In Alaska, the dispersive use of AFFF (aqueous film forming foam) containing PFAS on military bases and airports has contaminated the drinking water of many Alaskans. At least 10 communities throughout Alaska have levels of PFAS in their drinking water that are deemed unsafe by the EPA.

PFAS are highly toxic at exceedingly low levels of exposure. Exposure to PFAS has been associated with adverse health outcomes, including: cancers (such as kidney and testicular cancers); liver damage; increased risk of thyroid disease; harm to the immune system and decreased antibody response to vaccines; increased risk of asthma; decreased fertility; decreased birth weight; pregnancy-induced hypertension/ pre-eclampsia; and increased cholesterol.

There are safe alternatives that are effective and prevent harm to the health of firefighters and communities.

Consumers deserve access to safe products, and non-toxic drinking water. There are numerous definitive studies examining the effects of PFAS--now, it is the responsibility of policy makers to act on that information. SB121 will provide clear and necessary water standards for the entire class of PFAS chemicals and eliminate consumer products that are continuing to poison our communities. This bill is clearly a benefit to consumers, and it has our full support.

Sincerely,

Veri di Suvero
AKPIRG
Executive Director



**Alaska Nurses
Association**

3701 East Tudor Road, Suite 208
Anchorage, Alaska 99507
907.274.0827
www.aknurse.org

April 26, 2021

Senator Jesse Kiehl
Alaska State Legislature
State Capitol Room 419
Juneau, AK 99801

Dear Senator Kiehl,

We are writing on behalf of the Alaska Nurses Association in strong support of SB 121 to protect Alaskans from the dangerous health effects of PFAS chemicals.

The scientific literature provides extensive evidence that PFAS are linked to serious diseases and adverse health outcomes. Epidemiological studies demonstrate that PFAS exposures are associated with kidney and testicular cancer, decreased birth weight, thyroid disease, decreased sperm quality, high cholesterol, pregnancy-induced hypertension, asthma, ulcerative colitis, and decreased response to vaccination.

PFAS chemicals are contaminating the drinking water of communities across Alaska. This is a significant public health threat. We must prevent further harm and ensure that communities with contaminated water are provided with safe sources of drinking water. We support provisions in this bill that ensure that individuals who have been exposed to PFAS are provided with the opportunity for voluntary blood testing to monitor their exposures for up to three years.

We recommend that the legislation include a ban on the use of PFAS in firefighting foam such as those that have been supported by firefighters and enacted in states such as Washington, New Hampshire, California, and Colorado. To fully protect the health of Alaskans, we also support a class-based and health-protective approach to regulating PFAS that places a maximum enforceable contaminant level goal (MCLG) of zero for the PFAS class or a combined MCL below 20 ppt at the lowest, most health-protective level technically

achievable for the maximum number of quantifiable PFAS. Last session, the proposed PFAS legislation (SB 176) placed unnecessarily high limits for just a few PFAS substances.

We thank you for your leadership in advancing this legislation and urge the passage of SB 121 in order to address PFAS contamination and protect the health and safety of Alaskans. For more information, please reach out to us directly via email or contact the AaNA office at 907-274-0827.

Sincerely,



Shannon Davenport, MSN, RN
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Donna Phillips, BSN, RN
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April 28, 2021

Senator Joshua Revak
Chair
Senate Resources Committee
120 4th Street
Juneau, AK 99801

Re: Senate Bill No. 121, PFAS Use & Remediation, Fire/Water Safety

Chairman Revak:

The American Chemistry Council (ACC) appreciates the opportunity to comment on Senate Bill 121 relating to per- and polyfluoroalkyl substances (PFAS). Although there are some provisions in the bill that we do support, ACC is concerned about the provisions in Section 340 that would –

- establish drinking water limits for several PFAS without appropriate opportunity for stakeholder involvement, and
- require the Department to identify the responsible party or parties when those limits are exceeded.

Section 340 also would require responsible parties to provide blood testing even though there is no appropriate basis for interpreting the significance of the test results. In addition, Section 350 would unnecessarily restrict the use of firefighting foams for high hazard (Class B) fires outside of the oil and gas industry and require the state to get ahead of federal efforts to identify effective fluorine-free foams that are currently underway.

As the Committee is likely aware, the US Environmental Protection Agency (EPA) established Health Advisories of 70 parts per trillion (ppt) for two of the substances listed in SB 121 – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) – in 2016. EPA recently announced that it would establish national drinking water standards for these two substances. While we recognize that creation of such national standards takes time, the 2016 Health Advisories provide useful guidance in assessing drinking water exposures to state residents. In a survey of public drinking water systems in the state conducted between 2013 and 2015, EPA reported no detections of PFOA, PFOS, or four other PFAS – all of which are listed in SB 121. While EPA has since refined its analytical techniques to detect lower levels of



these substances, the limits of the 2015 analysis were below the Health Advisory levels of 70 ppt for PFOA and PFOS.

In seeking to assign responsibility for releases of PFAS near a water supply, SB 121 would result in significant unintended consequences. Although Section 345 would exempt releases of aqueous film forming foam (AFFF) to extinguish fires in a residence or motor vehicle, it does not exempt the use of AFFF for testing or training by local fire departments. Nor does the proposal exempt publicly owned landfills that may have released PFAS or wastewater treatment plants that have provided biosolids containing PFAS for agriculture. Farmers who have applied those biosolids on their land also are potentially liable under the bill. These activities have been identified as contributing to PFAS levels in groundwater elsewhere in the country. This is particularly relevant given the extremely low levels that have been proposed for some of the substances.

While we strongly support efforts to ensure Alaskan residents have access to clean drinking water, we believe that such efforts should have their foundation in strong, science-based regulatory processes that provide for public input. We also suggest that assigning responsibility for sources of PFAS can be very complicated – particularly if the definition for “clean” is set at such low levels.

While Section 350 would permit the use of AFFF containing PFAS in the oil and gas sector, it would unnecessarily restrict emergency use of these foams in other applications. As you may be aware, considerable efforts are being made by multiple federal agencies to explore effective fluorine-free alternatives. Thus far, these efforts have identified several significant challenges – both in the effectiveness of the alternatives and the incompatibility of the equipment required for their deployment. In this regard, the provisions outlined in Section 350 run counter to, and fail to account for, the learnings of these federal efforts.

Given these concerns, ACC cannot support the current version of SB 121 but looks forward to working with the Committee and the bill sponsors to develop legislation that can make meaningful progress in addressing the PFAS issue. We have supported legislation in other states to restrict the use of AFFF for testing and training which has historically represented most of the environmental release of PFAS from foam use. Such training and equipment testing can be managed appropriately without the use of fluorinated foam while still enabling its use where needed to address crucial, high-hazard fires

ACC also supports the management of unutilized PFAS-containing AFFF as suggested in Section 350 of the proposal. This collected material can be safely and effectively destroyed through thermal treatment under appropriate conditions, as acknowledged in Section 355 of the bill. EPA recently released interim guidance on the destruction of PFAS materials that provides information on the safe operation of thermal treatment facilities. In a recent analysis



Senator Joshua Revak

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at a permitted cement kiln in Cohoes, New York that had treated PFAS-containing foam, moreover, the state Department of Environmental Conservation found no evidence of PFAS contamination of soil or surface water resulting from the destruction of AFFF at the facility.

Please feel free to contact me at srisotto@americanchemistry.com or at (202) 249-6727 if you have questions on the information provided above or would like to explore amendments to the current proposal.

Sincerely,

Steve Rigotto

Stephen P. Risotto
Senior Director





Alliance for Telomer Chemistry Stewardship

April 28th, 2021

Attn: Senate Resources Committee

Dear Chairman Revak and Members of the Committee:

The Alliance for Telomer Chemistry Stewardship (ATCS) is a global organization that advocates on behalf of C6 fluorotelomer-based products. Our members are leading manufacturers of fluorotelomer based products. Our mission is to promote the responsible production, use, and management of fluorotelomer based products, while also advocating for a sound science- and risk-based approach to regulation. Fluorotelomer-based products are versatile chemistries with wetting and spreading features, as well as unique properties that repel water, oil and stains. These unique characteristics make fluorotelomers a critical component of first responder gear, medical garments, paints and coatings, upholstery, class B firefighting foam, among other uses that families and businesses across the world rely on.

On behalf of the members of ATCS, we are supportive of SB 121 *with* clarifying amendments in regards to the firefighting foam uses.

This legislation while preserving the ability to use C6 Fluorosurfactant-based foam (AFFF) in the of oil or gas production, transmission, transportation, or refining industry, eliminates the overuse of the foam in training scenarios. The restriction on testing provides stewardship principals and industry best practices for the usage of AFFF. However, an amendment to include high-hazard flammable liquid fires, Class B fires, in the exemption would give firefighters the best available tool to extinguish Class B fires safely and efficiently. We are certain this must needed legislation is right for environmental stewardship and retaining safety in emergency Class B situations in Alaska.

AFFF foams are the most effective foams currently available to fight high-hazard flammable liquid fires (Class B) in military, industrial, chemical, fuel depot/storage, aviation and other applications. AFFF have proven effectiveness in large scale tank fires, fuel-in-depth fires and other high hazard Class B fires. Their unique film-forming and fuel repellency properties provide rapid extinguishment, critical burnback resistance and protection against vapor release, which help to prevent re-ignition and protect fire fighters working as part of rescue and recovery operations.

Thank you for your consideration and passage of this important legislation.

Sincerely,

Shawn Swearingen
Director, Alliance for Telomer Chemistry Stewardship

Betty Tangeman

From: Samarys Seguinot-Medina <samarys@akaction.org>
Sent: Friday, April 30, 2021 11:01 AM
To: Senate Resources
Cc: Sen. Jesse Kiehl
Subject: Support of SB 121 / SB 121 PFAS Use & Remediation; Fire/Water Safety
Attachments: 04-22-21 Opinion - Samarys Seguinot-Medina - Safe Drinking Water - Frontiersman.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chair and Members of the Senate Resources Committee,

Good morning and thank you for the opportunity to provide testimony in support of SB 121. My name is Dr. Samarys Seguinot-Medina and I am a public health scientist and the Environmental Health Director of Alaska Community Action on Toxics in the traditional territories of the Dena'ina lands (Anchorage). I would like to submit as my testimony an Opinion Editorial of mine published in the Frontiersman newspaper (attached as a pdf document) on April 22, 2021 in support of legislation HB 171 and SB 121.

Actions to address PFAS contamination in Alaska are long overdue. HB 121 is a significant step in the right direction. We are calling on state legislators to support and pass HB 171 and SB 121 this session as an urgent matter to protect the water and health of Alaskans.

Thank you for your consideration.
787-405-6736 cell

Samarys

Samarys Seguinot-Medina (Sama/Umyuugalek), DrPH, MSEM
She/They/Elles
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Please [donate](#) to support environmental health and justice in Alaska and the World!
We believe that everyone has the right to clean air, clean water, and toxic-free food.

We acknowledge that our offices are located on the ancestral and unceded traditional territories of the Dena'ina Peoples. The Indigenous peoples of this land never surrendered lands or resources to Russia or the United States.

Mat Su Valley

FRONTIERSMAN

By Dr. Samarys Seguinot-Medina | April 22, 2021

Environmental Health Program Director for Alaska Community Action on Toxics

Safe drinking water is a fundamental human right

Safe drinking water is a fundamental human right, it is a principle that acknowledges that it is essential to every person's life. It was recognized as a human right by the United Nations General Assembly on 28 July 2010. Lack of access to safe, sufficient, and affordable water, sanitation and hygiene facilities has a devastating effect on the health, dignity, and prosperity of billions of people, and has significant consequences for the realization of other human rights (United Nations, 2021). Opening the faucet at home to have a glass of water should not be a matter of concern to anyone. But sadly, for millions of US citizens and thousands of Alaskans it is. It is very disappointment that our legislation is taking so long to provide serious measures to protect Alaska's drinking water and therefore Alaskans public health and well-being from the dangers posed by PFAS. Right now, in the United States there are 94 current policies in 31 states and 39 adopted policies in 15 states to reduce or eliminate PFAS. There is an overwhelming amount of scientific evidence that PFAS is linked to serious health problems such as cancer, hormone disruption, immune suppression, cardiovascular disease, and reproductive problems. Scientists are concerned about how exposure to PFAS and other toxic chemicals can worsen the impacts of Covid-19. PFAS are also known as "forever chemicals" because they do not break down easily in the environment. Nearly every American has PFAS in their body. They are found in blood, breast milk and even umbilical cord blood of newborn babies. A recent study found 60 tons of PFAS in the Arctic Ocean. As a public health professional, I urge the Alaska legislature to adopt health-protective drinking water standards for the entire class of PFAS chemicals by supporting SB 121. It would be just to provide safe drinking water for contaminated communities. It would be wise to ban the use of all PFAS chemicals in firefighting foam, food packaging, textiles, and other non-essential products and to hold manufacturers financially responsible for cleaning up PFAS pollution and the harm it caused communities. Also, it should ensure that contaminated communities have access to testing of local foods, blood serum testing; health care and medical monitoring for early signs of PFAS-related diseases. Also, to ensure that disposal of PFAS does not further contaminate communities that are already harmed and to prevent incineration of PFAS-contaminated soils and firefighting foams. Finally, legislation should include to establish health-protective remediation standards for soil and water at contaminated sites and to require remediation technologies that remove and destroy PFAS contamination. Please, support SB 121 to ensure the protection of Alaskans now and the future generations to come. Remember, water is life.

Dr. Samarys Seguinot-Medina resides in Anchorage and is an environmental and public health scientist.