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Sectional Summary

**HB 171 PFAS Use & Remediation; Fire/Water Safety
Version A**

Sec. 1 of the bill creates several new sections in AS 46.03:

Sec. 46.03.340(a): Directs the Department of Environmental Conservation to test drinking water near PFAS spills. Requires the department to make sure anyone with contaminated drinking water gets clean drinking water and at least one voluntary test of their blood to determine PFAS levels.

Sec. 46.03.340(b): Sets health-based maximum levels of contamination in drinking water for seven PFAS chemicals and maintains DEC's authority to set more protective thresholds.

Sec. 46.03.340(c): Requires DEC to make sure a responder exposed to PFAS contamination gets and at least one voluntary test of their blood to determine PFAS levels.

Sec. 46.03.345(a) states that a person who causes a fire that results in the release of PFAS-containing foams is liable for the costs of providing drinking water, drinking water testing, and blood testing under AS 46.03.340 of the bill.

Sec. 46.03.345(b) states that persons who use PFAS-containing substances to extinguish a fire (i.e. fire departments) are not liable for providing drinking water, drinking water testing, blood testing, and cleanup costs. This exemption from liability does not extend to the use of PFAS-containing substances for training or testing purposes.

Sec. 46.03.345(c) states that the liability for these costs is in addition to other liability existing in areas of state law relevant to the release of PFAS substances.

Sec. 46.03.345 (d) provides definitions for "motor vehicle" and "residential building" as they are used in this section.

Sec. 46.03.350(a) exempts oil & gas production, transmission, transportation, and refining businesses from the prohibition from using PFAS-containing firefighting foams unless the state fire marshal publishes notice that an alternative firefighting substance must be used.

Sec. 46.03.350(b) states that if the state fire marshal determines that a safe and effective alternative firefighting substance is available for use by oil & gas businesses, the fire marshal must immediately publish notice that the alternative substance must be used by the industry.

Sec. 46.03.350(c): DEC must take up to 25 gallons per year of PFAS-containing firefighting foam from Alaskans for disposal.

Sec. 46.03.350(d): With the exception of oil & gas businesses, this subsection prohibits the use of PFAS-containing firefighting substances by persons in the state unless the use is required by federal law. (Sec. 5 of the bill provides an effective date for this prohibition of October 4, 2021.)

Sec. 46.03.355 states that a facility cannot thermally remediate (that is, burn away) PFAS contamination unless it has a permit to do so from the Department of Environmental Conservation that is compliant with sections 501 through 507 of the Clean Air Act. To be permitted, the thermal remediation process must not result in the release of more than a minimal amount of an airborne compound with a carbon-fluorine bond.

Sec. 46.03.359: Lists the PFAS compounds covered by this bill and maintains DEC's authority to list more.

Sec. 2 of the bill addresses the retroactive applicability of the liability sections of the act in uncodified law.

Sec. 3 adds transition language regarding the adoption of regulations for implementing the act and the effective date of those regulations.

Sec. 4 provides an effective date of October 4th, 2021 to the prohibition on the use of PFAS in section 1 of the bill.

Sec. 5 gives an immediate effective date to sections 2 and 3 of the act.

Sec. 6 provides for an effective date of January 1, 2022, except for those sections of the bill provided an immediate or other effective date.