ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE
March 6, 2020
3:29 p.m.

MEMBERS PRESENT

Senator Peter Micciche, Chair
Senator John Coghill, Vice Chair
Senator Click Bishop
Senator Cathy Giessel
Senator Scott Kawasaki
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Joshua Revak

COMMITTEE CALENDAR

SENATE BILL NO. 176
"An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; and relating to firefighting substances."

- HEARD & HELD

SENATE BILL NO. 232
"An Act relating to personal use fishing permits."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 176
SHORT TITLE: REGULATE PFAS USE; FIRE/WATER SAFETY
SPONSOR(s): SENATOR(s) KIEHL

02/05/20	(S)	READ THE FIRST TIME - REFERRALS
02/05/20	(S)	RES, FIN
03/06/20	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CALVIN ZUELOW, Intern
Senator Jesse Kiehl
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Provided a sectional analysis for SB 176.

JOHN BINDER, Deputy Commissioner
Alaska Department of Transportation and Public Facilities
Anchorage, Alaska
POSITION STATEMENT: Answered questions regarding SB 176.

DENISE KOCH, Director
Division of Spill Prevention and Response
Alaska Department of Environmental Conservation
Juneau, Alaska
POSITION STATEMENT: Answered questions regarding SB 176.

KELLY MCLAUGHLIN, representing self
Gustavus, Alaska
POSITION STATEMENT: Testified in support of SB 176.

MELANIE LESH, representing self
Gustavus, Alaska
POSITION STATEMENT: Testified in support of SB 176.

JON ERICKSON, Manager
City and Borough of Yakutat
Yakutat, Alaska
POSITION STATEMENT: Testified in support of SB 176.

PAMELA MILLER, Executive Director
Alaska Community Action on Toxics
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 176.

DAVID BERREY, member
Wake Up Alaskans to the Toxic Reality
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of SB 176.

SALLY SCHLICHTING, representing self
Juneau, Alaska
POSITION STATEMENT: Testified in support of SB 176.

BROOKE IVY, External Affairs Manager
Alaska Oil and Gas Association
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition of SB 176.

PATRICE LEE, member
Citizens for Clean Air
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of SB 176.

PAUL LIEDBERG, representing self
Dillingham, Alaska
POSITION STATEMENT: Testified in support of SB 176.

JIM WILLIAMS, Chief of Staff
Administration Center
Fairbanks North Star Borough
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of SB 176.

ACTION NARRATIVE

3:29:36 PM
CHAIR PETER MICCICHE called the Senate Resources Standing Committee meeting to order at 3:29 p.m. Present at the call to order were Senators Kiehl, Coghill, Bishop, Giessel, Kawasaki, and Chair Micciche.

SB 176-REGULATE PFAS USE; FIRE/WATER SAFETY

3:30:26 PM
CHAIR MICCICHE announced that the first order of business would be SENATE BILL NO. 176, "An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; and relating to firefighting substances."

3:30:45 PM
SENATOR JESSE KIEHL, Alaska State Legislature, Juneau, Alaska, speaking as sponsor, explained that SB 176 addresses a group of chemicals collectively known as PFAS, a catchall for multiple chemicals used in Alaska for firefighting. The greatest source of PFAS chemicals sprayed into the environment from firefighting is aqueous film forming foams (AFFF).

He said AFFF is extremely good at fighting fires, especially when hydrocarbons like oil are burning. However, it is also really bad for human beings. The science on AFFF continues to evolve, but a great deal is known on its toxicity. AFFF is

persistent in the body and extremely persistent in the environment. It crosses the placental barrier when ingested by pregnant women and causes low birth weight, among other fetal deformities. The AFFF list of impacts on human beings goes on, but the list does include cancer and thyroid issues.

He detailed that the Alaska Department of Environmental Conservation (DEC) listed PFAS chemicals as hazardous materials some time ago. In 2018, there was an effort to set cleanup levels for when these chemicals were in the water. In the end, Alaska's scientific experts deferred to the United States Environmental Protection Agency (EPA) on what the water standards should be. Deferring to the federal government is not a long and proud part of Alaska's tradition and SB 176 is an effort for the legislature to step up and protect Alaskans' health, especially when it comes to the state's drinking water.

3:33:31 PM
SENATOR KIEHL explained that SB 176 lists seven PFAS chemicals with the best and clearest science. The bill sets good and protective standards based on a working group from the State of Michigan that looked extensively at peer reviewed and published information. The bill sets standards specifically for drinking water and not for site cleanup. It focuses on Alaskans' health and the water they drink.

He noted that his office worked extensively with Legislative Legal Services to keep the current polluter-pays paradigm in statute for oil and hazardous materials. PFAS chemicals are in drinking water and dealt with under the State's oil and hazardous materials law and that provision is maintained in the bill.

SENATOR KIEHL explained that SB 176 also stipulates that DEC will ensure that the polluter pays for alternative sources of drinking water when water contamination exceeds levels specified in the bill. Alternative water sources include providing bottled water, filtration, and extending a municipal water system - whatever makes the most sense.

SENATOR KIEHL said the bill would provide blood testing to determine pollutant levels for both someone who drank the water and for a first responder who had to spray the PFAS materials while performing their duties. PFAS exposure affects many Alaskan firefighters.

SENATOR KIEHL pointed out that SB 176 would also put a stop to spraying more PFAS into Alaska's environment. After a great deal of conversation with the state fire marshal, an exception was inserted for the oil and gas industry. The state fire marshal believes very strongly that for large oil fires, such as the terminal at Valdez or the Trans-Alaska Pipeline System, there currently are not alternative chemicals that would do the job adequately. SB 176 is about protecting public health, but maintaining public safety is important as well. The prohibition on spraying PFAS for non-exempted firefighting takes effect in October 2021 when the Federal Aviation Administration (FAA) no longer requires airports to use PFAS.

3:36:28 PM
SENATOR KIEHL noted that SB 176 requires the DEC to accept up to 25 gallons of PFAS concentrate for disposal. The relatively small quantities allow DEC to properly dispose of PFAS concentrate without pushing the cost down on communities that don't have the resources to deal with it.

He said there are two proposed amendments for the committee to consider. The first expands the exemption list for PFAS use to those required by federal law. The exemption includes the U.S. Coast Guard as well as oil and gas transporters. Fire chiefs pointed out that the scale and scope of tank truck fires would require PFAS use.

SENATOR KIEHL detailed that the second amendment addresses the responsibility for providing the clean drinking water and the blood testing when a fire department does its duty. Whoever is responsible for the underlying fire would be responsible for the drinking water provisions in the bill. For example, the fire department's duty does not include dealing with the unburned hydrocarbon that has been extinguished, it's the fuel truck owner's responsibility. That fuel truck owner would also be responsible if the PFAS sprayed on the fire got into someone's drinking water.

3:39:04 PM
SENATOR KIEHL summarized that the bill is about clean drinking water for Alaskans, protecting health and safety, and using existing oil and hazardous substance cleanup provisions.

SENATOR GIESSEL noted that the bill cites standards based on a working group from Michigan. She asked if the information was from the contaminant that affected the drinking water in Flint, Michigan.

SENATOR KIEHL answered that he did not believe so. He surmised that the primary issue in Flint, Michigan was lead in piping systems.

CHAIR MICCICHE asked for a sectional analysis on SB 176.

3:40:07 PM
CALVIN ZUELOW, Intern, Senator Kiehl, Alaska State Legislature, Juneau, Alaska, detailed that section 1 of SB 176 creates three new sections in AS 46.03 as follows:

1. AS 46.03.340:
    - AS 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 up to three years of voluntary blood testing for PFAS levels.
    - AS 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.
    - AS 46.03.340(c): Requires DEC to make sure a responder exposed to PFAS contamination gets up to three years of voluntary blood testing for PFAS levels.

2. AS 43.03.345:
    - AS 46.03.345(a): When federal law no longer requires firefighting foams with PFAS in them, everyone must stop using PFAS-containing foams. (There is an exception in subsection (b).)
    - AS 46.03.345(b) & (c): When the state fire marshal determines there is a safe and effective alternative to PFAS-containing firefighting foams that will work for the oil and gas industry the fire marshal must publish notice. At that point no one may legally use PFAS to fight fires unless federal law preempts Alaska law.
    - AS 46.03.345(d): DEC must take up to 25 gallons per year of PFAS-containing

firefighting foam from Alaskans for disposal.

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

3:41:37 PM
CHAIR MICCICHE opened invited testimony on SB 176.

SENATOR COGHILL noted that PFAS is no small issue in his area. He asked what the breadth of federal requirements are because PFAS use is not just for putting out fires. PFAS use includes testing and a variety of other things. He inquired what the federal timeline is for PFAS use.

3:43:37 PM
JOHN BINDER, Deputy Commissioner, Alaska Department of Transportation and Public Facilities, Anchorage, Alaska, said he oversees state owned and operated airports for the Alaska Department of Transportation and Public Facilities (DOT). He noted that the FAA requires fluorinated foam as part of airport safety under Part 139 of the FAA regulations for airport certification. Alaska's certified aviation hubs are basically anywhere Alaska Airlines flies. FAA certification applies to airports with air carriers that have aircraft that can carry more than 30 passengers.

He detailed that FAA certified airports have stringent requirements to ensure safety and crash response that includes the ability to spray AFFF to put out aircraft fires. Currently, the FAA does mandate the use of fluorinated foams that contain PFAS.

MR. BINDER said the sponsor alluded to the 2018 FAA Reauthorization Act that directs the FAA to develop and approve a new, non-fluorinated foam not later than October 1, 2021. DOTPF anticipates that by October 2021 the airports would hopefully be using a new foam named by the FAA.

MR. BINDER explained that all of Alaska's certified airports store and use fluorinated foam. Fluorinated foam usage goes back 40 years. Approximately 30 airports in the state have had fluorinated foam located at them at some point, either through DOTPF or the U.S. Department of Department Defense (DOD) use.

SENATOR COGHILL noted that the FAA is coming up with a foam replacement and asked how the logistics will work.

3:45:43 PM
MR. BINDER explained that the FAA just finished its new testing facility and has begun testing different systems. He noted that most of the rest of the world already uses non-fluorinated foams. However, the non-fluorinated foams are widely known to be less effective for putting out fires and that is why the United States has not transitioned to the new foams.

He conceded that transitioning to the new foams will take quite some time after they are identified. Transition factors include cleaning equipment and PFAS disposal. He admitted that the capability of getting PFAS out of equipment is unknown.

SENATOR COGHILL expressed interest in moving on the PFAS transition. He inquired if the State can practically live in the proposed timelines. He asked what the PFAS disposal method will be, the cost, and how long it will take.

3:47:27 PM
DENISE KOCH, Director, Division of Spill Prevention and Response, Alaska Department of Environmental Conservation, Juneau, Alaska, acknowledged that the disposal question is important and difficult. She said the Organic Incineration Technology (OIT) in Fairbanks thermally remediates PFAS contaminated soil but does not currently incinerate PFAS liquids. She admitted that the State will likely have to send PFAS concentrates out of the state.

MS. KOCH said other things to keep in mind that could impact the cost of disposal is potential federal legislation to make PFAS a hazardous substance under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) and to make it a hazardous substance under the Resource Conservation and Recovery Act of 1976 (RCRA). There are considerations about prohibiting PFAS incineration, so there is the potential that there will be limited options for disposing of PFAS contaminated soil or foam. What could happen is PFAS items would be shipped out of state to a type of RCRA approved landfill, an expensive process.

3:49:15 PM
SENATOR BISHOP asked if the federal government listed PFAS as a hazardous substance under CERCLA and RCRA, could PFAS sites be Superfund sites.

MS. KOCH answered yes if PFAS are listed as a hazardous substance under CERCLA. However, the federal government currently has not identified PFAS as a hazardous substance.

SENATOR BISHOP asked what the typical cost is to ship an overpacked 55-gallon drum out of state.

MS. KOCH answered that DEC struggled to identify disposal costs in its fiscal note. SB 176 requires DEC to take up to 25 gallons of PFAS concentrate per person, so the assumption is that major firefighting organizations throughout the state might have PFAS foam and DEC would then be receiving foam for many years. DEC might also be getting PFAS foam from industry as well as government entities.

She summarized that DEC estimates that the department might receive as many as 3,000 gallons of PFAS a year. However, obtaining out-of-state disposal costs is difficult.

3:51:33 PM
SENATOR BISHOP asked Mr. Binder to confirm that PFAS based foam has been used in Alaska for more than 40 years.

MR. BINDER answered correct.

SENATOR BISHOP asked what firefighters used prior to PFAS foam. He said firefighters once used pyrene to displace oxygen in fires, but pyrene use for fires is bad as well.

MR. BINDER answered that he did not know.

SENATOR BISHOP asked if the State could decontaminate its aircraft rescue and firefighting (ARFF) trucks for further use.

MR. BINDER answered that the department believes it can, but the task would be quite a challenge.

He noted that Senator Coghill asked about testing and disclosed that through 2018, the FAA required every airport to spray foam to demonstrate accident capabilities for certification. Starting in 2019 there are systems available that allow testing without discharging foam. The current policy is the airports will not spray foam unless it is in response to an actual accident.

3:53:14 PM

SENATOR KAWASAKI agreed that PFAS is an issue in the Fairbanks area. He noted that a firefighting training center in his area is the PFAS culprit.

He noted that if other countries are using the non-fluorinated foams, which countries outside of the United States are using fluorinated foams.

MR. BINDER replied that he is not sure what other countries, if any, are still using fluorinated foams. Europe and most of Asia are using non-fluorinated foams.

SENATOR KAWASAKI asked what the cost difference is between the fluorinated and non-fluorinated foams.

MR. BINDER replied that he is not familiar with the cost information, but the department could provide the data.

SENATOR KAWASAKI asked if other countries have tested the non-fluorinated foams for toxicity and environmental impact.

MR. BINDER answered that he is sure other countries have tested non-fluorinated foams for toxicity and environmental impact. He remarked that firefighting foams in general are probably not good for a person. He said he is not sure what the non-fluorinated foams comparison is with AFFF.

CHAIR MICCICHE remarked that PFAS is a statewide problem. He said he is from a very industrial area and has personally trained as an industrial firefighter for many years and his level of concern has increased over time.

He said he is curious if the State has moved forward on actively issuing advice to industrial firefighters and fire schools to minimize or simulate training whenever possible.

3:55:52 PM
MR. BINDER answered that is the case from DOTPF's perspective and the firefighters within the department. He reiterated that foam spraying only occurs in response to actual fires. People are aware now of the health hazards involved with PFAS. All firefighting schools within the state are aware and taking precautions.

MS. KOCH noted that DEC has had communications with firefighters and firefighting organizations throughout the state and they are very concerned about the PFAS issue, both from a safety and

liability perspective. However, DEC has not issued any formal regulation or guidance. DEC has generally advised to use best practices when possible and to use non-fluorinated foams during training.

SENATOR COGHILL asked where the State is in testing in accordance with national requirements.

3:58:47 PM
MS. KOCH answered that the State has joint and several liability for apportioning responsibility when dealing with a response. In terms of the standards themselves, she said everyone in the country is struggling with the PFAS issue. PFAS is a health concern priority for a lot of states. The Interstate Technology & Regulatory Council (ITRC) is a national group that tracks what all the different state levels are. There currently are 34 states that do not have PFAS specific guidelines or regulations. A number of states, Michigan being one that the bill uses for its levels, that are ahead of the EPA. Then there are states like Alaska that rely on the EPA levels.

MS. KOCH detailed that the State is using the EPA's Lifetime Health Advisory (HA) that sets the value for PFAS and PFOA at 70 parts per trillion for drinking water. The EPA established the HA values to protect vulnerable populations including pregnant women and children.

She noted that the EPA has expended a tremendous amount of resources on PFAS. They created a PFAS action plan and added more staff and resources in their recent budget to continue their work on PFAS.

She said DEC feels that the HA levels established by EPA are protective of public health and the environment, and those are the values that DEC is using right now.

MS. KOCH summarized that PFAS is an evolving issue; the science is changing and the department's position can change as the science changes. The department currently has adequate statutory and regulatory authority to deal with the PFAS issue. They believe the right way to establish standards is at the agency level because agencies can be nimble in making changes as the science evolves.

4:02:15 PM
CHAIR MICCICHE observed that industrial fire schools in the Lower 48 have used a lot of PFAS for 40 years and the response

to their use will likely be at the federal level. He asked if there is the potential for federal funding to help Alaska deal with the PFAS issue.

MS. KOCH replied she is not aware of any such federal funding but a lot of major federal agencies such as the EPA, the Agency for Toxic Substances and Disease Registry (ATSDR), and the Centers for Disease Control and Prevention (CDC) are working on PFAS. Congress is considering bills on PFAS incineration and whether to officially make them a hazardous substance under RCRA and Superfund. The FAA is trying to find non-PFAS foams that would be as effective at fighting fires and be better for the environment.

SENATOR BISHOP asked if she is an industrial hygienist.

MS. KOCH answered no; she has a Master of Science in Public Health.

SENATOR BISHOP said he will save his question should an industrial hygienist testify.

4:04:36 PM
SENATOR KAWASAKI suggested that DEC should consider contacting firefighting agencies to find out how much foam was coming into the state and to let them know about possible PFAS replacement to prevent having to export the materials.

MS. KOCH replied DEC has no way to track how much of PFAS foam is coming into the state. They could make a request to firefighting organizations to get some sense of their inventory, but that is probably the best the department can do.

SENATOR KAWASAKI remarked that starting to voluntarily transition firefighting agencies away from PFAS foams makes the most sense.

CHAIR MICCICHE suggested that DEC issue some voluntary PFAS guidance because there are probably a lot of industries that require a healthy reminder on potential happenings and substantial future cost savings for foam disposal and cleanup costs.

4:07:32 PM
SENATOR COGHILL asked what the mitigation strategy is once PFAS gets into the water.

MS. KOCH answered that handling PFAS in drinking water is challenging. Once DEC finds PFAS to be higher than the EPA allowed HA levels, the department requires the responsible party to provide individuals with clean alternative drinking water sources. The department is not at the stage to clean up the polluted water source. She said the department is in a triage stage to make sure alternative drinking water occurs first and PFAS remediation in the ground water happens in the future.

4:10:07 PM
SENATOR COGHILL asked who pays for water testing.

MS. KOCH replied DEC requires the responsible party to develop a plan to pay for testing and provide a long-term clean drinking water solution for individuals impacted by PFAS.

SENATOR COGHILL commented that the people who mandated PFAS for the past 40 years may have culpability too.

He asked what individuals do if they find PFAS in their blood.

4:12:35 PM
MS. KOCH explained that there is no mechanism to remove PFAS from a body. She added that there are no federal or state blood standards that identifies PFAS levels for expected negative health outcomes.

SENATOR COGHILL commented that PFAS chemicals are more ubiquitous than just its use in a foam.

MS. KOCH agreed. She said PFAS is commercially ubiquitous in everything from nonstick pans to clothing, carpets, and food packaging. However, the largest exposure in Alaska comes from spraying PFAS as AFFF that gets into drinking water.

SENATOR COGHILL asked if PFAS, a long chain polymer, was developed just for firefighting.

4:15:26 PM
MS. KOCH answered that PFAS use dates back to the 1940s. It has a fluorine bond that makes it extremely difficult to break. That is an attribute that lends itself to commercial use but it means that the chemical remains in the environment for a long time.

SENATOR COGHILL summarized that PFAS is new as a health risk, but PFAS is not new as a fluorinate polymer.

SENATOR BISHOP noted that magnesium cylinders in engines use PFAS as AFFF to displace oxygen because magnesium will burn under water.

SENATOR COGHILL noted that the bill lists seven different substances, but the committee has been talking about PFAS as a singular substance.

4:17:59 PM
MS. KOCH responded that the most noted are PFAS and PFOA, but they are 2 out of the approximately 6,000 PFAS compounds. Standards are generally based on PFAS and PFOA because the two compounds have the most toxicological and human health information.

SENATOR KAWASAKI asked how the list of seven established PFAS and PFOA limits in the bill differs from the existing regulatory limits.

4:20:01 PM
MS. KOCH answered that the limits in the bill are lower than the current regulatory limits that DEC relies on from the EPA. The bill lowers PFOA to 8 parts per trillion and PFAS to 16 parts per trillion.

SENATOR KAWASAKI pointed out that the concentration limits are significantly lower in the bill. He observed that the limits used in the legislation from the Michigan PFAS Action Response Team are in line with other states that are also regulating PFAS and PFOA in drinking water.

MS. KOCH explained that Michigan is one of the states that has moved ahead of the EPA on PFAS and PFOA levels. However, the approximate eight states, including Michigan, have not finalized or promulgated their proposed drinking water regulations.

4:22:22 PM
CHAIR MICCICHE asked if there is a schedule for potential action or changes to the standard from the EPA.

MS. KOCH replied the EPA came out with a PFAS action plan in February 2019 that started an evaluation under the Safe Drinking Water Act process to determine the necessity of standards for PFAS compounds. The EPA announced in February 2020 that they were going to make their preliminary determination proposal on regulating PFAS and PFOA. She noted that the EPA will at times announce what they are planning to do prior to posting in the

federal register. She surmised that the agency would agree that setting maximum containment levels for PFAS and PFOA in drinking water is necessary and eventually announce a new regulation package.

4:24:49 PM
CHAIR MICCICHE agreed that the first priority is safe drinking water for the people of Alaska. He said he appreciated that Senator Kiehl is moving forward on a safe drinking water program.

CHAIR MICCICHE noted that the bill has a fiscal note which defines and establishes concentration limits, periodic drinking water testing in PFAS release areas, providing alternative drinking water, and voluntary blood testing at no cost that also includes exposed responders. However, the responsibilities under the proposed legislation amounts to approximately $100 million and the result does not include a cleanup.

SENATOR KIEHL said he does not see a $100 million a year fiscal note for SB 176.

CHAIR MICCICHE clarified that the fiscal note is for six years, through FY2026.

4:26:28 PM
CHAIR MICCICHE opened public testimony.

4:26:57 PM
KELLY MCLAUGHLIN, representing self, Gustavus, Alaska, testified in support of SB 176. She said Gustavus has lots of wells and PFAS contamination in the community's water. She exhibited eggs from chickens she raises at her home, noting that the eggs are PFAS contaminated with levels ranging from 13 to 25,000 parts per trillion.

MS. MCLAUGHLIN said SB 176 is in response to the contaminated property owners, the mothers and fathers of children exposed to PFAS in utero and early childhood who can no longer safely raise pets and livestock on their lands or safely harvest nearby wild foods.

She noted that the Alaska Department of Health and Social Services (DHSS) refused requests to test blood and breast milk. She added that DEC disregarded requests for a health protected maximum contamination level during a public comment period.

She said the EPA must lower its current levels of 70 parts per trillion. She suggested that an agency create a data set from PFAS blood test results to help establish body burden levels.

MS. MCLAUGHLIN summarized that the use of PFAS must stop immediately across the entire state because the futures of every Alaskan depends on it. She pointed out that if London Heathrow Airport can use non-fluorinated alternatives, there is no reason why the Gustavus Airport cannot use them as well.

4:30:58 PM
MELANIE LESH, representing self, Gustavus, Alaska, testified in support of SB 176. She said the Gustavus Airport has probably used AFFF via testing for the whole 40 years. She noted that she lives between the airport runway and the river, the route that ground water flows that carries the PFAS chemicals with it. She said she does not see the federal government being a lead on PFAS and states must step up.

4:33:06 PM
JON ERICKSON, Manager, City and Borough of Yakutat, Yakutat, Alaska, testified in support of SB 176. He said he has experience with mitigating pollution problems in Yakutat. Three wells at the Yakutat Airport tested positive for PFAS 18 months ago. DOT is shipping drinking water to the restaurant near the airport. He noted that he has asked DEC to share water testing results. He said extending Yakutat municipal water system to the airport will solve the problem.

4:37:37 PM
PAMELA MILLER, Executive Director, Alaska Community Action on Toxics, Anchorage, Alaska, testified in support of SB 176. She said PFAS contamination represents a significant threat to drinking water sources and public health throughout Alaska. The PFAS issue requires urgent action from the legislature to prevent further harm, ensure safe drinking water supplies for contaminated communities, provide responsible cleanup, and establish measures to monitor and protect the health of affected community members and first responders.

She noted that yesterday, Washington state overwhelmingly approved in a bipartisan way the strongest state ban in the country to phase out toxic PFAS chemicals in firefighting foam and eliminate important exemptions. She said Washington state sets an important precedent that the Alaska State Legislature should follow.

4:43:17 PM
DAVID BERREY, member, Wake Up Alaskans to the Toxic Reality, Fairbanks, Alaska, testified in support of SB 176. He said Fairbanks has a plume at the regional training center at the airport, Moose Creek, and an unreported plume coming from Fort Wainwright. He remarked that there has been no testing or water provided. He added that there is no PFAS testing on people who died of cancer. He asked the legislature to provide PFAS oversite.

4:46:15 PM
SALLY SCHLICHTING, representing self, Juneau, Alaska, testified in support of SB 176. She noted that she is a former DEC employee with the contaminated site program where she was responsible for developing regulations and policy for hazardous substances such as PFAS.

She said SB 176 is necessary because it would establish clear statutory direction for DEC to carry out testing of drinking water in Alaska that is at risk due to a release of PFAS. If DEC continues to maintain that they cannot set levels until the EPA does, Alaskans will likely wait many years for protection.

MS. SCHLICHTING suggested that the bill require testing fish and subsistence foods near PFAS release sites, include the full suite of PFAS compounds testing in drinking water, and place the authority for blood testing with DHSS.

4:49:05 PM
BROOKE IVY, External Affairs Manager, Alaska Oil and Gas Association (AOGA), Anchorage, Alaska, testified in opposition of SB 176. She said while AOGA expresses concerns with specific provisions in SB 176 as currently written, overall, AOGA is very much appreciative of the legislation's goal.

She said AFFF is a highly effective foam used to fight high hazard flammable liquid fires by the oil and gas industry. AFFF remains the only product available to effectively extinguish hydrocarbon fires at refineries and fuel terminals. AOGA appreciates that SB 176 does provide an exemption for the oil and gas industry to use AFFF even if no longer required by law, should no effective alternative be available.

MS. IVY specified that the association's concern lies with the subsection that provides authority to the state fire marshal to determine a safe and effective alternative foam. Should an effective alternative become available, transitioning industry

systems will likely require a multi-year phase-out process and the bill is unclear on time allotment. The association also has questions about the studies that contributed to the proposed cutoff concentrations in the bill.

MS. IVY summarized that AOGA feels the language in the bill should fully account for PFAS exposure coming from many sources, not just AFFF. The language must be clear on targeted PFAS release, especially given the liability statutes.

4:52:51 PM
CHAIR MICCICHE announced that the committee will not hear SB 232.

4:53:31 PM
PATRICE LEE, member, Citizens for Clean Air, Fairbanks, Alaska, testified in support of SB 176. She said Fairbanks has a bad problem with PFAS and wintertime air pollution, a combination that could impact student performance. There is no time to wait for cleaning up and stopping PFAS usage. The State must set the strictest levels for protection. The valid science that has been around for decades showing that PFAS is horribly detrimental to human health.

4:56:15 PM
PAUL LIEDBERG, representing self, Dillingham, Alaska, testified in support of SB 176. He said Dillingham as well as a number of other communities in Alaska are experiencing the contamination of ground water from PFAS. He suggested that the bill should include testing for individuals who have used PFAS contaminated water sources in the past.

MR. LIEDBERG said there has been little or no regulation on the federal or state level of a chemical that has proven to have negative health effects. At a minimum, the State should provide testing to residents and first responders when PFAS exposure has occurred. He summarized that the legislation is one small step in dealing with a forever chemical.

4:59:10 PM
JIM WILLIAMS, Chief of Staff, Administration Center, Fairbanks North Star Borough, Fairbanks, Alaska, testified in support of SB 176. He said the borough assembly has not taken a position on PFAS or PFOA, but there are some operational things that the borough is working through. The borough pulled wells from irrigation at soccer and softball fields due to either

contamination for discharge standards or drinking water standards.

He noted that the borough is seeing more contaminated wells. He said the borough must address a plan to get clean drinking and irrigation water to communities. The borough does not have water utility powers, but it is monitoring the extension of the North Pole water utility out of Moose Creek. The $30 million project provided service for approximately 100 households. The question is what the cost will be if the Badger Road area requires service for approximately 4,000 households.

MR. WILLIAMS summarized that the borough must consider economic development for the next 10 or 15 years. It must acknowledge whether the final solution is delivering water in trucks or putting a ground water utility in.

5:02:16 PM
CHAIR MICCICHE held SB 176 in committee.

5:02:54 PM
There being no further business to come before the committee, Chair Micciche adjourned the Senate Resources Standing Committee meeting at 5:02 p.m.