

ALASKA STATE LEGISLATURE  
SENATE RESOURCES STANDING COMMITTEE

May 3, 2021

3:31 p.m.

**MEMBERS PRESENT**

Senator Joshua Revak, Chair  
Senator Peter Micciche, Vice Chair  
Senator Gary Stevens  
Senator Jesse Kiehl  
Senator Scott Kawasaki

**MEMBERS ABSENT**

Senator Click Bishop  
Senator Natasha von Imhof

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Big Game Commercial Services Board

Ely Cyrus-Kiana

- CONFIRMATION ADVANCED

SENATE BILL NO. 104

"An Act relating to geothermal resources; relating to the definition of 'geothermal resources'; and providing for an effective date."

- MOVED CSSB 104 (RES) OUT OF COMMITTEE

SENATE BILL NO. 85

"An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 115 AM

"An Act relating to aquatic farming and hatchery site leases; and requiring the director of the division of lands to provide

the legislature with an annual report relating to aquatic farming and hatchery site leases."

- MOVED SCS HB 115 (RES) OUT OF COMMITTEE

SENATE BILL NO. 121

"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."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 104

SHORT TITLE: GEOTHERMAL RESOURCES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/10/21	(S)	READ THE FIRST TIME - REFERRALS
03/10/21	(S)	RES, FIN
04/09/21	(S)	RES AT 3:30 PM BUTROVICH 205
04/09/21	(S)	Heard & Held
04/09/21	(S)	MINUTE (RES)
04/28/21	(S)	RES AT 3:30 PM BUTROVICH 205
04/28/21	(S)	-- MEETING CANCELED --
05/03/21	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 85

SHORT TITLE: FOREST LAND USE PLANS; TIMBER SALES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/12/21	(S)	READ THE FIRST TIME - REFERRALS
02/12/21	(S)	RES, FIN
04/28/21	(S)	RES AT 3:30 PM BUTROVICH 205
04/28/21	(S)	-- MEETING CANCELED --
05/03/21	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: HB 115

SHORT TITLE: AQUATIC FARMING & HATCHERY SITE LEASES

SPONSOR(s): STORY

02/24/21	(H)	READ THE FIRST TIME - REFERRALS
02/24/21	(H)	FSH, RES
03/04/21	(H)	FSH AT 11:00 AM GRUENBERG 120

03/04/21 (H) Heard & Held  
 03/04/21 (H) MINUTE(FSH)  
 03/09/21 (H) FSH AT 11:00 AM GRUENBERG 120  
 03/09/21 (H) Moved HB 115 Out of Committee  
 03/09/21 (H) MINUTE(FSH)  
 03/10/21 (H) FSH RPT 7DP  
 03/10/21 (H) DP: VANCE, STUTES, STORY, MCCABE,  
 KREISS-TOMKINS, ORTIZ, TARR  
 03/19/21 (H) RES AT 1:00 PM BARNES 124  
 03/19/21 (H) Heard & Held  
 03/19/21 (H) MINUTE(RES)  
 03/22/21 (H) RES AT 1:00 PM BARNES 124  
 03/22/21 (H) Moved HB 115 Out of Committee  
 03/22/21 (H) MINUTE(RES)  
 03/24/21 (H) RES RPT 4DP 3NR  
 03/24/21 (H) DP: SCHRAGE, GILLHAM, HANNAN, PATKOTAK  
 03/24/21 (H) NR: RAUSCHER, HOPKINS, CRONK  
 03/31/21 (H) TRANSMITTED TO (S)  
 03/31/21 (H) VERSION: HB 115 AM  
 04/07/21 (S) READ THE FIRST TIME - REFERRALS  
 04/07/21 (S) RES  
 04/23/21 (S) RES AT 3:30 PM BUTROVICH 205  
 04/23/21 (S) Heard & Held  
 04/23/21 (S) MINUTE(RES)  
 05/03/21 (S) RES AT 3:30 PM BUTROVICH 205

BILL: SB 121

SHORT TITLE: PFAS USE & REMEDIATION; FIRE/WATER SAFETY  
 SPONSOR(S): KIEHL

04/07/21 (S) READ THE FIRST TIME - REFERRALS  
 04/07/21 (S) RES, FIN  
 04/28/21 (S) RES AT 3:30 PM BUTROVICH 205  
 04/28/21 (S) -- MEETING CANCELED --  
 05/03/21 (S) RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

ELY CYRUS, Appointee  
 Big Game Commercial Services Board  
 Department of Commerce, Community and Economic Development  
 Kiana, Alaska

**POSITION STATEMENT:** Testified as appointee to the Big Game Commercial Services Board.

SEAN CLIFTON, Policy and Program Specialist  
 Division of Oil and Gas

Department of Natural Resources  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 104.

BRENT GOODRUM, Deputy Commissioner  
Department of Natural Resources  
Anchorage, Alaska

**POSITION STATEMENT:** Provided opening remarks on SB 85.

TIM DABNEY, Acting State Forester and Director  
Division of Forestry  
Department of Natural Resources  
Anchorage, Alaska

**POSITION STATEMENT:** Delivered a PowerPoint titled "Forest Land Use Plans; Negotiated Timber Sales" to introduce SB 85.

CATHY SCHLINGHEYDE, Staff  
Senator Jesse Kiehl  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for SB 121.

KELLY MCLAUGHLIN, advocate  
Gustavus PFAS Action Coalition  
Gustavus, Alaska

**POSITION STATEMENT:** Testified in strong support of SB 121.

JOHN KENNISH, PhD, retired chemist representing  
Alaska Community Action on Toxics  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 121.

#### **ACTION NARRATIVE**

[3:31:15 PM](#)

**CHAIR JOSHUA REVAK** called the Senate Resources Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Kawasaki, Stevens, Kiehl, and Chair Revak. Senator Micciche arrived immediately thereafter.

He reviewed the agenda.

#### **CONFIRMATION HEARING(S)** **Big Game Commercial Services Board**

[3:32:49 PM](#)

CHAIR REVAK announced the consideration of governor appointee Ely Cyrus to the Big Game Commercial Services Board (BGCSB). He related the function of the board, which is to license and regulate the activities of providers of commercial services to big game hunters. He noted Mr. Cyrus was appointed to the Private Landholders/Restricted seat on February 17, 2021. If confirmed, his appointment would expire March 1, 2024.

He asked Mr. Cyrus to provide a little background and tell the committee his interest in serving.

[3:33:31 PM](#)

ELY CYRUS, Appointee, Big Game Commercial Services Board, Department of Commerce, Community and Economic Development (DCCED), Kiana, Alaska, stated he applied for this position to help protect the state's resources and ensure availability for Alaskans. He is a lifelong Alaskan and a pilot who lives in and is familiar with Game Unit 23. He has been an avid sport and subsistence hunter most his life. He served as the chair of Nana Development Corporation for four years and currently serves as a Nana Regional Corporation board member and President of the Native village of Kiana. For employment, he is city administrator for the City of Kiana. His interest in serving on the board is to help protect the state's resources while making them available for Alaskans.

CHAIR REVAK thanked him for being willing to serve.

[3:35:06 PM](#)

CHAIR REVAK opened public testimony on the appointment of Ely Cyrus to the Big Game Commercial Services Board; finding none, he closed public testimony and asked for a motion.

[3:35:26 PM](#)

SENATOR MICCICHE moved that the following named appointee to the Big Game Commercial Services Board be forwarded to a joint session of the legislature for consideration:

Big Game Commercial Services Board  
Ely Cyrus - Kiana

[3:35:46 PM](#)

CHAIR REVAK found no objection and issued the reminder:

In accordance with AS 39.05.080, signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees;

the nominations are merely forwarded to the full legislature for confirmation or rejection.

### SB 104-GEOTHERMAL RESOURCES

[3:36:01 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 104 "An Act relating to geothermal resources; relating to the definition of 'geothermal resources'; and providing for an effective date."

He solicited a motion to adopt the work draft committee substitute (CS) and noted that it only makes changes to conform to Legislative Legal Services' drafting conventions.

[3:36:33 PM](#)

SENATOR MICCICHE moved to adopt CSSB 104, work order 32-GS1618\B, as the working document.

[3:36:45 PM](#)

CHAIR REVAK found no objection and version B was adopted. He noted who was available online to answer questions.

[3:37:27 PM](#)

CHAIR REVAK opened public testimony on SB 104; finding none, he closed public testimony.

He asked if there were amendments.

[3:37:59 PM](#)

SENATOR MICCICHE moved conceptual Amendment 1.

[3:38:08 PM](#)

CHAIR REVAK objected for discussion purposes.

[3:38:15 PM](#)

SENATOR MICCICHE explained that the Department of Natural Resources requested a language change. On page 3, line 28 delete "authorized" and insert "approved".

[3:38:33 PM](#)

CHAIR REVAK removed his objection.

[3:38:39 PM](#)

SENATOR KIEHL asked if the term "authorize" on page 2, line 23 related to a similar or different issue.

[3:39:15 PM](#)

SEAN CLIFTON, Policy and Program Specialist, Division of Oil and Gas, Department of Natural Resources, Anchorage, Alaska, explained that the topic in Section 6 is unitization, which involves an agreement, and the department approves those agreements. Using the term "approved" [on line 28] as opposed to the term "authorized" is consistent with the way DNR uses it in statute and regulation.

SENATOR KIEHL asked if the term "authorize" on page 2, line 23 needed to be changed for the same reason.

MR. CLIFTON thanked him and requested the committee also replace "authorize" with "approve" on page 3, line 23.

[3:41:13 PM](#)

SENATOR MICCICHE restated the motion to adopt Conceptual Amendment 1.

**CONCEPTUAL AMENDMENT 1 TO SB 104**

Page 3, line 23:  
Delete "authorize"  
Insert "approve"

Page 3, line 28:  
Delete "authorized"  
Insert "approved"

[3:41:38 PM](#)

CHAIR REVAK found no objection and Conceptual Amendment 1 to SB 104 passed.

CHAIR REVAK found no further amendments, questions, or comments and solicited a motion.

[3:42:04 PM](#)

SENATOR MICCICHE moved to report the CS for SB 104, work order 32-GS1618\B as amended, from committee with individual recommendations and attached fiscal note(s).

[3:42:20 PM](#)

CHAIR REVAK found no objection and CSSB 104(RES) moved from the Senate Resources Standing Committee.

[3:42:40 PM](#)

At ease

## SB 85-FOREST LAND USE PLANS; TIMBER SALES

[3:44:39 PM](#)

CHAIR REVAK reconvened the meeting and announced the consideration of SENATE BILL NO. 85 "An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

He noted this was the first hearing.

[3:45:16 PM](#)

BRENT GOODRUM, Deputy Commissioner, Department of Natural Resources, Anchorage, Alaska, stated SB 85 seeks to modernize the processes and the decision-making for timber sales, which will help grow jobs in Alaska's timber industry. He opined that SB 85 will result in more efficient land-use planning and more predictable timber harvests. Importantly, SB 85 has a zero fiscal note, he said.

[3:46:42 PM](#)

TIM DABNEY, Acting State Forester and Director, Division of Forestry, Department of Natural Resources, Anchorage, Alaska, introduced SB 85 with a PowerPoint titled "Forest Land Use Plans; Negotiated Timber Sales." He reviewed the presentation overview on slide 2, which read as follows:

### Presentation Overview

- Issue: SE Alaska timber industry is struggling to survive.
- How can we provide and protect timber jobs?
  - Step 1: Change negotiated timber sale statutes to allow local industry to sell all the timber it harvests, as export if needed.
  - Step 2: Provide a stable and predictable supply of timber to the industry, once a timber sale has been purchased.
- Sectional Analysis

[3:47:56 PM](#)

MR. DABNEY charged that the U.S. Forest Service is not providing the supply of timber needed to maintain a healthy timber industry in Southeast Alaska. Since the 1990s, the number of timber industry jobs has dropped from about 4,000 to just 325. Even those jobs are now in jeopardy, he said. Until young growth

timber becomes economically harvestable in about 2030, the industry will struggle to survive.

He directed attention to the inset map on slide 4 that shows state timberland sites in Southeast Alaska. It is just 46,952 acres or 0.04 percent of the land base in Southeast. By comparison, the 16.8 million acre Tongass National Forest has about 5.5 million acres of commercial timberland.

MR. DABNEY offered suggestions on how to protect and provide timber industry jobs in Southeast. Step 1 would be to change the negotiated timber sale statutes to allow the industry to sell all the timber it harvests, including for export. He pointed out that the current negotiated timber sale statutes prohibit local timber purchasers from selling logs for export. Most must be used for local manufacture. He said this is problematic because the timber supply increasingly has more young growth and much of it is not marketable in Alaska. Additionally, the demand for species such as hemlock is only in overseas markets or the Pacific Northwest.

[3:50:38 PM](#)

MR. DABNEY stated the Division of Forestry offers and administers both competitive and negotiated timber sales. Negotiated timbers sales are important because this type allows the division to select the timber purchaser based both on price and the number of local jobs the sale will provide.

[3:51:13 PM](#)

SENATOR STEVENS asked what hemlock is used for primarily if demand for that species is only overseas markets or in the Pacific Northwest.

[3:51:33 PM](#)

MR. DABNEY answered, hemlock has a higher moisture content which makes it less desirable for dimensional lumber. Overseas it is used for smaller items such as molding.

MR. DABNEY turned to slide 7 and explained that the second step to protect and provide jobs in Alaska is to provide a stable and predictable supply of timber to the industry once a sale has been sold. SB 85 provides this protection by reducing appeals.

MR. DABNEY described the steps listed on slide 8 that lead up to awarding a timber sale. He noted that public and agency comment is gathered at each step. Agency comments are solicited from the Department of Environmental Conservation (DEC), the Alaska

Department of Fish and Game (ADF&G), and the state historic preservation officer.

The first step is to develop area and state forest plans for the region. Second, each area office identifies the timber sales that are scheduled over the next five years. This is done every two years and the public has the opportunity to provide input. The third step is the best interest finding (BIF). The division starts with a preliminary BIF and works with the agencies and public to come to a final best interest finding. Once the BIF is adopted, the timber can be sold. Step four is to develop forest land use plans (FLUP) for timber harvest units. Not all FLUPs must be issued before timber is offered for sale. When the sales are large, the FLUPs are prepared in phases as access is created. He highlighted that regional planning, best interest finding, and forest land use plans are subject to public appeal.

3:55:18 PM

MR. DABNEY described the difference between the best interest finding and the forest land use plan outlined on slide 9.

Best Interest Finding	Forest Land Use Plan
<b>Decision document:</b>	<b>Implements BIF on the ground</b>
<ul style="list-style-type: none"><li>• Should we sell this timber?</li></ul>	<ul style="list-style-type: none"><li>• How will the sold timber be harvested?</li></ul>

MR. DABNEY reviewed the existing requirements for timber sales on slide 10 that read as follows:

Agency and public input is gathered at each step of a timber sale.

Timber sales must adhere to the Alaska Forest Resources and Practices Act (FRPA, AS 41.17), which:

- protects fish habitat,
- protects water quality, and
- ensures prompt reforestation.

3:56:26 PM

MR. DABNEY reviewed slides 11 and 12 that lay out what SB 85 would do to help provide a stable and predictable supply of timber. The slides read as follows:

Under current statute, a timber sale can be appealed more than once, even after it has been purchased.

An appeal on a purchased sale can halt harvesting, which can be disastrous to a logging company.

SB 85 ensures that once the decision has been made to sell the timber, and it has been purchased, no further administrative appeals can occur.

Input would still be gathered from public and agencies.

SB 85 focuses appeals at the BIF stage, before timber is sold.

- Provides stable and predictable supply of timber once sold.
- No interruptions of harvest at a subsequent FLUP stage.

[3:57:27 PM](#)

SENATOR MICCICHE referenced the statement that demand for species such as hemlock is from an overseas market that makes molding or trim. He shared his dream of Alaska businesses someday employing Alaskans to create Alaskan goods. That could be making trim in Alaska from Alaskan hemlock. He asked how that could ever be a reality if a forest product company isn't encouraged to invest in the machinery to make something like trim in the state. The finished product could be exported instead of the raw timber.

MR. DABNEY answered the department would advocate doing what it can to keep the industry alive long enough to introduce new manufacturing opportunities for hemlock and second growth timber.

[3:59:26 PM](#)

SENATOR MICCICHE asked if new manufacturing opportunities would be less likely after the removal of the requirement to use most of the timber for local manufacturing.

MR. DABNEY answered removing that provision from the statute is not intended to remove the option, it just removes the requirement.

[4:00:40 PM](#)

SENATOR STEVENS asked if reforestation would be part of the presentation.

MR. DABNEY answered no. The Alaska Forest Resources and Practices Act (FRPA) requires regeneration following harvest, but that is not part of the bill.

SENATOR STEVENS asked who does the work and pays for reforestation.

MR. DABNEY answered the land manger is responsible for reforestation. In some places in Alaska reforestation is a natural process and in others hand planting is required.

SENATOR STEVENS stressed the importance of ensuring that state land is back in production as soon as possible after it's been logged. He said he'd like to discuss that further at another time.

[4:02:34 PM](#)

SENATOR KIEHL said his question was about removing the ability for Alaskans to appeal a forest land use plan after the initial sale. He noted the presentation indicates that DNR will continue to listen to comments from the public and agencies throughout the process. However, if the public did not think DNR was meeting its obligations, there would be no process to stop the department once a phase 5 or 6 forest land use plan had created access in a harvest unit. He asked how to ensure that public and agency comment remains meaningful.

[4:03:27 PM](#)

MR. DABNEY answered DNR gives due deference to DEC and ADF&G comments that are within their purviews. DNR is bound to comply with the requirements from those agencies and it must adhere to the Alaska Forest Practices Act and the documents that preceded the FLUP. This includes the best interest finding and the area plans, all of which were subject to comment and appeal.

To the question about public comment, he said public comment is solicited for the forest land use plans and the Division of Forestry has an excellent track record of working with the public to make necessary changes to the harvest. He cited a hypothetical example of moving a boundary in a harvest unit due to visual impacts or wind.

SENATOR KIEHL said his concern is that if there is no opportunity for an Alaskan to appeal if they believe the department has gotten it wrong, the objections may be louder in the future.

[4:06:18 PM](#)

CHAIR REVAK opened public testimony on SB 85; finding none, he closed public testimony.

[4:06:50 PM](#)

CHAIR REVAK announced he would hold SB 85 in committee for future consideration.

**HB 115-AQUATIC FARMING & HATCHERY SITE LEASES**

[4:06:57 PM](#)

CHAIR REVAK announced the consideration of HOUSE BILL NO. 115 am "An Act relating to aquatic farming and hatchery site leases; and requiring the director of the division of lands to provide the legislature with an annual report relating to aquatic farming and hatchery site leases."

[The committee adopted the SCS for HB 115, work order 32-LS0299\0, during the 4/23/21 hearing.]

[4:07:16 PM](#)

CHAIR REVAK opened public testimony on HB 115; finding none, he closed public testimony.

CHAIR REVAK listed the individual available to answer questions. Finding no questions or comments, he asked for a motion.

[4:08:03 PM](#)

SENATOR MICCICHE moved to report the SCS for HB 115, work order 32-LS0299\0, from committee with individual recommendations and attached fiscal note(s).

[4:08:20 PM](#)

CHAIR REVAK found no objection and SCS HB 115(RES) was reported from the Senate Resources Standing Committee.

#

[4:08:38 PM](#)

At ease

**SB 121-PFAS USE & REMEDIATION; FIRE/WATER SAFETY**

[4:10:54 PM](#)

CHAIR REVAK reconvened the meeting and announced the consideration of SENATE BILL NO. 121 "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."

4:11:13 PM

SENATOR KIEHL, speaking as sponsor of SB 121, stated this legislation deals with per- and polyfluoroalkyl substances, more commonly known as PFAS. These chemicals have been around a long time, both because they are effective in firefighting and because they do not break down once they are in the environment. They are referred to as forever chemicals and they are particularly hazardous to human health. He continued the introduction paraphrasing excerpts of the following sponsor statement:

Per- and polyfluoroalkyl substances (PFAS) are a group of chemicals harmful to human health. They are linked to serious health conditions including low birth weight, thyroid disease, and cancer. Low levels of exposure are common because PFAS can be found in products from non-stick cookware to waterproof jackets. But large-scale exposures happen where certain firefighting foams or other compounds containing PFAS seep into drinking water and linger for years.

Alaska's Department of Environmental Conservation declared PFAS hazardous substances several years ago. Senate Bill 121 sets health-protective limits on the amount of PFAS in drinking water. The bill guarantees Alaskans in areas with a lot of PFAS will get clean drinking water and their blood levels checked. To prevent future pollution, SB 121 bans PFAS foams starting late in 2021 when the Federal Aviation Administration stops forcing airports to use them (unless some other federal law preempts.)

Because there is no effective alternative for the intensity of fire threat oil & gas operations face at refineries or the Trans Alaska Pipeline terminal, the bill carves out an exemption for those producing, transporting, or refining oil and gas until the State Fire Marshal determines an effective non-PFAS substance could do the job.

SENATOR KIEHL stated SB 121 lists the six PFAS chemicals about which the most is known and sets protective standards for how much can be in drinking water without danger to Alaskans. This is not about site cleanup; it is about the water that comes from taps and wells. The bill stops additional discharge of PFAS chemicals into the environment except where they are federally required. For spills that may impact drinking water, SB 121 maintains the current state standard that requires the polluter to pay.

SENATOR KIEHL highlighted that the bill requires DEC to take from Alaskans each year up to 25 gallons of PFAS-containing concentrates. There is no intention for the state to be the recipient of all the PFAS in the state, but this will help small villages that have received a lot of PFAS from the state over the years, but do not have the funds to dispose of these hazardous chemicals.

[4:16:16 PM](#)

SENATOR KIEHL mentioned the fiscal note and pointed out that there would be costs associated with PFAS whether the bill passes or not. He highlighted that the state has joined the growing list of states that have filed suit against the manufacturer to help recover some of what it will cost to get clean drinking water for Alaskans because these chemicals are in the environment. He described SB 121 as a balanced and responsible approach to end new PFAS contaminations and to ensure clean drinking water for those whose water has been contaminated.

[4:17:25 PM](#)

CATHY SCHLINGHEYDE, Staff, Senator Jesse Kiehl, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 121 that read as follows:

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

Sec. 46.03.340: Standards for Clean Drinking Water & Blood Testing

Sec. 46.03.340(a): Directs the Department of Environmental Conservation to make sure drinking water near PFAS spills is tested. Requires the department to make sure anyone with contaminated drinking water gets clean

drinking water and a voluntary blood test for 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 a voluntary blood test for PFAS levels.

Sec. 46.03.345: Who is responsible for providing drinking water and blood testing?

Sec. 46.03.345(a): Clarifies the causer of a fire is liable for providing drinking water and blood testing if PFAS-containing foam is used to fight the fire. Creates an exemption for residential fires and non-commercial motor vehicle fires.

Sec. 46.03.345(b): A fire department is not liable for providing drinking water and blood testing, or site clean-up if they used PFAS-containing foam to fight a fire. This section maintains existing liability for fire fighters if they use PFAS-containing foam for training or testing.

Sec. 46.03.345(c): Clarifies this bill doesn't change a responsible party's liability described elsewhere in DEC statutes.

Sec. 46.03.345(d): Defines "motor vehicle" and "residential building" for purposes of this section.

Sec. 46.03.350: Who can still use PFAS containing foams?

Sec. 46.03.350(a): The oil & gas industry may continue using PFAS containing foams until an alternative is approved through regulation.

Sec. 46.03.350(b): The fire marshal can determine there is a safe and effective PFAS-free foam for fighting large oil or gas fires only if the alternate foam is listed by an organization in OSHA's Nationally Recognized Testing Laboratory Program. The fire marshal must require the new foam by regulation, with a stated effective date.

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): When federal law no longer requires firefighting foams with PFAS in them at airports, everyone outside the oil & gas industry must stop using PFAS-containing foams, unless federal law preempts Alaska law.

Sec. 46.03.355: Requires a facility treating PFAS through thermal remediation to get a Clean Air Act Title V permit.

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 adds applicability provisions:

Sec. 2(a): A responder exposed to PFAS on or after Jan. 1, 2019 is eligible for a voluntary blood test.

Sec. 2(b): The requirements to test drinking water and provide clean drinking water and a voluntary blood test applies to past and future PFAS contamination.

Secs. 3-6 of the bill add effective dates:

Sec. 3: DEC can adopt regulations before the effective date of the bill, so long as they do not go into effect before the bill.

Sec. 4: Effective date of Oct. 4, 2021 for the ban on PFAS-containing foam.

Sec. 5: Immediate effective date for the applicability and transition language in Sec. 2 & 3.

Sec. 6: The rest of the bill takes effect Jan. 2, 2022.

[4:21:06 PM](#)

SENATOR STEVENS mentioned the PFAS contamination in Yakutat and asked how widespread PFAS contamination is in Alaska and if any alternatives were available.

[4:21:37 PM](#)

SENATOR KIEHL answered the contamination is very widespread. The federal government has required every airport that lands jets to have these fire-fighting foams on hand. Fortunately, not all of these airports have a source of drinking water nearby, but the airports in Yakutat, Gustavus, Dillingham and some others certainly are affected. He noted that the legislature several years ago funded DEC to conduct tests in certain areas. He said he believes the department will find significant additional areas of contamination.

As to alternatives, he said much of the European Union requires fluorine-free foams for firefighting and there is a great deal of research on new alternatives being done in the U.S. He noted that the Alaska state fire marshal is training and staying abreast of developing technologies, some of which are very promising.

SENATOR STEVENS observed that Alaska was not yet in the position to require an alternative such as fluorine-free foams.

SENATOR KIEHL replied it is important to know that, because there are highly effective alternatives, the Federal Aviation Administration (FAA) is ending its requirement for PFAS foams to be kept on site at airports. He added that his office worked with the Alaska Oil and Gas Association (AOGA) in particular to carve out an exception for the oil and gas industry in Alaska until there is a viable alternative.

[4:24:26 PM](#)

CHAIR REVAK announced invited testimony.

[4:24:45 PM](#)

KELLY MCLAUGLIN, advocate, Gustavus PFAS Action Coalition, Gustavus, Alaska, stated she first became aware of PFAS in August 2018 when DEC notified her that the water at the Gustavus School and several wells near the airport were contaminated with PFAS. Her subsequent research revealed that PFAS are a very large and widespread group of toxic chemicals about which there is insufficient information and protection. The water from her well is unsafe for humans or animals to drink or use and it is unsafe on the garden; the water at the school is similarly unsafe.

MS. MCLAUGLIN described SB 121 as a step in the right direction to protect the health of Alaskans. The bill is about protecting water but ultimately the wild places where Alaskans live and hunt and harvest need protection from these toxic chemicals. They do not break down and remediation is difficult. She pointed out that taking action to eliminate the use of PFAS chemicals will save the state money in the future. She noted that many states are more proactive in regulating PFAS as a class and capping levels at about 20 parts per million.

MS. MCLAUGLIN reported that the Gustavus PFAS Action Coalition has worked with Indiana University and the Alaska Community Action on Toxics (ACAT) and learned there is a direct correlation between PFAS levels in the water and PFAS levels in the blood of those whose water source has been affected. She concluded that SB 121 offers the opportunity to remedy what she calls mass poisoning of Alaskans.

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JOHN KENNISH, PhD, Alaska Community Action on Toxics, Anchorage, Alaska, stated he is a retired chemist who taught chemistry for 36 years. He was asked to represent ACAT in this hearing because of his research at the Oregon Health Sciences Center on specific flame retardants used on children's pajamas called halogenated hydrocarbons. These compounds produce free radicals when they start to burn that react with oxygen radicals that are present and stop the fire "nearly in its tracks." In this application they are extremely effective. The problem is they have a lot of toxicity. He explained that in this context, toxicity has to do with the response in the human body to the chemicals. They affect the genetic composition of the body as well as the immune system, the result of which is extreme health issues.

DR. KENNISH lauded the caliber of SB 121 and stressed the importance of applying it to help the average Alaskan in terms of exposure and the quality of water they drink.

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SENATOR STEVENS asked Dr. Kennish if he agreed with Ms. McLaughlin's comment that this is a step in the right direction.

DR. KENNISH answered yes it is the best statement at this time. He added that it is unfortunate, but these problems are long-lived, and it will likely take years to find an appropriate solution to the chemical structure in replacement retardants. Speaking as a chemist, he said it is ridiculous that states have to deal with an issue that the federal government and the manufacturers should have addressed years ago.

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CHAIR REVAK asked at what concentration these chemicals become toxic to humans.

DR. KENNISH answered the human cellular response to these materials is at extremely low concentrations, which is why decontamination efforts are so difficult.

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CHAIR REVAK found no further questions or comments and announced he would hold SB 121 in committee for further consideration.

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There being no further business to come before the Senate Resources Standing Committee, Chair Revak adjourned the meeting at 4:35 p.m.