

SENATE BILL NO. 176

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATORS KIEHL, Gray-Jackson, Wielechowski, Begich

Introduced: 2/5/20

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl**
2 **substances; relating to the duties of the Department of Environmental Conservation;**
3 **and relating to firefighting substances."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 46.03 is amended by adding new sections to read:

6 **Article 5A. Perfluoroalkyl and Polyfluoroalkyl Substances.**

7 **Sec. 46.03.340. Testing; drinking water.** (a) The department shall
8 periodically test for perfluoroalkyl substances and polyfluoroalkyl substances in all
9 drinking water used in the state that is in a water supply located in the state when a
10 perfluoroalkyl substance or polyfluoroalkyl substance is released in the area of the
11 water supply. If a test conducted under this subsection detects a perfluoroalkyl
12 substance or polyfluoroalkyl substance at a level equal to or greater than the limit
13 described in (b) of this section, the department shall ensure a person who routinely
14 uses the tested drinking water is provided, at no cost to the person,

1 (1) a source of drinking water containing levels of perfluoroalkyl
2 substances and polyfluoroalkyl substances lower than the limits described in (b) of this
3 section; and

4 (2) at least once a year for three years after a detection under this
5 subsection, voluntary testing of the person's blood to monitor the person's exposure to
6 perfluoroalkyl substances and polyfluoroalkyl substances.

7 (b) For purposes of (a) of this section, the limit of perfluoroalkyl substance or
8 polyfluoroalkyl substance contamination in water is the lesser of

9 (1) the limit established by the department in regulation; or

10 (2) the following limits:

11	CUTOFF CONCENTRATION
12	(parts per trillion)
13	SUBSTANCE
13	perfluorobutanesulfonic acid 420
14	perfluorooctanoic acid 8
15	perfluorooctanesulfonic acid 16
16	perfluorononanoic acid 6
17	perfluorohexanesulfonic acid 51
18	perfluoroheptanoic acid 400,000
19	hexafluoropropylene oxide dimer acid 370.

20 (c) The department shall ensure a responder who ingests, inhales, or absorbs
21 through the skin or eyes a perfluoroalkyl substance or polyfluoroalkyl substance, or
22 fumes or another potentially harmful aspect of a perfluoroalkyl substance or
23 polyfluoroalkyl substance, is provided voluntary testing of the responder's blood to
24 monitor the responder's exposure to the perfluoroalkyl substance or polyfluoroalkyl
25 substance, at no cost to the responder, at least once a year for three years after the
26 exposure. In this subsection, "responder" means

27 (1) a peace officer, firefighter, or other first responder; or

28 (2) a person who contains or cleans up a perfluoroalkyl substance or
29 polyfluoroalkyl substance.

30 **Sec. 46.03.345. Use of firefighting substances.** (a) The department shall
31 publish notice to inform the public when use of a firefighting substance that contains a

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

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

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

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

17 **Sec. 46.03.359. Definitions.** In AS 46.03.340 - 46.03.359, "perfluoroalkyl
18 substance" and "polyfluoroalkyl substance" include

- 19 (1) perfluorooctanoic acid;
- 20 (2) perfluorooctanesulfonic acid;
- 21 (3) perfluorononanoic acid;
- 22 (4) perfluorohexanesulfonic acid;
- 23 (5) perfluoroheptanoic acid;
- 24 (6) perfluorobutanesulfonic acid;
- 25 (7) hexafluoropropylene oxide dimer acid;
- 26 (8) other perfluoroalkyl substances or polyfluoroalkyl substances
27 specified by the department in regulation.