

SENATE No. 2053

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a moratorium on the procurement of structures or activities generating PFAS emissions.

PETITION OF:

NAME:

Marc R. Pacheco

DISTRICT/ADDRESS:

Third Bristol and Plymouth

SENATE No. 2053

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2053) of Marc R. Pacheco for legislation to establish a moratorium on the procurement of structures or activities generating PFAS emissions. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2655 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing a moratorium on the procurement of structures or activities generating PFAS emissions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Whereas, perfluoroalkyl and polyfluoroalkyl substances, known as PFAS,
2 are highly persistent chemicals that are transported long distances in the environment; and

3 Whereas, businesses, corporations, and other entities throughout the United States have
4 voluntarily contributed to the effort to reduce releases of long-chain PFASs due to their toxic
5 effects on human health; and

6 Whereas, the PFAS with fewer than 8 carbon-fluorine bonds currently being used as
7 alternatives to perfluorooctanoic sulfonate, known as PFOA, and perfluorooctanoic acid, known
8 as PFOS, are also highly persistent and subject to long-range transport and have similar potential
9 for harm as the long-chain PFAS; and

10 Whereas, over 200 scientists from all over the world have signed a statement calling for
11 governments to limit the use of PFAS while studies determine the safety of these chemicals,
12 given their persistence in the environment, potential for harm, and lack of adequate data proving
13 safety;

14 Resolved, that the policy goals of this act shall be to limit exposure of the residents of the
15 Commonwealth, directly or indirectly, to PFAS contaminants via airborne emissions.

16 SECTION 2. Chapter 21C of the General Laws is hereby amended by inserting after
17 Section 30 the following section:-

18 Section 31. (a) As used in this section the following terms shall, unless the context clearly
19 requires otherwise, have the following meanings:

20 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" - a class of fluorinated
21 organic chemicals containing at least 1 fully fluorinated carbon atom

22 (b) Notwithstanding any general or special law to the contrary, the Massachusetts
23 Department of Environmental Protection shall establish and enforce as necessary a moratorium
24 prohibiting the procurement of PFAS-emitting structures or activities and shall not grant
25 approval to any person required to file an environmental notification form proposing a new use
26 or structure or modification of an existing use or structure where said proposal would generate
27 emissions containing perfluoroalkyl and polyfluoroalkyl substances

28 (c) Said moratorium shall remain effective indefinitely until the promulgation of PFAS
29 emission standards by both:

30 (1) the United States Environmental Protection Agency; and

31 (2) the Massachusetts Department of Environmental Protection, the Massachusetts
32 Department of Public Health, or other state agency or department otherwise charged with the
33 duty to promulgate regulations relative to establishing a maximum concentration of chemicals
34 deemed consistent with the best interests of the public health and safety of the Commonwealth.