

April 2023 PFAS Legislative Developments

Article By:

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Federal Bill Introduced

- **Federal Level**
- *Key point addressed: Taxation in relation to PFAS Remediation.*

Water Quality

- States Involved: NC
- Key point addressed: Testing and precautionary measures for clean water in public areas and drinking water.

Firefighting Foam

- States Involved: AL, NC
- Key point addressed: Prohibiting use of PFAS substances in firefighting foam

New Bills This Period

PFAS Legislation

Federal

- 1 Bill Introduced

State

- 16 bills were introduced in February mentioning PFAS
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- AL – 1
 - ME – 1
 - MI – 2
 - NC- 10

Highlighted Bills – PFAS Legislation

Federal

Federal Bill: HR 2615

- **Bill Name:** No Taxation on PFAS Remediation Act
- **Sponsors:** Chris Papas
- **Introduced:** 4/13/2023
- **Status:**(4/13/2023) Introduced
- **Summary:** Gross income shall not include any amounts received by the taxpayer during the taxable year which are attributable to a reimbursement for remediation of contamination by a PFAS.

State

State Bill: H864 (NC)

- **Bill Name:** PFAS Pollution and Polluter Liability
- **Sponsors:** Davis
- **Introduced:** 4/26/2023
- **Status:**(4/26/2023) Introduced
- **Summary:** Intended to protect citizens from PFAS in drinking water. If PFAS found to contaminate water source, then the responsible party is to pay the public water system any actual and necessary costs incurred by the public water system to remove, correct, or abate the contaminant; a responsible party shall be jointly and severally liable for all actual and necessary costs. The sum of \$2,000,000 in nonrecurring funds for the 2023-2024 fiscal year is appropriated from the General Fund to the Department of Environmental Quality to implement the requirements of this act

State Bill: H829 (NC)

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- **Bill Name:** Wrightsville Beach/Water Infrastructure Funds
 - **Sponsors:** Davis
 - **Introduced:** 4/18/2023
 - **Status:**(4/18/2023) Introduced
 - **Summary:** The Town of Wrightsville Beach's supply of drinking water is endangered due to PFAS contamination and consequently must purchase drinking water from the Cape Fear Public Utility Authority. \$17 million appropriated from General Fund for water and wastewater infrastructure improvements

State Bill: H832 (NC)

- **Bill Name:** Lower Cape Fear Water and Sewer Authority/Funds.
- **Sponsors:** Davis
- **Introduced:** 4/18/2023
- **Status:**(4/18/2023) Introduced
- **Summary:** The regional water supply connectivity and system redundancy in the lower Cape Fear region of the State is vital to the public health and economic vitality of the region due to the threats of PFAS contamination of surface and groundwater, \$25 million is appropriated from the General Fund to the Lower Cape Fear Water and Sewer Authority for water infrastructure improvements.

State Bill: H660 (NC)

- **Bill Name:** PFAS Free NC
- **Sponsors:** Harrison
- **Introduced:** (4/17/2023)
- **Status:**(4/17/2023) Introduced
- **Summary:** Intended to prohibit manufacture, use or processing of PFAS within NC, and impose financial penalties upon violations. Any person required to obtain a National Pollutant Discharge Elimination System (NPDES) permit shall eliminate PFAS discharge into state waters. Act also provides for studies directed to managing presence of PFAS in the state.

State Bill: H610 (NC)

- **Bill Name:** 2023 Safe Drinking Water Act
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- **Sponsors:** Clemmons
 - **Introduced:** (4/13/2023)
 - **Status:**(4/13/2023) Introduced
 - **Summary:** By 10/15/2023, the Commission for Public Health shall commence rulemaking to establish maximum contaminant levels of PFAS in drinking water.

State Bill: S658 (NC)

- **Bill Name:** Water Safety Act of 2023
- **Sponsors:** Lee
- **Introduced:** (4/6/2023)
- **Status:**(4/6/2023) Introduced
- **Summary:** Similar in substance to H610; designed to protect NC citizens from PFAS contamination in water. \$20 million appropriated to research firefighting foam materials; \$4 million appropriated for other PFAS-related research that shall prioritize drinking water near Cape Fear region; \$2 million appropriated for general water-quality research related to PFAS.

State Bill: SP610 (ME)

- **Bill Name:** An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding
- **Sponsors:** Ingwersen
- **Introduced:** (4/5/2023)
- **Status:**(4/5/2023) Introduced
- **Summary:** By 10/1/2023, any manufacturer of a product for sale in the State that contains intentionally added PFAS shall submit to the DEP a written notification disclosing the relevant information. By 1/1/2025, the department shall prioritize the prohibition of the sale of product categories that, in the department's judgment, are most likely to cause contamination of the State's land or water resources if they contain intentionally added PFAS.

State Bill: S495 (NC)

- **Bill Name:** 2023 Safe Drinking Water Act.
 - **Sponsors:** Batch
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- **Introduced:** (4/3/2023)
- **Status:**(4/3/2023) Introduced
- **Summary:** By 10/15/2023, the Commission for Public Health shall commence rulemaking to establish maximum contaminant levels of PFAS in drinking water.

Updates on Previously Highlighted Bills

State

S227 (NY)

- **Bill Name:** PFAS surface water discharge disclosure act
- **Sponsors:** May
- **Introduced:** (1/4/2023)
- **Status:**(4/19/2023) Advances to a 3rd Reading
- **Summary:** This is a bill intended to better align New York state law with EPA guidance and will ensure all facilities currently discharging into waters in New York disclose and monitors their discharge for PFAS.

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