



HB20-1119

SHORT TITLE: State Government Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances

LONG TITLE: Concerning the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances.

SPONSORS: Reps. Exum and Landgraf/Sens. Hisey and Lee

COMMITTEES: House Energy & Environment Committee

PURPOSE OF THE BILL: To authorize various agencies of the state to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS).

PROONENTS OF THE BILL: CDPHE, representatives of communities affected by PFAS contamination

POTENTIAL STAKEHOLDERS: CDPHE, local governments, water providers, special water districts, airports and facilities that must use PFAS for firefighting

BACKGROUND: PFAS chemicals have been discovered in drinking water supply in the communities of Widefield and Security. These chemicals are required by the federal government for firefighting at certain facilities and have been traced to a nearby Air Force base. They are also found in a variety of everyday applications, such as non-stick cookware, fire protective clothing, and fast food wrappers. In 2019 the legislature enacted a bill to prohibit the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS foam) for training purposes or for testing firefighting foam fire systems. The bill also set certain requirements for manufacturers of the products and required the Colorado Dept. of Public Health and Environment (CDPHE) to conduct a survey to determine the amount of PFAS foam currently used, held and disposed of by fire departments. The U.S. EPA and the U.S. House of Representatives are also addressing PFAS. CDPHE has issued a draft policy 20-1 which includes narrative requirements for PFAS.

Is the bill necessary this year? Although there is no deadline for action, this is a critical issue.

How does the bill change current law? HB 20-1119 takes additional steps by setting forth conditions under which PFAS may be used for testing, authorizing the CDPHE to 1) require public drinking water providers to sample water supplies and finished drinking water for PFAS; 2) allows the Water Quality Control Commission to set standards for PFAS and to require wastewater systems to collect data on PFAS, and 3) requiring the Solid and Hazardous Waste Commission to register facilities (including fire departments) that possess PFAS foam and to set standards for capture and disposal of the chemicals.

How is the bill implemented? Through policy and rulemaking at CDPHE and its various divisions (Water Quality Control Commission, Solid and Hazardous Waste Commission, Board of Health)

Does the bill affect prior appropriation? No.

Practical considerations: What will be the cost and time required to implement? What liability may be imposed on entities that discover PFAS in their water supply? Does CDPHE have the requisite scientific basis for establishing standards (since EPA does not have a current regulatory standard)? The bill grants

extremely broad authority to CDPHE – is this necessary to address the concerns or would a more targeted approach suffice?

Fiscal impact: No fiscal note yet available.

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