

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 838*

Short Title: PFAS Studies. (Public)

Sponsors: Senators Garrett, Peterson, and Woodard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 27, 2020

A BILL TO BE ENTITLED
AN ACT TO DIRECT VARIOUS AGENCIES TO STUDY MATTERS ASSOCIATED WITH
PFAS CONTAMINATION.

The General Assembly of North Carolina enacts:

PART I. STUDIES REQUIRED FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 1. The Department of Health and Human Services shall develop and implement a program, in consultation with the Department of Environmental Quality, to (i) study the estimated human exposure to per- and poly-fluoroalkyl substances (PFAS) in the Cape Fear River Basin and (ii) conduct an epidemiological study of populations in the Cape Fear River Basin to identify disparities in disease prevalence that are consistent with long-term exposures to PFAS. No later than December 31, 2021, the Department shall issue a final report on its findings under these studies, including any recommendations for legislative action, to the Environmental Review Commission. Until such time as the final report is issued, the Department shall submit quarterly reports to the Environmental Review Commission, beginning no later than January 1, 2021, on activities conducted pursuant to this section.

PART II. STUDIES REQUIRED FROM THE WILDLIFE RESOURCES COMMISSION

SECTION 2. The Wildlife Resources Commission shall study the estimated ecological exposures and impacts from PFAS contamination in the Cape Fear River Basin. No later than December 31, 2021, the Commission shall issue a final report on its findings under the study, including any recommendations for legislative action, to the Environmental Review Commission. Until such time as the final report is issued, the Commission shall submit quarterly reports to the Environmental Review Commission, beginning no later than January 1, 2021, on activities conducted pursuant to this section.

PART III. STUDIES REQUIRED FROM THE OFFICE OF STATE BUDGET AND MANAGEMENT

SECTION 3. The Office of State Budget and Management (OSBM) shall study estimated costs incurred by the State, local governments, businesses, and individuals in response to human and ecological exposure to PFAS. OSBM shall, in consultation with the Department of Environmental Quality and the Attorney General, establish an estimate of costs attributable to each source of PFAS identified in the State. No later than December 31, 2021, OSBM shall issue a final report on its findings under the study, including any recommendations for legislative action, to the Environmental Review Commission. Until such time as the final report is issued,



1 OSBM shall submit quarterly reports to the Environmental Review Commission, beginning no
2 later than January 1, 2021, on activities conducted pursuant to this section.
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4 **PART IV. STUDIES REQUIRED FROM THE DEPARTMENT OF ENVIRONMENTAL** 5 **QUALITY**

6 **SECTION 4.** The Department of Environmental Quality shall create an inventory of
7 all ongoing direct and indirect discharges of PFAS to the air and surface waters, as well as known
8 and likely instances of PFAS contamination in soil and groundwater. This inventory shall
9 include, at minimum, the location of the discharge, the amount of the ongoing discharge, and the
10 duration of the discharge, to the extent that the Department can determine those parameters. The
11 Department may coordinate with the North Carolina Per and Polyfluoroalkyl Substances Testing
12 (PFAST) Network, organized by the North Carolina Policy Collaboratory, or any other entity the
13 Department deems necessary to assemble the inventory of PFAS discharges and contamination.
14 The Department shall report its initial findings to the Environmental Review Commission no
15 later than September 1, 2021, and shall provide quarterly updates on new discharges or
16 contamination to the Environmental Review Commission thereafter.

17 **SECTION 5.** The Secretaries' Science Advisory Board of the Department of
18 Environmental Quality shall conduct a risk assessment, based on the best available scientific
19 information, of the risks to human health presented by exposures to PFAS present in North
20 Carolina in various media, including air, water, and soil, both as individual toxic substances and
21 as a class of toxic substances. The Secretaries' Science Advisory Board shall report the findings
22 of its risk assessment to the Joint Legislative Oversight Committee on Health and Human
23 Services and the Environmental Review Commission no later than September 1, 2021.
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25 **PART V. STUDIES REQUIRED FROM THE NORTH CAROLINA POLICY** 26 **COLLABORATORY**

27 **SECTION 6.** The North Carolina Policy Collaboratory shall study the ongoing and
28 anticipated future costs of the aggregate impact of the discharge, emission, and contamination of
29 PFAS in North Carolina, including the costs of sampling, testing, cleanup, and decontamination,
30 health care related to PFAS exposure, infrastructure improvements, and any other associated
31 costs. The Collaboratory shall determine anticipated future costs of PFAS discharge, emission,
32 and contamination by extrapolating from the best available scientific information about PFAS
33 risks and impacts. The Collaboratory shall report its findings to the Joint Legislative Oversight
34 Committee on Government Operations, the Joint Legislative Oversight Committee on Health and
35 Human Services, the Joint Legislative Oversight Committee on Agriculture and Natural and
36 Economic Resources no later than September 1, 2021.
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38 **PART VI. STUDIES REQUIRED FROM THE ENVIRONMENTAL REVIEW** 39 **COMMISSION**

40 **SECTION 7.** The Environmental Review Commission shall study all statutory and
41 regulatory requirements for disclosing the discharge or release of PFAS or other emerging
42 contaminants to the Department of Environmental Quality, and the public, including downstream
43 water users. The Environmental Review Commission shall report its findings and
44 recommendations, including any legislative proposals, to the 2021 Regular Session of the
45 General Assembly upon its convening.

46 **SECTION 8.** The Environmental Review Commission shall study actions taken by
47 other states to promote and expand the practice of green chemistry to reduce the generation and
48 use of hazardous chemicals and to drive sustainable alternatives to the manufacture and use of
49 PFAS and other emerging contaminants. In conducting its study, the Environmental Review
50 Commission shall examine tax incentives, reporting requirements, regulatory changes, and any
51 other relevant approaches that other states have adopted to promote and expand the practice of

1 green chemistry. The Environmental Review Commission shall report its findings and
2 recommendations, including any legislative proposals, to the 2021 Regular Session of the
3 General Assembly upon its convening.
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5 **PART VII. FUNDING FOR STUDIES CONDUCTED BY STATE AGENCIES**

6 **SECTION 9.(a)** The sum of one hundred thousand dollars (\$100,000) in
7 nonrecurring funds for the 2020-2021 fiscal year is appropriated from the General Fund to the
8 Department of Health and Human Services to carry out the studies required by Section 1 of this
9 act.

10 **SECTION 9.(b)** The sum of one hundred thousand dollars (\$100,000) in
11 nonrecurring funds for the 2020-2021 fiscal year is appropriated from the General Fund to the
12 Wildlife Resources Commission to carry out the study required by Section 2 of this act.

13 **SECTION 9.(c)** The sum of one hundred thousand dollars (\$100,000) in
14 nonrecurring funds for the 2020-2021 fiscal year is appropriated from the General Fund to the
15 Office of State Budget and Management to carry out the study required by Section 3 of this act.

16 **SECTION 9.(d)** The sum of two hundred thousand dollars (\$200,000) in
17 nonrecurring funds for the 2020-2021 fiscal year is appropriated from the General Fund to the
18 Department of Environmental Quality to carry out the studies required by Sections 4 and 5 of
19 this act.

20 **SECTION 9.(e)** The sum of one hundred thousand dollars (\$100,000) in
21 nonrecurring funds for the 2020-2021 fiscal year is appropriated from the General Fund to the
22 North Carolina Policy Collaboratory to carry out the study required by Section 6 of this act.

23 **SECTION 9.(f)** This section becomes effective July 1, 2020.
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25 **PART VIII. EFFECTIVE DATE**

26 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
27 law.