

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 544

Short Title: 2021 Water Safety Act. (Public)

Sponsors: Senators Lee, Ballard, and Edwards (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 6, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ADDITIONAL FUNDING FOR EXPERTISE AND TECHNOLOGY
3 AVAILABLE IN INSTITUTIONS OF HIGHER EDUCATION LOCATED WITHIN THE
4 STATE TO ADDRESS PER- AND POLY-FLUOROALKYL SUBSTANCES,
5 INCLUDING GENX.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The North Carolina Policy Collaboratory at the University of North
8 Carolina at Chapel Hill (Collaboratory), as resources permit, shall continue to identify faculty
9 expertise, technology, and instrumentation located within institutions of higher education in the
10 State, including East Carolina University; the Universities of North Carolina at Chapel Hill,
11 Charlotte, and Wilmington; North Carolina State University; North Carolina A&T State
12 University; Duke University; and other public and private institutions within the State and
13 coordinate these faculty, technology, instrumentation, and other resources to:

- 14 (1) Conduct both targeted and nontargeted analysis for per- and poly-fluoroalkyl
15 substances (PFAS), including the chemical known as "GenX," through a
16 continuation of the North Carolina PFAS Testing Network (Network).
- 17 (2) With respect to PFAS, including GenX, conduct (i) statewide water sampling,
18 testing, and monitoring, (ii) statewide air sampling, testing, and monitoring,
19 (iii) toxicology work in cellular and mammalian models, as well as monitoring
20 levels and health effects of the citizens of North Carolina, and (iv) data
21 management, analysis, and dissemination.
- 22 (3) Develop and deploy technologies to mitigate exposure to PFAS, including
23 GenX, and health impacts from such exposure.
- 24 (4) Evaluate and pursue other research opportunities with respect to PFAS,
25 including GenX, using relevant faculty expertise, technology, and
26 instrumentation.

27 The Collaboratory shall utilize the faculty and staff at the University of North
28 Carolina at Wilmington for assisting with project management of the requirements set forth in
29 this section.

30 **SECTION 1.(b)** The Collaboratory shall continue to report the results of sampling
31 conducted pursuant to Section 1(a) of this act to the Environmental Review Commission, the
32 Department of Environmental Quality, the Department of Health and Human Services, the
33 United States Environmental Protection Agency, and the public through the Network's website.

34 **SECTION 1.(c)** Fifteen million dollars (\$15,000,000) in nonrecurring funds for the
35 2021-2022 fiscal year is appropriated from the General Fund to the Board of Governors of The
36 University of North Carolina to be allocated to the Collaboratory to manage and implement the



1 requirements of this section, which shall include distribution to the Collaboratory (i) to cover
2 costs incurred as a result of activities conducted pursuant to this section, (ii) for acquisition or
3 modification of essential scientific instrumentation and maintenance, and (iii) for payments of
4 costs for sample collection and analysis, training or hiring of research staff and other personnel,
5 method development activities, and data management, including dissemination of relevant data
6 to stakeholders. Participating institutions receiving any funds under this subsection may not use
7 any of the funds for overhead or other indirect costs. Funds appropriated by this section shall not
8 revert but shall remain available for nonrecurring expenses. The provisions of Article 3 of
9 Chapter 143 of the General Statutes, G.S. 116-31.10, G.S. 143-129, and other relevant policies
10 and guidelines shall not apply to the purchase of apparatus, supplies, material, personnel,
11 contract, or equipment with any of the funds allocated under this section.

12 **SECTION 1.(d)** From the funds appropriated in Section 1(c) of this act, a minimum
13 of ten million dollars (\$10,000,000) shall be directed to development within The University of
14 North Carolina of a technology, or technologies, that utilizes water filtration or other chemical
15 or physical technologies to remove or mitigate the presence of PFAS, including GenX, from
16 water supplies where it is present. The technology shall be developed so that it can be deployed
17 at three separate water supply locations at which analytical data demonstrates that PFAS
18 contamination exists in order to test the efficacy of the technology, or technologies, as follows:
19 (i) a publicly owned water treatment plant that provides drinking water from the Cape Fear River,
20 (ii) a publicly owned wastewater treatment plant that discharges into the Cape Fear River, or a
21 surface water body that flows into the Cape Fear River, and (iii) a location in either the Castle
22 Hayne or the PeeDee aquifer that is utilized for drinking water. Each of these three sites shall be
23 selected by the Collaboratory in consultation with faculty and staff from institutions of higher
24 education in the State identified by the Collaboratory pursuant to Section 1(a) of this act. All
25 units of State and local government shall cooperate and assist with the placement, integration,
26 operation, testing, and assessment of technology, or technologies, developed and deployed
27 pursuant to this section for the duration of any pilot testing authorized and funded by this act.

28 **SECTION 1.(e)** The Collaboratory should continue to pursue relevant public and
29 private funding opportunities that may be available to address the impacts of PFAS, including
30 GenX, on surface water, groundwater, and air quality in order to leverage funds appropriated by
31 this section or any other funds provided to the Collaboratory.

32 **SECTION 1.(f)** The University of North Carolina at Chapel Hill shall apportion all
33 gross revenue associated with any intellectual property, including licensing fees and patenting
34 revenue, related to ionic fluorogel water filtration or other chemical or physical technologies
35 developed utilizing research funds that are provided by the Collaboratory, which were
36 appropriated pursuant to this act, under the following formula:

- 37 (1) Ten percent (10%) to the State's General Fund.
- 38 (2) Forty percent (40%) to the inventor(s) of such technologies.
- 39 (3) Fifty percent (50%) to the University of North Carolina at Chapel Hill to be
40 divided as follows: (i) two-fifths into a general patent/licensure fund to be
41 used at the University's discretion, (ii) two-fifths to the home academic
42 department(s) of the inventor(s) of such technologies, and (iii) one-fifth to the
43 Collaboratory to fund ongoing PFAS-related research and technology
44 development.

45 **SECTION 2.** This act is effective when it becomes law.