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HOUSE BILL NO. 1011

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to require the Commissioner of Health to convene a work group to study the occurrence of perfluoroalkyl and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide-dimer acid (HFPO-DA), perfluorohexanoic acid (PFHxA), perfluoropentanoic acid (PFPeA), and perfluorobutane sulfonic acid (PFBS) in the Commonwealth's public drinking water; report.*

Patron—Guzman

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Commissioner of Health shall convene a work group to study the occurrence of perfluoroalkyl and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide-dimer acid (HFPO-DA), perfluorohexanoic acid (PFHxA), perfluoropentanoic acid (PFPeA), and perfluorobutane sulfonic acid (PFBS) in the Commonwealth's public drinking water. Such work group shall include representatives of waterworks owners and operators, including owners and operators of community waterworks; private companies that operate waterworks; advocacy groups representing owners and operators of waterworks; consumers of public drinking water; a manufacturer with chemistry experience; environmental and public health organizations; and such other stakeholders as the Commissioner of Health shall deem appropriate. The Office of Drinking Water of the Department of Health shall provide administrative and technical support for the work group. In completing its work, the work group shall (i) determine current levels of PFAS contamination in the Commonwealth's public drinking water through analysis of drinking water provided by waterworks in the Commonwealth and (ii) identify possible sources of such contamination, where identified. In determining current levels of PFAS contamination in the Commonwealth's public drinking water, the work group shall:

1. Prioritize analysis of drinking water provided by (i) small waterworks serving fewer than 3,300 customers; (ii) waterworks of all sizes located adjacent to or in close proximity to active or decommissioned military installations, airports or fire-training facilities, unlined landfills, or industrial facilities that may have manufactured or used compounds containing PFAS; (iii) publicly owned treatment works with industrial users that may have manufactured or used compounds containing PFAS; (iv) waterworks in rural areas of the Commonwealth, particularly rural areas in which funds are not readily available to test for the prevalence of PFAS; and (v) those waterworks previously studied by the Department of Health that had reported levels of PFAS contamination;

2. Utilize a hybrid approach that takes into account potential risk or likelihood of finding PFAS in drinking water, the location of waterworks or the source of water in relation to potential sources of PFAS, and other factors for the sample study design rather than random sampling;

3. Develop a temporal data set by collecting multiple samples from each location to gather data regarding variations in the prevalence of PFAS in the Commonwealth's drinking water; and

4. Focus on entry point sampling and exclude consecutive waterworks from sampling.

The work group shall report its findings and recommendations to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2023.

INTRODUCED

HB1011