

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45287-MHa-100

Short Title: Water Safety Act of 2023.

(Public)

Sponsors: Senators Lee, Bode, and Sawrey (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM DRINKING WATER CONTAMINATED WITH PFAS THROUGH FOCUSED EXPOSURE RESEARCH AND RISK ANALYSIS UNDER THE NORTH CAROLINA COLLABORATORY, TO PROVIDE FOR A STUDY OF COGNITIVE RISKS FROM LEVELS OF FLUORIDE PRESENT IN PUBLIC WATER SUPPLIES BY THE COMMISSION FOR PUBLIC HEALTH, AND TO MAKE OTHER REVISIONS TO THE COLLABORATORY'S RESEARCH PROGRAMS.

The General Assembly of North Carolina enacts:

PFAS RESEARCH

SECTION 1.(a) Funding. – The following sums are appropriated from the General Fund to the North Carolina Collaboratory (Collaboratory) for the 2023-2024 fiscal year for research and other programs related to per- and poly-fluoroalkyl substances (PFAS):

- (1) Twenty million dollars (\$20,000,000) in nonrecurring funds for programs related to management of aqueous film-forming foams (AFFF) containing PFAS used by local fire departments and for other PFAS-related research. For purposes of this act, "local fire department" means a fire department operated, regulated, or managed by one or more units of State or local government, including those located at or serving public airports. These funds are allocated to the Collaboratory for the following purposes:
 - a. To conduct a voluntary buyback program for stocks of PFAS-containing AFFF owned or stored by local fire departments. The program may also include the purchase and distribution of replacement PFAS-free foams.
 - b. To develop, acquire, analyze, and deploy facilities and technologies to safely store and destroy PFAS-containing AFFF, including technologies available outside of the State.
 - c. To plan and construct an AFFF firefighting training site that will allow fire departments to train with PFAS-containing AFFF while minimizing the environmental impacts of this training. The facility will be designed to contain runoff from PFAS-containing AFFF and will allow for study of the environmental and personal exposure risks associated with these training activities, as well as the development of new protective equipment or training techniques to minimize exposure



1 risk. The training site shall be sited at the Office of the State Fire
 2 Marshal's Advanced Rescue Training Facility in Stanly County.

3 d. To provide competitive research grants for (i) human exposure and
 4 other studies intended to assess the long-term health risk to firefighters
 5 and other emergency response personnel and their family members
 6 from exposure to PFAS-containing AFFF and related
 7 PFAS-containing materials and (ii) other research related to PFAS in
 8 water and air, PFAS toxicology and human exposure, and the
 9 mitigation, removal, or destruction of PFAS and PFAS-containing
 10 materials.

11 e. To fund upgrades to laboratory space at the Textile Protection and
 12 Comfort Center at North Carolina State University to accommodate
 13 aerosol studies that simulate airborne PFAS particulate exposure.

14 (2) Four million dollars (\$4,000,000) in recurring funds for other PFAS research
 15 projects. In its expenditure of the funds allocated by this subsection, the
 16 Collaboratory shall prioritize funding for a multiyear human exposure study
 17 related to per- and poly-fluoroalkyl substances (PFAS) in North Carolina
 18 counties identified with higher-than-average PFAS exposure risks through
 19 inhalation, ingestion, and dermal exposure. Selection of study participants
 20 shall prioritize counties and communities (i) with a primary drinking water
 21 source from the Haw or the Cape Fear River, (ii) located near industrial
 22 processes that use or create PFAS or chemical precursors to PFAS that may
 23 become PFAS compounds once released, (iii) located within the Cape Fear
 24 and Lumber River Basins, and (iv) that may present a particularized risk,
 25 exposure, or other health factors deemed appropriate by the Collaboratory.
 26 The Collaboratory may engage expertise from the Departments of
 27 Environmental Quality and Health and Human Services and may utilize the
 28 Office of Strategic Partnerships within the Office of State Budget and
 29 Management to assist in working with State and local agencies.

30 **SECTION 1.(b)** Report. – The Collaboratory shall report regarding its use of the
 31 funds appropriated by this act and its PFAS research programs to the General Assembly no later
 32 than January 15 of each odd-numbered year. The report shall include amounts and sources of
 33 PFAS-containing AFFF acquired from local fire departments under the funding provided in
 34 subdivision (1) of Section 1(a) of this act.

35
 36 **GENERAL RESEARCH SUPPORT**

37 **SECTION 2.** The sum of two million dollars (\$2,000,000) in recurring funds for the
 38 2023-2024 fiscal year is appropriated from the General Fund to the Collaboratory for
 39 water-related research for emerging compounds, water quality improvements, or other
 40 discretionary research deemed important to the State by the Collaboratory.

41
 42 **DEPARTMENT OF HEALTH AND HUMAN SERVICES FLUORIDATION STUDY**

43 **SECTION 3.(a)** The Commission for Public Health shall perform a review of the
 44 National Toxicity Program's September 2022 draft report titled "Monograph on the State of the
 45 Science Concerning Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects:
 46 A Systematic Review," as well as the studies reviewed in the report, and any other studies the
 47 Commission finds relevant to an assessment of the association between fluoride exposure and IQ
 48 in children. Based on this review, the Commission shall determine whether sufficient evidence
 49 exists for a link between fluoride in the public water supply and cognitive decline or any other
 50 neurological detriment in children.

1 **SECTION 3.(b)** The Commission shall make a report to the General Assembly on
2 or before February 1, 2024, of its findings and recommendations, including a recommendation
3 on whether the current standard for fluoride established in the Commission's rules (i) is protective
4 of public health and (ii) should be lowered. If the Commission makes the determination regarding
5 a link between fluoride in public water supplies and neurological impacts in children as described
6 in subsection (a) of this section, then the Commission shall direct the Department of Health and
7 Human Services to create a list of the private and public water utilities in the State, their fluoride
8 concentration, the number of children or households to which they provide water, and any other
9 information that it deems pertinent. The Department shall include with the list a ranking of the
10 risk to children of the water supplied by each utility.

11 **SECTION 3.(c)** This section is effective when it becomes law.

12 13 **OTHER COLLABORATORY CHANGES**

14 **SECTION 4.** Section 8.9(a) of S.L. 2021-180 reads as rewritten:

15 **"SECTION 8.9.(a)** The North Carolina Collaboratory (Collaboratory), established pursuant
16 to Article 31A of Chapter 116 of the General Statutes, shall establish a research grant program
17 for the following constituent institutions of The University of North Carolina identified as
18 Historically Minority-Serving Institutions (HMSIs): Elizabeth City State University, Fayetteville
19 State University, North Carolina Agricultural and Technical State University, North Carolina
20 Central University, the University of North Carolina at Pembroke, and Winston-Salem State
21 University. The Collaboratory shall establish an application process and criteria for research
22 grants that include a focus on areas within the Collaboratory's mission ~~of facilitating research~~
23 ~~related to the environmental and economic components of the management of the natural~~
24 ~~resources within the State and of new technologies for habitat, environmental, and water quality~~
25 ~~improvements and other areas of public health as set forth in G.S. 116-255.~~

26 The Collaboratory may award one or more research grants each fiscal year to each of the six
27 HMSI constituent institutions to be used to expand their research capacity while being in service
28 to the needs of the State. Of the funds appropriated by this act for the research grant program, the
29 Collaboratory shall determine the amount of the research grant for each HMSI constituent
30 institution in a fiscal year."

31 **SECTION 5.** G.S. 116-255(c) reads as rewritten:

32 "(c) Funding Conditions and Restrictions. – The following applies to funding received by
33 the Collaboratory:

34 ...

- 35 (7) The Collaboratory may negotiate or impose revenue sharing requirements for
36 intellectual property developed through its research awards using State funds,
37 including, but not limited to, contractual terms that provide for gross revenue
38 distribution to the General Fund for future research and development projects.
39 (8) Funds appropriated by the General Assembly to the Collaboratory (i) shall not
40 revert to the General Fund but shall remain available until expended and (ii)
41 shall not apply to the carryforward limitation imposed on constituent
42 institutions of The University of North Carolina by G.S. 116-30.3."

43 **SECTION 6.** Except as otherwise provided, this act becomes effective July 1, 2023.