

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
174-35 (COR)	Sabina Flores Perez Therese M. Terlaje Telena Cruz Nelson	AN ACT TO AMEND §6106, §6113, §6119, AND §6122, ARTICLE 1, CHAPTER 6 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE REGULATION OF PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) IN DRINKING WATER.	6/28/19 4:21 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 174-35(COR)

Introduced by:

Sabina Flores Perez *SFP*
Therese M. Terlaje *TM*
Telena Cruz Nelson *TN*

**AN ACT TO AMEND §6106, §6113, §6119, AND §6122,
ARTICLE 1, CHAPTER 6 OF TITLE 22, GUAM
ADMINISTRATIVE RULES AND REGULATIONS,
RELATIVE TO THE REGULATION OF PER- AND
POLYFLUOROALKYL SUBSTANCES (PFAS) IN
DRINKING WATER.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that according to scientific research, per- and polyfluoroalkyl substances (PFAS) are
4 harmful synthetic compounds that pose major health and environmental
5 consequences. Also known as “forever chemicals,” PFAS are used in a wide variety
6 of consumer products and industrial applications, including but not limited to food
7 packaging, carpets and upholstery, firefighting foam, electronics, and construction.
8 Scientific studies suggest that exposure to PFAS can lead to adverse human health
9 effects, including increased cholesterol levels, decreased fertility among women,
10 developmental effects on infants, effects on the immune system, cancer, and thyroid
11 hormone disruption. Common sources of PFAS contamination are fire training/fire
12 response sites, Department of Defense installations, airports, industrial sites,
13 landfills, and wastewater treatment plants/biosolids. Resulting environmental

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1 contamination from the use of PFAS make these chemicals extremely persistent in
2 the environment and in the human body, as they are resistant to typical
3 environmental degradation processes and bioaccumulate over time.

4 Between 2014 and 2015, Guam wells were tested for PFAS during the U.S.
5 Environmental Protection Agency's (USEPA) Third Unregulated Contaminant
6 Monitoring Rule (UCMR3). Of these wells, six tested positive for significant levels
7 of PFAS. In 2016, significant levels of perfluorooctane sulfonic acid (PFOS) were
8 detected in five wells and three were shut down in August 2016 by the Guam
9 Waterworks Authority (GWA). The three wells—NAS-1, A-23, and A-25—are
10 located at or near the AB Won Pat International Airport and former Naval Air Station
11 Agana. As of June 2019, NAS-1 is operational with a new filtration system, while
12 A-23 and A-25 remain offline. GWA continues to monitor for PFAS in drinking
13 water and is working with Joint Region Marianas (JRM) to address PFAS in all
14 production water wells.

15 Bioaccumulation of PFAS is especially concentrated when consuming
16 contaminated drinking water, and vulnerable populations such as children, infants,
17 and pregnant or breast-feeding women are especially susceptible. In the case of
18 pregnant or breastfeeding women, PFAS can be transferred to babies through
19 umbilical cord blood or breast milk. In 2016, the USEPA established a health
20 advisory levels (HAL) for PFOS and perfluorooctanoic acid (PFOA) in drinking
21 water at 70 ppt, or 70 ng/L based on this precedent. Numerous states including New
22 Jersey, Vermont, New Hampshire, and Massachusetts have taken aggressive action
23 to address PFAS, and have set or are in the process of setting PFAS response levels
24 based on USEPA's HAL or on their interpretations of various scientific studies.

25 *I Liheslaturan Guåhan* finds that the regulation of PFAS is necessary to
26 protect our community from the harmful effects of PFAS exposure, and seeks to

1 establish a maximum contaminant level for six PFAS commonly found in drinking
2 water.

3 **Section 2.** A new subsection (e) is hereby *added* to §6106, Article 1,
4 Chapter 6 of Title 22, Guam Administrative Rules and Regulations to read:

5 “(e) the sum of the concentrations of 0.00007 mg/L (70 ng/L)
6 perfluorooctane sulfonic acid (PFOS),
7 perfluorooctanoic acid (PFOA),
8 perfluorononanoic acid (PFNA),
9 perfluorohexanesulphonic acid (PFHxS),
10 perfluoroheptanoic acid (PFHpA),
11 and perfluorobutanesulfonic acid (PFBS).

12 (1) The maximum contaminant level (MCL) for perfluorooctane
13 sulfonic acid (PFOS), perfluorooctanoic acid (PFOA),
14 perfluorononanoic acid (PFNA), perfluorohexanesulphonic acid
15 (PFHxS), perfluoroheptanoic acid (PFHpA), and
16 perfluorobutanesulfonic acid (PFBS) applies to all community water
17 systems and all non-transient, non-community water systems.”

18 **Section 3.** A new subsection (i) is hereby *added* to §6113, Article 1, Chapter
19 6 of Title 22, Guam Administrative Rules and Regulations to read:

20 “(i) Analyses made to determine compliance with §6106(e) shall be made
21 in accordance with methodology prescribed and approved by the Agency.”

22 **Section 4.** A new subsection (m) is hereby *added* to §6119, Article 1,
23 Chapter 6 of Title 22, Guam Administrative Rules and Regulations to read:

24 “(m) **Public Notice requirement for per- and polyfluoroalkyl substances**
25 **(PFAS).** The owner or operator of each community water system and each non-
26 transient, non-community water system shall issue notice to persons served by the
27 system that may be affected by per- and polyfluoroalkyl substances (PFAS)

1 contamination in their drinking water. The Administrator may require subsequent
2 notices. The owner or operator shall provide notice under this section even if there
3 is no violation of the maximum contaminant level for PFAS established under
4 §6106(e). Public notification shall be pursuant to §6119. For the purposes of this
5 subsection, the term *per- and polyfluroalkyl substances (PFAS)* refers to the
6 contaminants listed under §6106(e).”

7 **Section 5.** New items 37 through 42 are hereby *added* to §6122(e), Article
8 1, Chapter 6 of Title 22, Guam Administrative Rules and Regulations to read:

- 9 “(37) perfluorooctane sulfonic acid (PFOS)
- 10 (38) perfluorooctanoic acid (PFOA)
- 11 (39) perfluorononanoic acid (PFNA)
- 12 (40) perfluorohexanesulphonic acid (PFHxS)
- 13 (41) perfluoroheptanoic acid (PFHpA)
- 14 (42) perfluorobutanesulfonic acid (PFBS)”

15 **Section 6. Severability.** If any provision of this Act or its application to
16 any person or circumstance is found to be invalid or contrary to law, such invalidity
17 *shall not* affect other provisions or applications of this Act that can be given effect
18 without the invalid provision or application, and to this end the provisions of this
19 Act are severable.