

1 AN ACT relating to perfluoroalkyl and polyfluoroalkyl chemicals.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 *(1) As used in this section, "PFAS chemicals" means all perfluoroalkyl or*
6 *polyfluoroalkyl substances containing at least one (1) fully fluorinated carbon*
7 *atom.*

8 *(2) On or before January 1, 2022, the cabinet shall promulgate administrative*
9 *regulations pursuant to KRS Chapter 13A establishing maximum PFAS*
10 *chemical limits and monitoring requirements for drinking water provided by*
11 *public and semi-public water systems regulated under this chapter or KRS*
12 *Chapter 151.*

13 *(3) On or before January 1, 2022, the cabinet shall promulgate administrative*
14 *regulations pursuant to KRS Chapter 13A establishing maximum PFAS*
15 *chemical limits and monitoring requirements for discharges into the waters of*
16 *the Commonwealth.*

17 *(4) Any maximum PFAS chemical limits promulgated under this section shall be set*
18 *at levels designed to protect public health, and shall be updated from time to time*
19 *to reflect the latest scientific understanding of the impact of PFAS chemicals on*
20 *human health.*

21 *(5) Nothing in this section shall be construed to change or interfere with the*
22 *cabinet's enforcement of or any other obligations under the federal Water*
23 *Pollution Control Act, 33 U.S.C. secs. 1251 et seq., or the federal Safe Drinking*
24 *Water Act, 42 U.S.C. secs. 300f et seq.*

25 ➔Section 2. KRS 227.395 is amended to read as follows:

26 (1) As used in this section:

27 (a) "Class B firefighting foam" means foams designed for flammable liquid fires;

- 1 (b) "PFAS chemicals" means perfluoroalkyl and polyfluoroalkyl substances
2 which, for the purpose of firefighting agents, is a class of fluorinated organic
3 chemicals containing at least one (1) fully fluorinated carbon atom; and
- 4 (c) "Testing" means calibration testing, conformance testing, and fixed system
5 testing.
- 6 (2) Beginning on July 15, 2020, class B firefighting foam that contains intentionally
7 added PFAS chemicals shall not be used for firefighting training purposes or testing
8 purposes unless otherwise required by law, regulation, or ordinance, and the testing
9 facility has implemented best industry practices to prevent uncontrolled releases of
10 class B firefighting foam in the environment. Violation of this subsection shall be
11 subject to KRS 227.336.
- 12 (3) **Beginning on January 1, 2022, firefighting personal protection equipment that**
13 **contains intentionally added PFAS chemicals shall not be used for firefighting or**
14 **firefighting training purposes. Violations of this subsection shall be subject to**
15 **KRS 227.336.**
- 16 (4) The restrictions in subsection (2) of this section shall not apply to:
- 17 (a) The manufacture, sale, or distribution of class B firefighting foam that
18 contains intentionally added PFAS chemicals; or
- 19 (b) The discharge or other use of class B firefighting foam that contains
20 intentionally added PFAS chemicals in emergency firefighting operations.