

House File 293 - Introduced

HOUSE FILE 293

BY ISENHART

A BILL FOR

1 An Act relating to the control of certain chemicals in public
2 drinking water supply systems and consumer products,
3 making penalties applicable, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455B.176B Drinking water maximum
2 contaminant levels.

3 The commission shall adopt by rule pursuant to chapter 17A
4 statewide maximum contaminant levels for perfluorooctanic
5 acid, perfluorooctanesulfonate acid, and perfluoroalkyl and
6 polyfluoroalkyl substances in public water supply systems
7 supplying drinking water. The commission shall adopt separate
8 maximum contaminant levels to protect the health of the general
9 public and maximum contaminant levels specific to vulnerable
10 subpopulations, such as persons who are nursing or pregnant,
11 infants, and children. A maximum contaminant level shall
12 not exceed any maximum contaminant level or health advisory
13 promulgated by the United States environmental protection
14 agency.

15 Sec. 2. NEW SECTION. 455F.12 Upholstered furniture — flame
16 retardant chemicals.

17 1. As used in this section, unless the context otherwise
18 requires:

19 a. "*Flame-retardant chemical*" means a chemical or chemical
20 compound for which a functional use is to resist or inhibit
21 the spread of fire. "*Flame-retardant chemical*" includes
22 halogenated, phosphorus-based, nitrogen-based, and nanoscale
23 flame retardants and any chemical or chemical compound for
24 which "flame retardant" appears on the substance safety data
25 sheet required under 29 C.F.R. §1910.1200(g).

26 b. "*Upholstered furniture*" means residential furniture
27 intended for indoor use in a home or dwelling unit and
28 consisting in whole or in part of resilient cushioning
29 materials enclosed within a covering that consists of fabric or
30 related materials.

31 2. Except as otherwise provided, a person shall not sell
32 or offer to sell or distribute for promotional purposes
33 upholstered furniture containing in its fabric or other
34 covering or in its cushioning materials more than one-tenth
35 of one percent of a flame-retardant chemical or more

1 than one-tenth of one percent of a mixture that includes
2 flame-retardant chemicals.

3 3. Subsection 2 does not apply to the following upholstered
4 furniture products containing flame-retardant chemicals:

5 a. Used upholstered furniture.

6 b. Upholstered furniture purchased for public use in public
7 facilities, including schools, jails, and hospitals, that meets
8 generally accepted flammability standards for seating furniture
9 used in public occupancies.

10 c. New upholstered furniture otherwise subject to
11 subsection 2 that is sold, offered for sale, or distributed for
12 promotional purposes in the state by a retailer or wholesaler
13 on or after January 1, 2022, and that was imported into the
14 state or otherwise purchased or acquired by the retailer or
15 wholesaler for sale or distribution in the state prior to
16 January 1, 2022.

17 Sec. 3. NEW SECTION. 455F.13 Food packaging — fire
18 fighting foam — fire fighting personal protective equipment —
19 perfluoroalkyl or polyfluoroalkyl substances.

20 1. As used in this section, unless the context otherwise
21 requires:

22 a. "*Class B fire fighting foam*" means foam designed to
23 extinguish flammable-liquid fires.

24 b. "*Fire fighting personal protective equipment*" means
25 any clothing designed, intended, or marketed to be worn by
26 fire fighting personnel in the performance of their duties
27 during fire and rescue activities, including but not limited
28 to jackets, pants, shoes, gloves, helmets, and respiratory
29 equipment.

30 c. "*Food packaging*" means a package, including a unit
31 package, intermediate package, or shipping container, or
32 a packaging component, including any interior or exterior
33 blocking, bracing, cushioning, weatherproofing, exterior
34 strapping, coating, closure, ink, or label, that is intended
35 for the marketing, protection, or handling of a product

1 intended for food contact or used to store food for sale.

2 *d. "Perfluoroalkyl substance" or "polyfluoroalkyl substance"*
3 means a class of fluorinated organic chemicals containing at
4 least one fully fluorinated carbon atom.

5 2. Except as otherwise provided, a person shall not
6 knowingly manufacture, sell, offer for sale, distribute for
7 sale, or distribute for use in this state food packaging,
8 class B fire fighting foam, or fire fighting personal
9 protective equipment to which a perfluoroalkyl substance or
10 polyfluoroalkyl substance has been intentionally added in any
11 amount.

12 3. Subsection 2 does not apply to new food packaging, class
13 B fire fighting foam, or fire fighting personal protective
14 equipment that is sold, offered for sale, or distributed for
15 promotional purposes in the state by a retailer or wholesaler
16 on or after January 1, 2022, that was imported into the
17 state or otherwise purchased or acquired by the retailer or
18 wholesaler for sale or distribution in the state prior to
19 January 1, 2022.

20 Sec. 4. NEW SECTION. 455F.14 Class B fire fighting foam —
21 prohibition — exceptions.

22 1. For purposes of this section, unless the context
23 otherwise requires:

24 *a. "Class B fire fighting foam"* means the same as defined
25 in section 455F.13.

26 *b. "Local government"* means a county, city, township, fire
27 district, or other special purpose district that provides fire
28 fighting services.

29 *c. "Perfluoroalkyl substance" or "polyfluoroalkyl substance"*
30 means the same as defined in section 455F.13.

31 *d. "Terminal"* means a fuel storage and distribution facility
32 that has been assigned a terminal control number by the federal
33 internal revenue service.

34 2. Except as otherwise provided, a person, local
35 government, or state agency shall not discharge or otherwise

1 use for training purposes a class B fire fighting foam that
2 contains a perfluoroalkyl substance or polyfluoroalkyl
3 substance that was intentionally added.

4 3. Subsection 2 does not apply to the use, manufacture,
5 sale, or distribution of a class B fire fighting foam that
6 includes a perfluoroalkyl substance or polyfluoroalkyl
7 substance that was intentionally added when the inclusion of
8 the perfluoroalkyl substance or polyfluoroalkyl substance
9 is required by federal law. If an applicable federal law
10 allows the use of an alternative fire fighting agent that does
11 not contain a perfluoroalkyl substance or polyfluoroalkyl
12 substance, the department of public health may adopt rules
13 that restrict the use, manufacture, sale, and distribution of
14 class B fire fighting foam for uses that are addressed by the
15 applicable federal law.

16 4. Subsection 2 does not apply to the use, manufacture,
17 sale, or distribution of a class B fire fighting foam that
18 includes a perfluoroalkyl substance or polyfluoroalkyl
19 substance that was intentionally added when the class B fire
20 fighting foam is used by a person operating a terminal.

21 Sec. 5. PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES
22 ALTERNATIVES STUDY. The department of public health shall
23 conduct a one-year study of alternatives to perfluoroalkyl
24 and polyfluoroalkyl substances in food packaging. The
25 department shall assess the prevalence of perfluoroalkyl and
26 polyfluoroalkyl substances in food packaging and determine
27 the risks posed to consumers in the state. The department
28 shall identify safe alternative food packaging materials.
29 The department shall submit a report to the general assembly
30 detailing its findings and recommendations by December 31,
31 2022.

32 Sec. 6. EFFECTIVE DATE. The following take effect January
33 1, 2022:

34 The sections of this Act enacting sections 455F.12, 455F.13,
35 and 455F.14.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

3

4 This bill relates to the control of certain chemicals in
5 public drinking water supply systems and consumer products.

6 Current law requires the environmental protection commission
7 to establish rules relating to drinking water standards for
8 public water supply systems, which standards shall specify
9 maximum contaminant levels or treatment techniques necessary
10 to protect the public health and welfare. Current law defines
11 "maximum contaminant level" as the maximum permissible level of
12 any physical, chemical, biological, or radiological substance
13 in water that is delivered to any user of a public water supply
14 system.

15 The bill requires the commission to adopt maximum
16 contaminant levels for perfluorooctanic acid,
17 perfluorooctanesulfonate acid, and perfluoroalkyl and
18 polyfluoroalkyl substances. The bill requires the commission
19 to adopt separate maximum contaminant levels to protect the
20 general public and vulnerable populations.

21 By operation of law, a person who violates a standard adopted
22 by the commission is subject to a civil penalty not to exceed
23 \$5,000 for each day a violation occurs. The director may issue
24 an order directing a person to correct a violation of the
25 standards adopted by the commission. A person against whom an
26 order is issued may initiate a contested case pursuant to Code
27 chapter 17A and the commission may affirm, modify, or vacate
28 an order of the director or may approve the director's request
29 for the attorney general to institute legal proceedings against
30 the person.

31 The bill prohibits the sale of upholstered furniture that
32 contains flame-retardant chemicals or chemical compounds. The
33 bill makes exceptions for used upholstered furniture, certain
34 upholstered furniture purchased for public use in public
35 facilities, and new upholstered furniture that is otherwise

1 subject to the prohibition but was imported into the state or
2 otherwise purchased or acquired by a retailer or wholesaler for
3 sale or distribution in the state prior to January 1, 2022.

4 The bill prohibits the sale of food packaging, class B fire
5 fighting foam, and fire fighting personal protective equipment
6 that contains a perfluoroalkyl or polyfluoroalkyl substance
7 that was intentionally added. The bill makes an exception
8 for new food packaging, class B fire fighting foam, and fire
9 fighting personal protective equipment that is otherwise
10 subject to the prohibition but was imported into the state or
11 otherwise purchased or acquired by a retailer or wholesaler for
12 sale or distribution in the state prior to January 1, 2022.

13 The bill also prohibits a person, local government,
14 or state agency from discharging or otherwise using for
15 training purposes a class B fire fighting foam that contains
16 a perfluoroalkyl or polyfluoroalkyl substance that was
17 intentionally added, with certain exceptions.

18 The bill requires the department of public health to
19 conduct a one-year study investigating perfluoroalkyl and
20 polyfluoroalkyl substances in food packaging and finding safe
21 alternative food packaging materials. The department shall
22 submit a report of its findings and recommendations to the
23 general assembly by December 31, 2022.

24 A violation of the provisions in the bill regulating
25 products is a simple misdemeanor. A simple misdemeanor is
26 punishable by confinement for no more than 30 days or a fine
27 of at least \$105 but not more than \$855 or by both. These
28 provisions take effect January 1, 2022.