

SENATE BILL No. 414

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-24.1.

Synopsis: Maximum contaminant levels for pollutants in water. Requires the state department of health (state department) to establish state maximum contaminant levels for likely or known carcinogens and toxic chemicals likely to pose a substantial health hazard. Requires the state department to establish maximum contaminant levels for PFAS, chromium-6, and 1,4-dioxane in water provided by public water systems. Requires the state department to consider establishing maximum contaminant levels in water provided by public water systems for another pollutant when two or more other states have set limits or issued guidance concerning that pollutant. Provides that maximum contaminant levels established by the state department: (1) must be protective of public health, including the health of vulnerable subpopulations; and (2) may not be less stringent than any maximum contaminant level or health advisory promulgated by the United States Environmental Protection Agency.

Effective: July 1, 2020.

Melton

January 15, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 414

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-0.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 0.1. "1,4-dioxane", for purposes of IC 16-41-24.1, has**
4 **the meaning set forth in IC 16-41-24.1-1.**

5 SECTION 2. IC 16-18-2-55.3 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2020]: **Sec. 55.3. "Chromium 6", for**
8 **purposes of IC 16-41-24.1, has the meaning set forth in**
9 **IC 16-41-24.1-2.**

10 SECTION 3. IC 16-18-2-220.8 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2020]: **Sec. 220.8. "Maximum contaminant**
13 **level", for purposes of IC 16-41-24.1, has the meaning set forth in**
14 **IC 16-41-24.1-3.**

15 SECTION 4. IC 16-18-2-280.2 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2020]: **Sec. 280.2. "PFAS", for purposes of**



1 **IC 16-41-24.1, has the meaning set forth in IC 16-41-24.1-4.**

2 SECTION 5. IC 16-18-2-298.9 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2020]: **Sec. 298.9. "Public water system", for**
5 **purposes of IC 16-41-24.1, has the meaning set forth in**
6 **IC 16-41-24.1-5.**

7 SECTION 6. IC 16-41-24.1 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2020]:

10 **Chapter 24.1. PFAS and Other Drinking Water Contaminants**

11 **Sec. 1. As used in this chapter, "1,4-dioxane" means a synthetic,**
12 **heterocyclic organic compound of carbon, hydrogen, and oxygen**
13 **that is classified as an ether and that:**

14 (1) **is highly mobile and does not readily biodegrade in the**
15 **environment;**

16 (2) **was used as a stabilizer of chlorinated solvents before the**
17 **use of chlorinated solvents was phased out under the 1995**
18 **Montreal Protocol;**

19 (3) **has been found in ground water at sites throughout the**
20 **United States; and**

21 (4) **is considered by the United States Environmental**
22 **Protection Agency to be a likely human carcinogen.**

23 **Sec. 2. (a) As used in this chapter, "chromium 6" (or hexavalent**
24 **chromium) means any chemical compound that contains the**
25 **element chromium in the +6 oxidation state.**

26 **(b) The term includes chemicals that are:**

27 (1) **used for leather tanning, chromium plating, colored glass**
28 **making, and in paint pigments and inks that color plastics and**
29 **fabrics and serve as corrosion resistant coatings; and**

30 (2) **known to be hazardous when breathed in, ingested, or**
31 **touched.**

32 **Sec. 3. As used in this chapter, "maximum contaminant level"**
33 **means the maximum permissible level of a contaminant in water**
34 **that is delivered to any user of a public water system.**

35 **Sec. 4. (a) As used in this chapter, "PFAS" refers to:**

36 (1) **perfluoroalkyl substances; and**

37 (2) **polyfluoroalkyl substances.**

38 **(b) The term includes perfluorooctanoic acid (PFOA),**
39 **perfluorooctanesulfonic acid (PFOS), fluoropolymers made without**
40 **the use of PFOA (including those with the trademark name GenX),**
41 **and other manmade compounds that:**

42 (1) **were first commonly used in the 1950s and 1960s in**



1 industrial processes and consumer products because they are
2 resistant to heat, water, and oil;

3 (2) are contained in nonstick cookware, grease resistant
4 paper, fast food wrappers, microwave popcorn bags, stain
5 resistant carpets and fabrics, water resistant clothing,
6 cleaning products, personal care products, polishes, waxes,
7 paints, and firefighting foams;

8 (3) are persistent in the environment and can accumulate in
9 the human body over time; and

10 (4) according to the United States Environmental Protection
11 Agency, have been determined in studies to cause:

12 (A) reproductive;

13 (B) developmental;

14 (C) liver;

15 (D) kidney; and

16 (E) immunological;

17 effects in laboratory animals.

18 Sec. 5. (a) As used in this chapter, "public water system" means
19 a system for the provision to the public of water for human
20 consumption through pipes or other constructed conveyances that:

21 (1) has at least fifteen (15) service connections; or

22 (2) regularly serves at least twenty-five (25) individuals.

23 (b) The term includes:

24 (1) any collection, treatment, storage, and distribution
25 facilities that are:

26 (A) under the control of the operator of a system described
27 in subsection (a); and

28 (B) used primarily in connection with a system described
29 in subsection (a); and

30 (2) any collection or pretreatment storage facilities that are:

31 (A) not under the control of the operator of a system
32 described in subsection (a); but

33 (B) are used primarily in connection with a system
34 described in subsection (a).

35 Sec. 6. (a) Beginning not later than October 15, 2020, the state
36 department of health, under IC 4-22-2, shall begin establishing
37 state maximum contaminant levels for likely or known carcinogens
38 and toxic chemicals likely to pose a substantial health hazard.

39 (b) The actions of the state department under subsection (a)
40 must include:

41 (1) establishing statewide maximum contaminant levels for:

42 (A) PFAS;



- 1 **(B) chromium-6; and**
 2 **(C) 1,4-dioxane;**
 3 **in water provided by public water systems; and**
 4 **(2) considering the establishment of a maximum contaminant**
 5 **level in water provided by public water systems for a**
 6 **pollutant not referred to in subdivision (1) when two (2) or**
 7 **more other states have set limits or issued guidance**
 8 **concerning that pollutant.**
- 9 **(c) In proceeding under subsections (a) and (b)(2), the state**
 10 **department shall review:**
- 11 **(1) maximum contaminant levels for pollutants adopted by**
 12 **states referred to in subsection (b)(2);**
 13 **(2) the studies and scientific evidence reviewed by states**
 14 **referred to in subsection (b)(2);**
 15 **(3) information provided by the federal Agency for Toxic**
 16 **Substances and Disease Registry; and**
 17 **(4) the latest peer reviewed scientific studies and studies by**
 18 **independent and government agency sources.**
- 19 **Sec. 7. Maximum contaminant levels established under section**
 20 **6 of this chapter:**
- 21 **(1) must be protective of public health, including the health of**
 22 **vulnerable subpopulations such as pregnant women, nursing**
 23 **mothers, infants, and children; and**
 24 **(2) may not be less stringent than any maximum contaminant**
 25 **level or health advisory promulgated by the United States**
 26 **Environmental Protection Agency.**
- 27 **Sec. 8. The state health commissioner shall:**
- 28 **(1) annually review the latest peer reviewed scientific studies**
 29 **and studies by independent and government agency sources;**
 30 **and**
 31 **(2) direct the state department to undertake the adoption of**
 32 **additional rules under section 6(a) of this chapter if needed to**
 33 **protect public health.**

