

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1720
INTRODUCER: Senator Cruz
SUBJECT: Florida Safe Drinking Water Act
DATE: January 31, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Pre-meeting
2.	_____	_____	AEG	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1720 revises the Florida Safe Drinking Water Act to include as a policy of the state protecting the citizens of Florida from harmful toxins in drinking water.

The bill requires the Department of Environmental Protection (DEP), by January 1, 2021, to adopt and implement adequate rules for statewide drinking water maximum contaminant levels for the following:

- Perfluorooctanesulfonic acid (PFOS);
- Perfluorooctanoic acid (PFOA);
- Per- and Polyfluoroalkyl compounds (PFAS);
- Chromium-6;
- 1,4-Dioxane; and
- Any other pollutants for which two or more states have set limits for or issued guidance on.

Note that rules that cost at least \$1 million in the aggregate to the private sector over the first five years of implementation require legislative ratification.¹

The bill requires DEP, when adopting and implementing these rules, to review the studies and scientific evidence reviewed by other states and the United States Environmental Protection Agency. The bill also requires DEP to annually review the most recent peer-reviewed science and independent or government agency studies and the laws of other states regarding pollutants. The bill requires DEP to initiate additional rulemaking if necessary to comply with the provisions in the bill.

¹ Section 120.541(3), F.S.

II. Present Situation:

Florida's Drinking Water

Groundwater is the primary source of drinking water in Florida.² While most groundwater is naturally protected from contaminants, chemicals and microorganisms can reach drinking water sources due to a wide array of pollution from human activities.³ Consumption of contaminated drinking water results in thousands of cases of illness each year and can even be fatal.⁴ Water quality testing is done to make people aware of contaminants in their drinking water, protect public health and safety, and take corrective action.

United States Environmental Protection Agency Drinking Water Standards

The United States Environmental Protection Agency (EPA) sets drinking water standards to control the level of contaminants in the nation's drinking water.⁵ The regulations also require water monitoring schedules and methods to measure contaminants in water.⁶ Drinking water standards apply to public water systems but not to private domestic drinking water wells or water not being used for drinking.⁷ A public water system provides water for human consumption through constructed conveyances (such as a pipe, ditch, or hose) to at least 15 service connections or regularly serves at least 25 individuals.⁸

Currently, approximately 90 contaminants are regulated under National Primary Drinking Water Regulations established by EPA under the Safe Drinking Water Act (SDWA).⁹ These federal regulations establish enforceable standards called "maximum contaminant levels" (MCLs). An MCL is the maximum level allowed of a contaminant in water which is delivered to any user of a public water system.¹⁰ These standards are established based on the best available science to protect public health and are calculated so that little or no adverse health risk would be expected based on a lifetime average consumption rate of two liters of water per day for 70 years.¹¹ When determining an MCL, EPA considers the adverse health risks to both the general population and sensitive subpopulations, including infants, children, the elderly, and those with compromised

² South Florida Water Management District, *Groundwater Modeling*, <https://www.sfwmd.gov/science-data/gw-modeling> (last visited Jan. 26, 2020).

³ Florida Department of Health (DOH) in Charlotte County, *Private Well Testing*, <http://charlotte.floridahealth.gov/programs-and-services/environmental-health/private-well-testing/index.html> (last visited Jan. 26, 2020); Florida Department of Environmental Protection (DEP), *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 26, 2020).

⁴ *Id.*

⁵ Safe Drinking Water Act, 42 U.S.C. ss. 300f-300j; 40 C.F.R. s. 141.

⁶ *Id.*; United States Environmental Protection Agency (EPA), *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

⁷ 40 C.F.R. s. 141; Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS*, 2 (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

⁸ 42 U.S.C. s. 300f(4).

⁹ 40 C.F.R. ss. 141.61-141.66; EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹⁰ 42 U.S.C. s. 300f(3).

¹¹ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

immune systems and chronic diseases.¹² MCLs are set as close to the health goals as possible after considering costs, benefits, and the ability of public water systems to detect and remove contaminants using suitable treatment technologies.¹³ MCLs are used by DEP to regulate the level of chemicals allowed in drinking water.

In addition to regulated contaminants, EPA also prioritizes research and data collection for new chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.¹⁴ These are called “contaminants of emerging concern” (CEC). While these CECs do not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them. As part of EPA’s data collection on CECs, all large and selected smaller public water systems across the U.S. are required to monitor for the CECs.¹⁵ Once EPA’s study and evaluation is complete, if EPA decides not to regulate a CEC, then it may decide to develop a health advisory level (HAL) for the detected contaminants. While HALs are non-enforceable federal limits, they serve as technical guidance for federal, state, and local officials.¹⁶

Florida Safe Drinking Water Act

The Florida Safe Drinking Water Act was enacted in 1977 to ensure that safe drinking water is available to the citizens of Florida.¹⁷ The Department of Environmental Protection (DEP) is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act¹⁸ (FSDWA), with authority granted by the EPA. Florida has adopted EPA regulations that apply to public water systems to implement the FSDWA.¹⁹

DEP adopts and enforces:

- State primary drinking water regulations that must be no less stringent at any given time than the complete interim or revised national primary drinking water regulations in effect at such time;
- State secondary drinking water regulations patterned after the national secondary drinking water regulations; and
- Primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems, which must be no more stringent than the corresponding national primary or secondary drinking water regulations, except that

¹² EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹³ EPA, *Chromium in Drinking Water*, <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 19, 2020).

¹⁴ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

¹⁵ *Id.*

¹⁶ EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹⁷ Section 403.850, F.S.

¹⁸ Section 403.852, F.S.

¹⁹ Section 403.853, F.S.; Fla. Admin. Code Ch. 62-550.

nontransient noncommunity systems must monitor and comply with additional primary drinking water regulations as determined by DEP.²⁰

Approximately 88% of Florida's residents are served by public water systems covered by the FSDWA.²¹ DEP rules contain the drinking water standards, monitoring requirements, and treatment techniques required of these systems.²² However, in seven counties, DEP delegates to the Department of Health (DOH) the authority to fully implement drinking water quality standards in public drinking water systems.²³

Drinking Water Systems Not Covered by FSDWA

DOH also has general supervision and control over water systems not covered under the FSDWA.²⁴ These include limited use public water systems that are too small to fit within the FSDWA's definition of a public water system. In general, these systems are small public water systems that either serve a small population or otherwise serve water on a limited basis. More specifically, a "limited use public water system" serves less than 15 service connections or less than 25 people, or provides water to the public less than 60 days per year.²⁵ These systems are subject to specific water quality standards set by DOH.²⁶

The current DOH drinking water rule explicitly sets MCLs and HALs for lead and nitrate.²⁷ The DOH rule also uses the MCLs established under DEP's Primary Drinking Water Standards²⁸ and the HALs as set by DOH.²⁹ DOH proposed to revise its rules to adopt any other primary drinking water HALs as listed in the 2018 edition of the U.S. EPA *Drinking Water Standards and Health Advisories*, if the MCL or HAL was not already listed in the DEP rule or DOH list of HALs.³⁰ This revision has not been adopted at this time;³¹ however, many of the substances in the DOH list of HALs are based off of EPA standards.

²⁰ Section 403.853(1)(a), F.S.

²¹ DOH, *Private Well Testing: Private Well Owner's Guide*, <http://www.floridahealth.gov/environmental-health/private-well-testing/index.html> (last visited Jan. 26, 2020).

²² Fla. Admin. Code Ch. 62-550.

²³ DOH, *Public Drinking Water Systems in Florida*, <http://www.floridahealth.gov/environmental-health/drinking-water/public-drinking-water-systems.html> (last visited Jan. 25, 2020).

²⁴ Section 381.0062(2), F.S.

²⁵ Fla. Admin. Code R. 64E-8.001(9)

²⁶ Fla. Admin. Code R. 64E-8.006.

²⁷ Fla. Admin. Code R. 64E-8.006.

²⁸ Fla. Admin. Code R. 64E-8.006; Fla. Admin. Code R. 62-550.310.

²⁹ Fla. Admin. Code R. 64E-8.006; DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

³⁰ DOH, Ch. 64E-8 Draft Rule, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/2018-64e-8-work-draft-20180613.pdf>; see also Notice of Development of Rulemaking for Fla. Admin. Code R. 64E-8.006, *Florida Administrative Register* (Apr. 27, 2018), Vol. 44, No. 83.

³¹ Notice of Withdrawal, *Florida Administrative Register* (Apr. 23, 2019), Vol. 45, No. 79.

Drinking Water Contaminants

PFAS (Per- and Polyfluoroalkyl substances, including PFOA and PFOS)

Per- and Polyfluoroalkyl substances (PFAS) are a group of thousands of man-made compounds that include perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). These compounds have been used over the last several decades as coatings in a variety of products, such as non-stick cookware, waterproof and stain-resistant fabrics, cleaning products, food packaging, and firefighting foams.³² While U.S. manufacturers have phased out use of the chemicals as of 2008,³³ some remain, particularly at fire colleges, airports, and military installations.³⁴ Additionally, although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber and plastics.³⁵

PFAS chemicals do not break down in the environment, have the ability to travel through soil and water, and can accumulate in fish and wildlife.³⁶ Because of the widespread use and ease of transport, they can be found virtually everywhere. The Centers for Disease Control and Prevention has detected PFAS in nearly all persons it has tested, indicating that most everyone in the United States has been exposed to PFAS.³⁷ Drinking water with significant levels of PFOA and PFOS for an extended period of time may increase the risk of low birthweight, developmental problems, liver damage, kidney damage, immune system disorders, high cholesterol, or thyroid disease.³⁸

Communities across the U.S. are discovering drinking water contaminated by PFAS and determining appropriate actions.³⁹ PFAS in the environment are considered to be CECs⁴⁰ and do not have federal drinking water standards despite widespread drinking water contamination, pervasive population exposure, and toxicological and epidemiological evidence of adverse health effects.⁴¹

³² Interstate Technology Regulatory Council, *History and Use of PFAS*, 4 (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use_11_13_17.pdf.

³³ *Id.*

³⁴ EPA, *Basic Information on PFAS, What are PFAS?*, <https://www.epa.gov/pfas/basic-information-pfas> (last visited Jan. 26, 2020).

³⁵ *Id.*

³⁶ Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 19, 2020).

³⁷ *Id.*

³⁸ DOH, *Per- and Polyfluoroalkyl Substances (PFAS)*, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/hw-pfas.html> (last visited Jan. 21, 2020).

³⁹ Cordner, A., et. al., *Guideline levels for PFOA and PFOS in drinking water: the role of scientific uncertainty, risk assessment decisions, and social factors*, J. EXPO. SCI. ENVIRON. EPIDEMIOLOG. (Mar. 29, 2019), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6455940/pdf/41370_2018_Article_99.pdf/.

⁴⁰ Interstate Technology Regulatory Council, *PFAS Fact Sheets* (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_introductory_11_13_17.pdf.

⁴¹ Cordner, A., et. al., *Guideline levels for PFOA and PFOS in drinking water: the role of scientific uncertainty, risk assessment decisions, and social factors*, J. EXPO. SCI. ENVIRON. EPIDEMIOLOG. (Mar. 29, 2019), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6455940/pdf/41370_2018_Article_99.pdf/.

EPA, in its 2018 edition of the Drinking Water Standards and Health Advisory Tables, has not issued an MCL for PFOA and PFOS, but in 2016, it set a HAL of 70 parts per trillion (ppt) individually or combined in drinking water for the contaminants.⁴² A recent analysis of data by EPA found that approximately six million U.S. residents had drinking water with concentrations of PFOA or PFOS, or both, above the HAL.⁴³ In 2019, EPA began evaluating the need for an MCL for PFOA and PFOS, which is done before conducting rulemaking.⁴⁴ EPA is also developing groundwater cleanup designations and proposing designating the compounds as “hazardous substances.”⁴⁵

In 2012, an EPA study indicated that three utilities in Florida had total levels of PFOA and PFOS above EPA’s HAL.⁴⁶ As a result of coordinated efforts between DEP and the impacted water systems, all three facilities currently meet federal drinking water standards.⁴⁷ In response to the EPA study, the discovery of the substances at 18 of 25 certified fire training facilities in the state,⁴⁸ and increased public awareness, DEP is undertaking efforts to minimize human exposure. These efforts have led to the creation of provisional Cleanup Target Levels (CTLs) and screening levels for PFOA and PFOS.⁴⁹ As it applies to limited public water systems, DOH has set its HALs for PFOA and PFOS to be the same as EPA’s HALs.⁵⁰

Absent federal PFAS standards, multiple U.S. states have developed their own health-based water guidelines to direct decisions about contaminated site cleanup and drinking water surveillance and treatment. Currently, no state requires monitoring of public water supplies for PFAS.⁵¹ Some states, including Washington, California, Colorado, Minnesota, Michigan, New Jersey, Massachusetts, and Vermont, have set numerical limits by either adopting the EPA’s

⁴² *Id.*

⁴³ Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS* (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

⁴⁴ *Id.* at 5.

⁴⁵ DEP, *PFAS Update* (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁴⁶ DEP, *PFAS Update* 6, (Dec. 2019), available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4761/8427_MeetingPacket_4761.9.19.pdf.

⁴⁷ *Id.*

⁴⁸ DEP, *Fire Training Facilities Assessment for PFOA and PFOS*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facilities-assessment-pfoa-and-pfos> (last visited Jan. 24, 2020). PFAS chemicals were also discovered at 9 of 15 drycleaning solvent cleanup sites and at 10 of 23 state lead cleanup sites; DEP, *PFAS Update* (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁴⁹ DEP, *PFAS Update*, (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁵⁰ DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>; see also EPA, 2018 Edition of the Drinking Water Standards and Health Advisory Tables, 6 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁵¹ Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS* (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

HALs or selecting other limits based on their own analysis of the scientific data.⁵² Several other states are also beginning to address PFAS chemicals in some capacity.⁵³

Chromium-6

Chromium is an odorless and tasteless metallic element. Chromium is found naturally in rocks, plants, soil and volcanic dust, and animals.⁵⁴ Hexavalent chromium, or chromium-6, is one of the most common forms of chromium that occurs in water. It occurs naturally from the erosion of chromium deposits and can also be produced by industrial processes. There are demonstrated instances of chromium being released to the environment by leakage, poor storage, or inadequate industrial waste disposal practices.⁵⁵

EPA has a drinking water standard of 0.1 milligrams per liter (mg/L) or 100 parts per billion (ppb) for total chromium.⁵⁶ DEP has adopted this standard under its groundwater rule and DOH has adopted it as a HAL.⁵⁷ This includes all forms of chromium, including chromium-6. Water systems are required to test for total chromium.⁵⁸ Long-term exposure to chromium may cause adverse dermatological effects and skin reactions.⁵⁹ EPA regularly re-evaluates drinking water standards and, based on new science on chromium-6, began a comprehensive review of its health effects in 2008.⁶⁰

1,4-Dioxane

1,4-Dioxane is a synthetic industrial chemical that is flammable and potentially explosive if exposed to light or air. It is found at many federal facilities because of its widespread use as a stabilizer in certain chlorinated solvents, paint strippers, greases, and waxes.⁶¹ It can even be found in some consumer products, including deodorants, shampoos, and cosmetics.⁶² 1,4-Dioxane may leach readily from soil to groundwater, migrates rapidly in groundwater, and is

⁵² Silverman, Gerald B., *Glass Half-Full on State Solutions to Chemicals in Water*, Bloomberg Environment (Sep. 18, 2018), <https://news.bloombergenvironment.com/environment-and-energy/glass-half-full-on-state-solutions-to-chemicals-in-water-corrected> (last visited Jan. 27, 2020).

⁵³ National Conference of State Legislatures, *Per- and polyfluoroalkyl Substances (PFAS) | State Legislation 2017-2018*, <https://www.ncsl.org/research/environment-and-natural-resources/per-and-polyfluoroalkyl-substances-pfas-state-laws.aspx> (last visited Jan. 19, 2020). See e.g. Legislation in North Carolina to fund the monitoring and treatment of PFAS; in New York to require the department of health to study the extent of chemicals in people; in Pennsylvania to declare an area a special drinking water resource-impacted community based on the discovery of hazardous substances.

⁵⁴ EPA, *Chromium in Drinking Water*, available at <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 18, 2020).

⁵⁵ *Id.*

⁵⁶ EPA, *2018 Edition of the Drinking Water Standards and Health Advisory Tables*, 8 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁵⁷ Fla. Admin. Code R. 62-550.828, see Table 1; see also DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

⁵⁸ EPA, *Chromium in Drinking Water*, available at <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 18, 2020).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ EPA, *Technical Fact Sheet – 1,4-Dioxane* (Nov. 2017), available at https://www.epa.gov/sites/production/files/2014-03/documents/ffrro_factsheet_contaminant_14-dioxane_january2014_final.pdf.

⁶² DEP, *Contaminants of Emerging Concern Frequently Asked Questions*, available at https://floridadep.gov/sites/default/files/FREQUENTLY%20ASKED%20QUESTIONS%20CECs_0.pdf.

relatively resistant to biodegradation.⁶³ Short-term exposure may cause eye, nose, and throat irritation and long-term exposure may cause kidney and liver damage.⁶⁴

EPA has not established a federal MCL for 1,4-Dioxane in drinking water.⁶⁵ However, EPA established a HAL of 0.2 mg/L in drinking water.⁶⁶ Various states have established drinking water and groundwater guidelines, including Florida. DEP has adopted the federal HAL for public water systems,⁶⁷ and DOH set a HAL of 0.35 micrograms per liter (µg/L) for limited public water systems.⁶⁸

Financially Disadvantaged Small Communities

In the Small Community Sewer Construction Assistance Act, the term “financially disadvantaged small community” means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce.⁶⁹ The term “special district”⁷⁰ includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.⁷¹

Statement of Estimated Regulatory Cost

If a proposed agency rule will have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 aggregated within one year after implementation, an agency must prepare a statement of estimated regulatory costs (SERC).⁷² The SERC must include an economic analysis projecting a proposed rule’s adverse effect on specified aspects of the state’s economy or an increase in regulatory costs.⁷³ If the SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds \$1 million in the aggregate to the private sector within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.⁷⁴

⁶³ EPA, *Technical Fact Sheet – 1,4-Dioxane* (Nov. 2017), available at https://www.epa.gov/sites/production/files/2014-03/documents/ffiro_factsheet_contaminant_14-dioxane_january2014_final.pdf.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ EPA, *2018 Edition of the Drinking Water Standards and Health Advisory Tables*, 4 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁶⁷ DEP, *Contaminants of Emerging Concern Frequently Asked Questions*, available at https://floridadep.gov/sites/default/files/FREQUENTLY%20ASKED%20QUESTIONS%20CECs_0.pdf.

⁶⁸ DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

⁶⁹ Section 403.1838(2), F.S.

⁷⁰ Section 189.012, F.S.

⁷¹ Section 403.1838(2), F.S.

⁷² Section 120.541(1)(b), F.S.

⁷³ Section 120.541(2)(a), F.S.

⁷⁴ Section 120.541(3), F.S.

III. Effect of Proposed Changes:

The bill revises the policy behind the Florida Safe Drinking Water Act to include that the citizens of Florida shall be protected from harmful toxins in drinking water.

The bill requires the Department of Environmental Protection (DEP), by January 1, 2021, to adopt and implement adequate rules for statewide drinking water maximum contaminant levels for the following:

- Perfluorooctanesulfonic acid (PFOA);
- Perfluorooctanoic acid (PFOS);
- Per- and Polyfluoroalkyl compounds (PFAS);
- Chromium-6;
- 1,4-Dioxane; and
- Any other pollutants for which two or more states have set limits for or issued guidance on.

Note: New rules for statewide drinking water maximum contaminant levels may exceed the regulatory cost threshold of \$1 million in the aggregate to the private sector within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.⁷⁵

The bill requires DEP, when adopting and implementing these rules, to review the studies and scientific evidence reviewed by other states, including, but not limited to, information regarding the pollutants listed in the United States Environmental Protection Agency (EPA) Toxic Substances and Disease Registry and the most recent peer-reviewed science and independent or government agency studies regarding pollutants.

The bill provides that any statewide drinking water maximum contaminant level adopted by DEP must protect the public health, including vulnerable subpopulations, such as pregnant and nursing women, infants, children, and residents of financially disadvantaged small communities, as defined in the Small Community Sewer Construction Assistance Act, and may not exceed any maximum contaminant level or health advisory promulgated by EPA.

Finally, the bill requires DEP to annually review the most recent peer-reviewed science and independent or government agency studies and the laws of other states regarding pollutants. The bill requires DEP to initiate additional rulemaking if needed to comply with the provisions in the bill.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁷⁵ Section 120.541, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Once DEP sets MCLs for the chemicals specified under the bill, public and private utilities will have to increase treatment and monitoring to include those chemicals.

C. Government Sector Impact:

There may be a negative fiscal impact to the state to the extent that there are costs for rulemaking, implementation, and staff needed to review studies, scientific evidence, and regulations in other states, as required under the bill.

The requirement that DEP adopt rules for statewide drinking water MCLs for any pollutants for which two or more states have set limits for or issued guidance on could require an extensive and ongoing study and regular review, which could require staff time and resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 403.851 and 403.853 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
