

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45233-MHa-61

Short Title: 2023 Safe Drinking Water Act. (Public)

Sponsors: Senators Batch, Applewhite, and Marcus (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT NORTH CAROLINA CITIZENS FROM HARMFUL TOXINS IN
3 DRINKING WATER BY REQUIRING THE COMMISSION FOR PUBLIC HEALTH TO
4 ESTABLISH MAXIMUM CONTAMINANT LEVELS FOR CHEMICALS THAT ARE
5 PROBABLE OR KNOWN CARCINOGENS OR ARE OTHERWISE TOXIC.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The Commission for Public Health shall, no later than October 15,
8 2023:

- 9 (1) Commence rulemaking to establish maximum contaminant levels (MCLs), as
10 that term is defined under G.S. 130A-313, for probable or known carcinogens
11 and other toxic chemicals that are likely to pose a substantial hazard to public
12 health. At a minimum, the Commission shall establish MCLs for all of the
13 following contaminants:
14 a. Per- and poly-fluoroalkyl substances (PFAS).
15 b. Perfluorooctanoic acid (PFOA).
16 c. Perfluorooctane sulfonate (PFOS).
17 d. Hexavalent chromium (chromium-6).
18 e. 1,4-Dioxane.
19 (2) For any other contaminants for which at least two other states have set MCLs
20 or issued guidance, the Commission shall consider establishment of MCLs for
21 such contaminants.

22 **SECTION 1.(b)** In the course of establishing MCLs as required by subsection (a) of
23 this section, the Commission shall:

- 24 (1) Review MCLs adopted by other states, the studies and scientific evidence
25 reviewed by those states, material in the Agency for Toxic Substances and
26 Disease Registry, and the latest peer-reviewed science and independent or
27 government agency studies on appropriate MCLs for such contaminants.
28 (2) Adopt MCLs protective of public health, including vulnerable subpopulations
29 such as pregnant and nursing mothers, infants, and children, which state
30 MCLs shall not exceed any MCL or health advisory established by the United
31 States Environmental Protection Agency.

32 **SECTION 2.** The Commission for Public Health shall annually review the latest
33 peer-reviewed science and independent or government agency studies and undertake additional
34 rulemaking, as necessary, to establish or revise MCLs for contaminants that are likely to pose a
35 substantial threat to public health.



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1 **SECTION 3.** There is appropriated from the General Fund to the Department of
2 Health and Human Services the sum of six million dollars (\$6,000,000) in recurring funds for the
3 2023-2024 fiscal year to carry out the requirements set forth in this act. The Department may
4 establish up to 37 FTE positions with the funds provided by this section.

5 **SECTION 4.** This act becomes effective July 1, 2023.