

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 14, 2022

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

HB22-1345 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 4, strike lines 26 and 27 and substitute "THE
- 2 NATURAL ENVIRONMENT;".
- 3 Page 5, strike lines 9 through 11.
- 4 Reletter succeeding paragraph accordingly.
- 5 Page 5, line 14, strike "CHEMICALS." and substitute "CHEMICALS; AND
- 6 (b) AUTHORIZES THE DEPARTMENT TO REVIEW PRODUCTS AND
- 7 PRODUCT CATEGORIES THAT CONTAIN PFAS CHEMICALS AND MAKE
- 8 RECOMMENDATIONS TO THE STATE BOARD OF HEALTH CREATED IN
- 9 SECTION 25-1-103 (1) TO RESTRICT OR PROHIBIT THE PRODUCTION,
- 10 DISTRIBUTION, AND SALE OF PFAS CHEMICALS IN SPECIFIC CATEGORIES OF
- 11 PRODUCTS.".
- 12 Page 5, line 23, strike "AND" and substitute "OR".
- 13 Page 6, strike lines 11 and 12 and substitute:
- 14 "(6) "CURRENTLY UNAVOIDABLE USE" MEANS".
- 15 Page 6, after line 22 insert:
- 16 "(8) "DIVISION" MEANS THE DIVISION OF ENVIRONMENTAL HEALTH
- 17 AND SUSTAINABILITY IN THE DEPARTMENT.".
- 18 Renumber succeeding subsections accordingly.
- 19 Page 9, strike lines 12 through 17.
- 20 Renumber succeeding subparagraphs accordingly.

1 Page 10, strike lines 4 through 6 and substitute:

2 "(20) "OIL AND GAS PRODUCTS" MEANS HYDRAULIC FRACTURING  
3 FLUIDS, DRILLING FLUIDS, AND PROPPANTS."

4 Page 10, strike lines 16 and 17 and substitute "DIVISION HAS IDENTIFIED  
5 AS A PRIORITY PRODUCT."

6 Page 10, strike lines 19 through 21 and substitute "CATEGORY THAT THE  
7 DIVISION HAS IDENTIFIED AS A PRIORITY PRODUCT CATEGORY."

8 Page 11, before line 1 insert:

9 "(c) "PRODUCT" INCLUDES THE PACKAGING USED FOR THE  
10 PRODUCTS DESCRIBED IN SUBSECTION (25)(d)(I) AND (25)(d)(II) OF THIS  
11 SECTION.

12 (d) "PRODUCT" DOES NOT INCLUDE:

13 (I) DRUGS, MEDICAL DEVICES, BIOLOGICS, OR DIAGNOSTICS  
14 APPROVED OR AUTHORIZED BY THE FEDERAL FOOD AND DRUG  
15 ADMINISTRATION OR THE FEDERAL DEPARTMENT OF AGRICULTURE; OR

16 (II) VETERINARY PESTICIDE PRODUCTS APPROVED BY THE FEDERAL  
17 ENVIRONMENTAL PROTECTION AGENCY FOR USE IN ANIMALS."

18 Reletter succeeding paragraph accordingly.

19 Page 11, strike lines 17 and 18 and substitute:

20 "(c) BASED ON AVAILABLE INFORMATION, IS REASONABLY  
21 BELIEVED TO POSE LESS OF A HAZARD TO PUBLIC HEALTH AND THE  
22 ENVIRONMENT THAN THE USE OF PFAS CHEMICALS."

23 Page 11, lines 19 through 21, strike "PEOPLE, AS IDENTIFIED BY THE  
24 EXECUTIVE DIRECTOR BY RULE UNDER SECTION 25-5-1405 (2)(b)(III)," and  
25 substitute "PEOPLE".

26 Page 12, strikes lines 3 and 4 and substitute "ANIMALS THAT ARE  
27 DISPROPORTIONATELY OR".

28 Page 12, line 22, strike "fee -".

29 Page 14, strike lines 25 through 27.

30 Page 15, strike lines 1 through 8.

1 Page 15, line 10, strike "**exemption - fee -**" and strike "(a)".

2 Page 15, line 15, strike "(I)" and substitute "(a)".

3 Page 15, line 16, strike "(II)" and substitute "(b)".

4 Page 15, line 17, strike "(III)" and substitute "(c)".

5 Page 15, line 18, strike "(IV)" and substitute "(d)".

6 Page 15, line 19, strike "(V)" and substitute "(e)".

7 Page 15, line 20, strike "(VI)" and substitute "(f)".

8 Page 15, line 21, strike "(VII)" and substitute "(g)".

9 Page 15, line 22, strike "(VIII)" and substitute "(h)".

10 Page 15, line 23, strike "(IX)" and substitute "(i)".

11 Page 15, strike lines 24 through 27.

12 Strike pages 16 through 18.

13 Page 19, strike lines 1 through 17 and substitute:

14 "(2) (a) ON AND AFTER JANUARY 1, 2025, THE DIVISION MAY  
15 DESIGNATE PRODUCTS OR PRODUCT CATEGORIES THAT CONTAIN  
16 INTENTIONALLY ADDED PFAS CHEMICALS AS PRIORITY PRODUCTS OR  
17 PRIORITY PRODUCT CATEGORIES.

18 (b) IN IDENTIFYING PRIORITY PRODUCTS AND PRIORITY PRODUCT  
19 CATEGORIES, THE DIVISION SHALL CONSIDER:

20 (I) WHETHER ANOTHER STATE OR JURISDICTION HAS RESTRICTED  
21 OR PROHIBITED A PERSON FROM SELLING, OFFERING FOR SALE,  
22 DISTRIBUTING FOR SALE, OR DISTRIBUTING FOR USE A PRODUCT OR  
23 PRODUCT CATEGORY;

24 (II) WHETHER A SCIENTIFIC ORGANIZATION OR FEDERAL OR STATE  
25 GOVERNMENTAL AGENCY HAS DETERMINED THAT THERE IS A SAFER  
26 ALTERNATIVE TO PFAS CHEMICALS IN A PARTICULAR PRODUCT OR  
27 PRODUCT CATEGORY;

28 (III) WHETHER THE USE OF PFAS CHEMICALS IN A PRODUCT OR  
29 PRODUCT CATEGORY CONSTITUTES A CURRENTLY UNAVOIDABLE USE; AND

30 (IV) BASED ON INFORMATION AVAILABLE TO THE DIVISION, A

1 PRODUCT'S OR PRODUCT CATEGORY'S RISK OF EXPOSING SENSITIVE  
2 POPULATIONS, SENSITIVE SPECIES, AND THE OUTDOOR AND INDOOR  
3 ENVIRONMENT TO PFAS CHEMICALS.

4 (c) UPON DESIGNATION OF A PRIORITY PRODUCT OR PRIORITY  
5 PRODUCT CATEGORY, THE DIVISION SHALL SUBMIT A RECOMMENDATION  
6 TO THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 (1) THAT  
7 DESCRIBES WHAT ACTION IS NEEDED BY THE STATE BOARD OF HEALTH TO  
8 PROHIBIT OR RESTRICT THE PRODUCTION, SALE, OR DISTRIBUTION OF THE  
9 PRIORITY PRODUCTS OR PRIORITY PRODUCT CATEGORIES THAT CONTAIN  
10 INTENTIONALLY ADDED PFAS CHEMICALS.

11 (d) UPON RECEIVING A RECOMMENDATION DESCRIBED IN  
12 SUBSECTION (2)(c) OF THIS SECTION, THE STATE BOARD OF HEALTH  
13 CREATED IN SECTION 25-1-103 (1) MAY PROMULGATE RULES PROHIBITING  
14 OR RESTRICTING THE PRODUCTION, SALE, OR DISTRIBUTION OF THE  
15 PRIORITY PRODUCTS OR PRIORITY PRODUCT CATEGORIES THAT CONTAIN  
16 INTENTIONALLY ADDED PFAS CHEMICALS."

17 Page 21, line 17, strike "DIRECTOR" and substitute "DIRECTOR, IN  
18 CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION  
19 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY,".

20 Page 25, strike lines 6 through 15 and substitute:

21 "SECTION 7. In Colorado Revised Statutes, 25-5-1309, amend  
22 (1) introductory portion as follows:

23 **25-5-1309. Restriction on the use of certain firefighting foam**  
24 **at certain airports - definitions.** (1) Beginning January 1, ~~2023~~ 2024,  
25 the use of class B firefighting foam that contains intentionally added  
26 perfluoroalkyl and polyfluoroalkyl substances shall be prohibited at  
27 structures used for the storage or maintenance of aircraft where the  
28 structure is located in an airport that:".

29 "SECTION 8. In Colorado Revised Statutes, 8-20-206.5, amend  
30 (7)(c)(II) and (7)(c)(III)(B); and add (7)(c)(IV) as follows:

31 **8-20-206.5. Environmental response surcharge - liquefied**  
32 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**  
33 **polyfluoroalkyl substances cash fund - definitions.** (7) (c) Money in  
34 the fund is continuously appropriated for costs related to:

35 (II) Administering the perfluoroalkyl and polyfluoroalkyl  
36 substances take-back program and purchasing and disposing of eligible  
37 materials under the take-back program in accordance with section  
38 25-5-1311; and

39 (III) Providing technical assistance in locating and studying

1 perfluoroalkyl and polyfluoroalkyl substances to communities,  
2 stakeholders, and regulatory boards or commissions for the following  
3 purposes:

4 (B) Identifying safe disposal methods of materials containing  
5 perfluoroalkyl and polyfluoroalkyl substances; AND

6 (IV) ADMINISTERING AND IMPLEMENTING SECTIONS 25-5-1404  
7 AND 25-5-1405."

8 Renumber succeeding section accordingly.

9 Strike "(15)" and substitute "(16)" on: **Page 20**, lines 6 and 17.

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