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Governor Mike Dunleavy
STATE OF ALASKA

August 26, 2023

The Honorable Cathy Tilton
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority vested in me by Article II, Section 15, of the Alaska Constitution, I have vetoed the following bill:

HB 51 AM S (EFD ADD S)

"An Act relating to refrigerants designated as acceptable for use under federal law; relating to firefighting substances; and providing for an effective date.

House Bill 51 does not provide alternatives to aqueous film forming foam (AFFF) for firefighting. If AFFF is removed from a community, residents will have no capabilities to fight a large-scale fire. When balancing the environment and life and safety of Alaskans, this bill falls short by removing a lifesaving tool from the toolbox.

Accordingly, because this bill offers no alternatives to AFFF leaving Alaskans vulnerable to a preventable and unfortunate event to happen, I have vetoed the bill. I encourage the legislature to find a sustainable solution to this problem and not just a partial solution.

Additionally, I welcome Representative Wright to reintroduce the original draft of this legislation, which helped Alaskan consumers prepare for the upcoming transition of the heating, ventilation, air conditioning, and refrigeration industry to the next generation of refrigerants. I look forward to working with the legislature to address this issue when we begin the second half of the 33rd Alaska State Legislature in January.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

Enclosure



LAWS OF ALASKA

2023

Source

HB 51 am S(efd add S)

Chapter No.

AN ACT

Relating to refrigerants designated as acceptable for use under federal law; relating to firefighting substances; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to refrigerants designated as acceptable for use under federal law; relating to
2 firefighting substances; and providing for an effective date.

3

4 * **Section 1.** AS 18.95 is amended by adding a new section to read:

5 **Sec. 18.95.020. Use of designated refrigerants.** Notwithstanding a provision
6 of the state building code, a refrigerant designated as acceptable for use under 42
7 U.S.C. 7671k may be used in the state if the equipment containing the refrigerant is
8 listed and installed in accordance with the safety standards and use conditions imposed
9 under the designation. In this section, "state building code" has the meaning given in
10 AS 18.56.300(e).

11 * **Sec. 2.** AS 46.03 is amended by adding a new section to article 5 to read:

12 **Sec. 46.03.340. Use of firefighting substances.** (a) Notwithstanding
13 AS 46.03.320, a person may not use a firefighting substance that contains a
14 perfluoroalkyl substance or polyfluoroalkyl substance in the state unless the use is

1 permitted under (b) of this section or required by federal law.

2 (b) Unless the state fire marshal adopts regulations under (c) of this section
3 requiring use of an alternative firefighting substance, a person may use a firefighting
4 substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance to
5 respond to a fire that originates in relation to oil or gas production, transmission,
6 transportation, or refining in the state.

7 (c) If the state fire marshal determines an alternative firefighting substance
8 listed by an organization recognized by the federal Occupational Safety and Health
9 Administration's Nationally Recognized Testing Laboratory Program is safe and
10 effective, the state fire marshal shall adopt regulations requiring use of the alternative
11 firefighting substance. The regulations must state the proposed effective date of the
12 regulations.


13 (d) The department shall ensure the state accepts for disposal from a person
14 domiciled in a community in the state with a population of less than 2,000 that is off
15 the road system, or a person domiciled in the state who received a firefighting
16 substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance from a
17 partially state funded fire safety project, a firefighting substance that contains a
18 perfluoroalkyl substance or polyfluoroalkyl substance in a quantity not to exceed 40
19 gallons each year.

20 * **Sec. 3.** Section 2 of this Act takes effect January 1, 2024.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled bill, HB 51 am S(e/d add S), consisting of 2 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

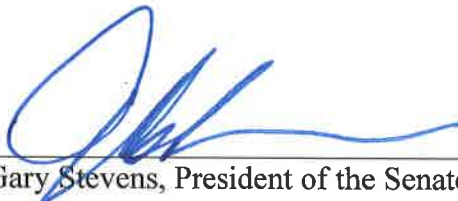
Passed by the House May 17, 2023


Cathy L. Tilton, Speaker of the House

ATTEST:


Crystalline Jones, Chief Clerk of the House

Passed by the Senate May 16, 2023



Gary Stevens, President of the Senate

ATTEST:


Liz Clark, Secretary of the Senate

veto

Approved by the Governor  20 23


Mike Dunleavy, Governor of Alaska