

# Committee Report

# CONSENT CALENDAR

March 2, 2021

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to which was referred HB 265,**

**AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Max Abramson**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Commerce and Consumer Affairs</b>
Bill Number:	<b>HB 265</b>
Title:	<b>requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.</b>
Date:	<b>March 2, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

While members of the committee expressed sympathy toward the need to guarantee that bottled water meets state—rather than merely EPA and FDA—standards, the majority also noted that the state would be giving a false sense of security to shoppers who might get the impression that all water sold in the Granite State exceeds federal standards. In fact, seltzer water, colored or flavored water, or possibly even ice that doesn't meet those standards could be sold after the adoption of this bill. More importantly, the Department of Health and Human Services is currently working on regulations for bottled water, and the majority recognizes the need to wait for the completion of this work rather than risking the adoption of statutes that could be in conflict. For this reason, the committee has retained HB 335 which has the exact same language as this bill.

Vote 18-0.

Rep. Max Abramson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Commerce and Consumer Affairs

**HB 265**, requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water. **INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for Commerce and Consumer Affairs. While members of the committee expressed sympathy toward the need to guarantee that bottled water meets state—rather than merely EPA and FDA—standards, the majority also noted that the state would be giving a false sense of security to shoppers who might get the impression that all water sold in the Granite State exceeds federal standards. In fact, seltzer water, colored or flavored water, or possibly even ice that doesn't meet those standards could be sold after the adoption of this bill. More importantly, the Department of Health and Human Services is currently working on regulations for bottled water, and the majority recognizes the need to wait for the completion of this work rather than risking the adoption of statutes that could be in conflict. For this reason, the committee has retained HB 335 which has the exact same language as this bill.

**Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

**Archived:** Thursday, April 22, 2021 1:38:54 PM  
**From:** JOHN HUNT  
**Sent:** Tuesday, March 9, 2021 10:04:03 AM  
**To:** Carrie Morris  
**Cc:** Pam Smarling  
**Subject:** Fwd: blurbs  
**Importance:** Normal

---

OK,  
JBH

Begin forwarded message:

**From:** Max Abramson <[MaxAbramson@gmx.com](mailto:MaxAbramson@gmx.com)>  
**Subject:** blurbs  
**Date:** February 23, 2021 at 7:17:55 PM EST  
**To:** John Hunt <[jbhunt@prodigy.net](mailto:jbhunt@prodigy.net)>

HB265 Cushing Bottled Water ITL Abramson

While members of the committee expressed sympathy toward the need to guarantee that bottled water met state—rather than merely EPA and FDA—standards, the majority also noted that the State would be giving a false sense of security to shoppers who might get the impression that all water sold in the Granite State exceeded federal standards. In fact, seltzer water, colored or flavored water, or possibly even ice could be sold under this bill that didn't meet those standards. More importantly, the DHHS is currently coming up with its own regulations on bottled water, and the majority recognizes the need to wait on the results of those regulations rather than risking the creation of statutes that could conflict so the committee has retain HB335 which has the exact same language.

HB449 Luneau Right to Repair Home Appliances ITL Abramson

The majority initially appreciated the need for consumers to bring older appliances to independent repair shops. Both environmental and economic benefits were touted by proponents, and members of the committee expressed elation at the possibility of saving money on the overall life of manufactured goods. However, no other state has passed this bill, and the majority saw why upon review. Manufacturers would be compelled to supply "documentation, parts, and tools, inclusive of any updates to information or embedded software." Some manufacturers, for safety or other reasons, need to sell consumers a closed box that can only be serviced at shops that are certified by the manufacturer. To be as compact as possible, appliances have to be built in such a way that only their own technicians can diagnose, update firmware, repair, refurbish, or replace parts. Because there is currently a lot of innovation going on in these fields, the majority concluded that the State should not throw a wrench into the repair infrastructure and suffer from the Law of Unintended Consequences.

HB618 Spang Polystyrene Packaging ITL Abramson

While the majority agreed that growing landfills are a problem, we saw that far more good could be accomplished by letting consumers choose to bring reusable cups and containers where possible or even shopping at stores that use recycled containers. New Hampshire is forced to operate a more libertarian state government than we might otherwise choose simply because most of our state's businesses and population lie within a short drive of Vermont, Maine, and Massachusetts. Because of this, restrictions on business merely tend to drive shoppers, business activity, jobs, and revenue to neighboring states. Worse,

members of the committee were concerned that more of our nation's forests would need to be felled to produce the paper for paper cups, sleeves, and other food containers to replace polystyrene. Members of the committee asked for more evidence that food in polystyrene containers leaked chemicals that cause harm, but heard only a few statements and reference to a single study. For this reason, the majority recognizes the need to leave action up to consumers.

Rep. Max Abramson

Free Chad Evans. There is justice in Heaven, and there is justice in Hell. Both are therefore a law abider's utopia's compared to this monstrosity that our taxpayers are compelled to prop up.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling."

--Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

# Voting Sheets

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**EXECUTIVE SESSION on HB 265**

**BILL TITLE:** requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

**DATE:** March 2, 2021

**LOB ROOM:** Zoom

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Abramson

Seconded by Rep. Potucek

Vote: 18-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION ON HB HB265

**BILL TITLE:** requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

**DATE:** 3/2/2021

**LOB ROOM:** Zoom

---

**MOTION: (Please check one box)**

- OTP       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. Abramson      Seconded by Rep. Potucek      Vote: 18-0

**MOTION: (Please check one box)**

- OTP     OTP/A     ITL     Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

**MOTION: (Please check one box)**

- OTP     OTP/A     ITL     Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

**MOTION: (Please check one box)**

- OTP     OTP/A     ITL     Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

---

**CONSENT CALENDAR?**      \_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**Minority Report?**    \_\_\_\_\_ **Yes**    \_\_\_\_\_ **No**    If yes, author, Rep.: \_\_\_\_\_    Motion: \_\_\_\_\_

Respectfully submitted, Rep. Ammon, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/22/2021 9:55:55 AM  
Roll Call Committee Registers  
Report



2021 SESSION

Commerce and Consumer Affairs

Bill #: HB265 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	18		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.	12		
Van Houten, Constance	13		
Fargo, Kristina M.	14		
Weston, Joyce	15		
Beaulieu, Jane E.	16		
Burroughs, Anita D.	17		
McAlear, Chris R.			
<b>TOTAL VOTE:</b>	18	0	

# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 265

**BILL TITLE:** requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

**DATE:** March 2, 2021

**LOB ROOM:** Zoom                      **Time Public Hearing Called to Order:** 9:00 a.m.

**Time Adjourned:** 9:26 a.m.

**Committee Members:** Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

**Bill Sponsors:**

Rep. Cushing  
Rep. Edgar  
Sen. Sherman

Rep. Meuse  
Rep. Hobson

Rep. Rung  
Rep. Levesque

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Rosemarie Rung

Here in place of Renny Cushing to introduce HB265. Important bill enables residents to have confidence that when they buy bottled water in NH that it meets safety standards of the state. This bill is identical to HB335 which has gone through the public hearing process. I'm asking that you rule this bill ITL.

Rep Potucek

Q: What was the house bill number was last time we saw this two years ago?

A: I don't even know where my car keys are. Sorry, I don't remember the number. I'm just subbing for Rep Cushing.

Rep Bartlett: It was HB1274.

James Toner

Director of government relations for International Bottled Water Association. I testified about HB335 and expressed concerns over the proposal due to national uniformity and federal preemption. At the time, I stated that IBWA was neutral on the bill, however further member and internal review we are opposed to the bill on those same reasons. We believe that attempts to alter regulations for bottled water testing and reporting requirements are an impediment to interstate commerce. EPA address requirements for public drinking water. FDA handles these for bottled water. While EPA allows a more stringent contaminant levels, FDA does not. This is demonstrated based on state oversight. States have oversight over water sourced within their state, they do not have the same oversight for water sourced outside of their borders. Both EPA and FDA regulate certain contaminants based upon whether they determine there are threats to human health. Quite often that might mean not imposing any regulation at all. In the comments I provided, you can see how the FDA addressed the situation in regard to PFAS. Based upon IBWA request to set a national SOQ for these contaminants. Although, given that EPA has stated their in the process for rule making, at this time neither agency has sent anything beyond a health advisory. Should that

change, should the EPA or FDA set limits, IBWA will follow their lead. In several cases, IBWA already has stricter guidelines than those set by EPA or FDA. Two items I'd like to address that were presented in the hearing for HB335. 1) While not all bottlers are members of IBWA and therefore might not comply with our code of practice for most of our stricter, unique standards that we have set. We have done so based upon testing of bottled water. We do not set lower standards on PFAS based upon what we were seeing in any one state. Because we know that bottled water manufacturers are not seeing significant amounts of these contaminants in their product.2) Proponents pointed to the one instance where a company in Massachusetts provided water for bottle that tested higher for levels of PFAS. An important point to cite is that other bottlers were also tested with limited traces of PFAs in their water. And now one provider faced consequences and went out of business. It is for these reasons we request the committee not report this bill and allow for national standards to best determine contaminants.

Rep Ammon

Q: Was your testimony about HB265 or HB335?

A: It was HB265 today's bill but we testified a couple weeks ago on HB335 as well.

Rep David Meuse

I testified in front of committee on HB335 and here to lend my voice as a cosponsor of HB265. It is identical to the previous bill and I think the issues we face with this bill are identical. There are a lot of communities in NH that have found themselves on the wrong side of contamination issues. When that happens, they turn to bottled water. One of the things they take for granted is that bottled water is less contaminated than the water they're being told not to drink. The idea that the situation that occurred with the Spring Hill water company is extremely bothersome. Especially now that we've updated our PFAS standards. To me the biggest issue here in NH is that people actually have a way to know which bottled water they're drinking has met our state standards and which hasn't. One way to do that would be to require that all bottled water be certified as having passed NH standards. That would be the preferable way to do that. So, no one would be drinking water that might be contaminated. Another way might be to require stores to put water that has been tested and meets NH standards in one area of the display prominently labeled. Then to have another section for water that hasn't met our standards. To me the key thing is the public has a right to know if water is tested and meets our standards. I urge you to pass one of these bills and to retain the other.

Rep Abramson

Q: You mentioned the higher New Hampshire standards. Have you considered having a sticker/label or certification of some kind that the bottled water companies could put a symbol on their packaging, something they could do voluntarily that might have more selling value for the end consumer?

A: That was an idea that was kicked around by one of the committees. The original bill would have required posting the actual test results on the bottle itself. What you're talking about is something that basically just says, certified in compliance with NH standards. That would be an acceptable idea as well. It's a matter of people knowing what they're drinking.

Rep Hunt: This is like what we had with bovine growth hormone. The issue was mandating labeling of the product whether the farmer was using bovine growth hormone. The end result was enough consumers cared that the manufacturers put a sticker right on the packaging. Even today you'll see on the packages are labeled no growth hormone. If the consumers truly wanted to know that PFAS were in their water wouldn't it make sense for the marketers of bottled water to say "PFAS free/?"

A: There are times when people just don't want to know. Probably one of those times is when their water is contaminated and they're looking to bottled water as a remedy. There is something to the idea that we had some label on the bottle and they could see that, that could drive more demand for water that has been certified to meet those standards. When I go to Market Basket or Hanafords, I have no way of knowing if the bottled water that I buy has complied with the standards. I'm not affected by the contamination with Pease or Coakley PFAs exposure. As we've heard in testimony, PFAS bioaccumulates. Your body doesn't have a good way of getting rid of it. This is a top-of-mind issue for people who live in contaminated areas.

Rep Abramson

Q: We have NH logos and things like that, if we could have some kind of logo or label that bottlers could put on if they met the higher NH standards, voluntarily.

A: This bill is all about water meeting the standards and allowing consumers to know about that. Anything that moves this further down the road of consumers being informed about what they're drinking would be a good thing.

Rep Potucek

Q: Does not all the water that is sold in the state of NH meet the national standards?

A: We don't know. Some of it does. Modnadmack publishes their results. The others, I'm not 100% sure.

Michelle Roberge

DHHS. Administrator of the bureau of public health protection. Similar to our testimony on HB335, I'm here to provide you with background information on NH's regulations of bottled water. Also with me is Charles Metcalf. He's the supervisor of NH's dairy sanitation and beverage and bottled water programs within DHHS. HB265 proposes to require bottled water to comply with the maximum contaminant levels in NH's safe drinking water act. The food protection section within DHHS currently licenses and inspects all in-state manufacturers of bottled water and registers annually all out of state manufacturers of bottled water who distribute in NH. All finished bottled water products regardless of state or country of origin are required to meet the US FDA's standards of quality for bottled water and these standards are specified within 21 code of federal regulation, 165-110-b. In order to align with NH drinking water standards, rulemaking has been initiated by the department to require bottled water produced or distributed in NH to meet the maximum contaminant levels for the 4 regulated PFAS substances, arsenic, along with the FDA standards of quality. The department has reached out to stakeholders to inform them of the proposed rule revisions and our final proposed rules are projected to be before JLCAR in June 2021. Should this bill move forward, the department has one suggestion to add language to the proposed bill to provide clarity that these requirements will only apply to bottled water offered for retail sale in NH. We made a similar suggestion for HB335. The changes are on lines 26 and 27. On line 26, we would strike the words "for retail sale". On line 27 we would add "for retail sale in New Hampshire" after the word "state."

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # HB265

**BILL TITLE:** requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

**DATE:** Mar 2, 2021

**ROOM:** Zoom **Time Public Hearing Called to Order:** 9:00 AM

**Time Adjourned:** 9:26 AM

(please bold if present)

**Committee Members: Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer**

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Rosemarie Rung

Here in place of Renny Cushing to introduce HB265. Important bill enables residents to have confidence that when they buy bottled water in NH that it meets safety standards of the state. This bill is identical to HB335 which has gone through the public hearing process. I'm asking that you rule this bill ITL.

Rep Potucek

Q: What was the house bill number was last time we saw this two years ago?

A: I don't even know where my car keys are. Sorry, I don't remember the number. I'm just subbing for Rep Cushing.

Rep Bartlett: It was HB1274.

James Toner

Director of government relations for International Bottled Water Association. I testified about HB335 and expressed concerns over the proposal due to national uniformity and federal preemption. At the time, I stated that IBWA was neutral on the bill, however further member and internal review we are opposed to the bill on those same reasons. We believe that attempts to alter regulations for bottled water testing and reporting requirements are an impediment to interstate commerce. EPA address requirements for public drinking water. FDA handles these for bottled water. While EPA allows a more stringent contaminant levels, FDA does not. This is demonstrated based on state oversight. States have oversight over water sourced within their state, they do not have the same oversight for water sourced outside of their borders. Both EPA and FDA regulate certain contaminants based upon whether they determine there are threats to human health. Quite often that might mean not imposing any regulation at all. In the comments I provided, you can see how the FDA addressed the situation in regard to PFAS. Based upon IBWA request to set a national SOQ for these contaminants. Although, given that EPA has stated their in the process for rule



making, at this time neither agency has sent anything beyond a health advisory. Should that change, should the EPA or FDA set limits, IBWA will follow their lead. In several cases, IBWA already has stricter guidelines than those set by EPA or FDA. Two items I'd like to address that were presented in the hearing for HB335. 1) While not all bottlers are members of IBWA and therefore might not comply with our code of practice for most of our stricter, unique standards that we have set. We have done so based upon testing of bottled water. We do not set lower standards on PFAS based upon what we were seeing in any one state. Because we know that bottled water manufacturers are not seeing significant amounts of these contaminants in their product.2) Proponents pointed to the one instance where a company in Massachusetts provided water for bottle that tested higher for levels of PFAS. An important point to cite is that other bottlers were also tested with limited traces of PFAs in their water. And now one provider faced consequences and went out of business. It is for these reasons we request the committee not report this bill and allow for national standards to best determine contaminants.

Rep Ammon

Q: Was your testimony about HB265 or HB335?

A: It was HB265 today's bill but we testified a couple weeks ago on HB335 as well.

Rep David Meuse

I testified in front of committee on HB335 and here to lend my voice as a cosponsor of HB265. It is identical to the previous bill and I think the issues we face with this bill are identical. There are a lot of communities in NH that have found themselves on the wrong side of contamination issues. When that happens, they turn to bottled water. One of the things they take for granted is that bottled water is less contaminated than the water they're being told not to drink. The idea that the situation that occurred with the Spring Hill water company is extremely bothersome. Especially now that we've updated our PFAS standards. To me the biggest issue here in NH is that people actually have a way to know which bottled water they're drinking has met our state standards and which hasn't. One way to do that would be to require that all bottled water be certified as having passed NH standards. That would be the preferable way to do that. So, no one would be drinking water that might be contaminated. Another way might be to require stores to put water that has been tested and meets NH standards in one area of the display prominently labeled. Then to have another section for water that hasn't met our standards. To me the key thing is the public has a right to know if water is tested and meets our standards. I urge you to pass one of these bills and to retain the other.

Rep Abramson

Q: You mentioned the higher New Hampshire standards. Have you considered having a sticker/label or certification of some kind that the bottled water companies could put a symbol on their packaging, something they could do voluntarily that might have more selling value for the end consumer?

A: That was an idea that was kicked around by one of the committees. The original bill would have required posting the actual test results on the bottle itself. What you're talking about is something that basically just says, certified in compliance with NH standards. That would be an acceptable idea as well. It's a matter of people knowing what they're drinking.

Rep Hunt: This is like what we had with bovine growth hormone. The issue was mandating labeling of the product whether the farmer was using bovine growth hormone. The end result was enough consumers cared that the manufacturers put a sticker right on the packaging. Even today you'll see on the packages are labeled no growth hormone. If the consumers truly wanted to know that PFAS were in their water wouldn't it make sense for the marketers of bottled water to say "PFAS free/?"

A: There are times when people just don't want to know. Probably one of those times is when their water is contaminated and they're looking to bottled water as a remedy. There is something to the

idea that we had some label on the bottle and they could see that, that could drive more demand for water that has been certified to meet those standards. When I go to Market Basket or Hanafords, I have no way of knowing if the bottled water that I buy has complied with the standards. I'm not affected by the contamination with Pease or Coakley PFAs exposure. As we've heard in testimony, PFAS bioaccumulates. Your body doesn't have a good way of getting rid of it. This is a top-of-mind issue for people who live in contaminated areas.

Rep Abramson

Q: We have NH logos and things like that, if we could have some kind of logo or label that bottlers could put on if they met the higher NH standards, voluntarily.

A: This bill is all about water meeting the standards and allowing consumers to know about that. Anything that moves this further down the road of consumers being informed about what they're drinking would be a good thing.

Rep Potucek

Q: Does not all the water that is sold in the state of NH meet the national standards?

A: We don't know. Some of it does. Modnadmack publishes their results. The others, I'm not 100% sure.

Michelle Roberge

DHHS. Administrator of the bureau of public health protection. Similar to our testimony on HB335, I'm here to provide you with background information on NH's regulations of bottled water. Also with me is Charles Metcalf. He's the supervisor of NH's dairy sanitation and beverage and bottled water programs within DHHS. HB265 proposes to require bottled water to comply with the maximum contaminant levels in NH's safe drinking water act. The food protection section within DHHS currently licenses and inspects all in-state manufacturers of bottled water and registers annually all out of state manufacturers of bottled water who distribute in NH. All finished bottled water products regardless of state or country of origin are required to meet the US FDA's standards of quality for bottled water and these standards are specified within 21 code of federal regulation, 165-110-b. In order to align with NH drinking water standards, rulemaking has been initiated by the department to require bottled water produced or distributed in NH to meet the maximum contaminant levels for the 4 regulated PFAS substances, arsenic, along with the FDA standards of quality. The department has reached out to stakeholders to inform them of the proposed rule revisions and our final proposed rules are projected to be before JLCAR in June 2021. Should this bill move forward, the department has one suggestion to add language to the proposed bill to provide clarity that these requirements will only apply to bottled water offered for retail sale in NH. We made a similar suggestion for HB335. The changes are on lines 26 and 27. On line 26, we would strike the words "for retail sale". On line 27 we would add "for retail sale in New Hampshire" after the word "state."

# House Remote Testify

## Commerce and Consumer Affairs Committee Testify List for Bill HB265 on 2021-03-02

Support: 0 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Roberge, Michele	Concord, NH michele.roberge@dhhs.nh.gov	State Agency Staff	DHHS	Neutral	Yes (3m)	No	3/1/2021 10:46 AM
Toner, James	Alexandria, VA jtoner@bottledwater.org	A Lobbyist	IBWA	Oppose	Yes (3m)	No	2/26/2021 5:26 PM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	Yes (2m)	No	3/2/2021 6:46 AM
Cushing, Renny	Hampton, NH reprennycushing@gmail.com	An Elected Official	Myself	Support	Yes (0m)	No	2/26/2021 8:46 AM
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 7:00 AM
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 8:14 AM
St John, Michelle	HOLLIS, NH stjohnmichelle@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 8:20 AM
Newton, Jay	Gilford, NH Jjnewt@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 8:27 AM
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 8:32 AM
Cunningham, Shela	Belmont, NH shelacunningham@metrocast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 8:39 AM
Dahme, Pat	Concord, NH Patkind62@comcast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 8:47 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:05 AM
Porter, Todd	Hollis, NH admiral5555@yahoo.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:09 AM

Raspiller, Cindy	Mint Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:24 AM
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:24 AM
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:25 AM
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 9:26 AM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 12:54 PM
Irwin, Virginia	Newport, NH biddy.irwin@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 1:26 PM
Lewandowski, Jean	Nashua, NH jlewando@hotmail.com	A Member of the Public	Myself	Support	No	No	2/27/2021 10:50 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No	2/27/2021 3:52 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	2/28/2021 10:29 AM
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	No	2/28/2021 11:10 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 9:49 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 3:20 PM
Campbell, Kay	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	2/28/2021 3:40 PM
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	2/28/2021 5:10 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/28/2021 7:23 PM
Healey, Barbara	Merrimack, NH Barbara3821@aol.com	A Member of the Public	Myself	Support	No	No	2/28/2021 7:57 PM
Gordon, Laurie	Weare, NH Lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 8:40 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	2/28/2021 9:08 PM

Spencer, louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 9:15 PM
Spencer, Rob	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Support	No	No	2/28/2021 9:15 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 9:22 PM
barnes, ken	hopkinton, NH kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	No	No	2/28/2021 10:16 PM
Eicher, Alexandra	Nashua, NH alexandra.eicher@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 11:24 PM
st.martin, tom	candia, NH rockygorgenh@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 11:30 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	3/1/2021 6:51 AM
Garen, June	Gilmanton, NH jzanesgaren@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:43 AM
Briggs, Ronald	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:45 AM
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	No	3/1/2021 8:43 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 8:50 AM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 9:10 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 9:41 AM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 2:21 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	3/1/2021 10:50 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	3/1/2021 11:21 AM
Metcalf, Chuck	Concord (DHHS), NH charles.metcalf@dhhs.nh.gov	State Agency Staff	Myself	Neutral	No	No	3/1/2021 12:34 PM
Kling, Andrew	Bedford, NH andrewkling007@outlook.com	A Member of the Public	Myself	Support	No	No	3/1/2021 3:38 PM

Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 3:48 PM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 4:27 PM
Davis, Johnna	Gilford, NH jdavis@metrocast.net	A Member of the Public	Myself	Support	No	No	3/1/2021 5:29 PM
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Oppose	No	No	3/1/2021 6:09 PM
Hopkinson, Becky	Pelham, NH Beckykhopkinson@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 6:10 PM
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No	3/2/2021 12:43 AM
Stinson, Benjamin	CONCORD, NH benrkstinson@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 2:12 AM
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 6:20 AM
Cook, Barbara D	Canterbury, NH bdc7@aol.com	A Member of the Public	Myself	Support	No	No	3/1/2021 6:49 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	3/1/2021 6:59 PM
Taylor, Stephen	Plaistow, NH 1stcorinfa@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:03 PM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:09 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:12 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:18 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:21 PM
Lynch, Laura	Temple, NH Lynch.lauranh@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:25 PM
jakubowski, dennis	Loudon, NH dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:38 PM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	3/1/2021 8:25 PM

FRIEDRICH, ED	LOUDON, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Support	No	No	3/1/2021 8:31 PM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 8:43 PM
Maisttison, Maureen	Hollis, NH maisttisonm@outlook.com	A Member of the Public	Myself	Support	No	No	3/1/2021 9:08 PM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 9:24 PM
Arnold, Neil	Marlborough, AL krisarn@myfairpoint.net	A Member of the Public	Myself	Support	No	No	3/1/2021 9:38 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	3/1/2021 9:55 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 10:08 PM
Manseau, Joline	Hollis, NH Joline.manseau@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 10:26 PM
Truax, Beth	Grantham, NH Truax.e@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 10:49 PM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 7:48 AM
McNamee, Brigid	Concord, NH brigidmcnamee@yahoo.com	A Member of the Public	Myself	Support	No	No	3/2/2021 7:19 AM
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Support	No	No	3/2/2021 8:00 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	3/2/2021 8:11 AM
Sherman, Senator Tom	SD24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	No	3/2/2021 8:19 AM
Thompson, Tye	Nottingham, NH lbowTye@gmail.com	A Member of the Public	Myself	Support	No	No	3/2/2021 4:57 AM
ellermann, maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	3/2/2021 6:44 AM

# Testimony





December 17, 2019

Robert R. Hirst  
Vice President  
Education, Science and Technical Relations  
The International Bottled Water Association  
1700 Diagonal Road, Suite 650  
Alexandria, VA 22314

Dear Mr. Hirst:

Thank you for your letter of November 8, 2019, requesting FDA to establish a standard of quality (SOQ) for per- and polyfluoroalkyl substances (PFAS) in bottled water. Specifically, you requested that FDA issue an interim final rule or direct final rule to establish a SOQ of 5 parts per trillion (ppt) for any single PFAS compound and 10 ppt total for multiple PFAS compounds. You requested that FDA apply the SOQ for PFAS substances to bottled water finished products (not source water) and to each type of bottled water but not each size of the same type of bottled water. You also requested that FDA specify the test frequency (annual) and methods (e.g., EPA Method 537 for 2019 and EPA Method 537.1 starting in 2020). You further requested that FDA's SOQ "include a provision that would ensure regulatory national uniformity."

In addition, you requested that prior to the publication of the SOQ interim final rule or direct final rule, FDA "prepare and distribute a letter to the relevant state agencies explaining how bottled water is regulated by FDA, including the requirements for testing finished product only and why testing the same product in multiple-size containers is unnecessary."

#### Request for the establishment of a SOQ for PFAS in bottled water

As background, FDA promulgated the bottled water SOQ regulation in 1973 based on the 1962 U.S. Public Health Service (PHS) Drinking Water Standard (38 FR 32558). When finalizing the SOQ regulation in 1973, FDA stated that the "compatibility of the bottled water standard with the drinking water standard will be maintained by revising the bottled water standard when the drinking water standard is revised." (38 FR 32558 at 32561). Over the years, FDA has revised the bottled water SOQ based on EPA's National Primary Drinking Water Regulations (NPDWR) (e.g., 74 FR 25651) or proposed revisions to the bottled water SOQ based on the PHS recommendation for public drinking water (e.g., 84 FR 12975).

In 2016, EPA established lifetime health advisories of 70 parts per trillion (ppt) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), the two most well-known and prevalent PFAS chemicals (81 FR 33250). Health advisories are not regulatory levels. In 2019, EPA announced that it is moving forward with the Maximum Contaminant Level (MCL) process for PFOA and PFOS<sup>1</sup>. EPA is also gathering and evaluating information to determine if regulation is appropriate for a broader class of PFAS<sup>1</sup>. While we do not object to IBWA's adoption of SOQs for its members, FDA believes it would be premature for the Agency to establish a SOQ for PFAS in bottled water at this time, given the ongoing activities at EPA addressing PFAS in public drinking water.

[https://www.epa.gov/sites/production/files/2019-02/documents/pfas\\_action\\_plan\\_021319\\_508compliant\\_1.pdf](https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf)

---

**U.S. Food and Drug Administration**  
**Center for Food Safety & Applied Nutrition**  
5001 Campus Drive  
College Park, MD 20740  
[www.fda.gov](http://www.fda.gov)

In addition, FDA's testing show that bottled water generally has no detectable levels of PFAS. For example, in 2016, FDA analyzed 30 bottled water products collected at retail locations in the Washington, D.C. metropolitan area for PFAS. The samples included: purified, artesian, spring, mineral, and carbonated waters. None of the 30 samples had detectable levels of PFAS<sup>2</sup>. In addition, you stated in your letter that IBWA members are already testing for PFAS and the results, to date, have been overwhelmingly negative – i.e., PFAS compounds were not detected in bottled water products made by IBWA members at levels above what would be required by the states. Therefore, FDA believes that establishing a SOQ for PFAS in bottled water at this time would not significantly enhance FDA's mission of public health protection.

With regard to national uniformity, Section 403A of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343–1) is an express preemption provision. Section 403A(a) of the FD&C Act provides that: "... no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce—(1) Any requirement for a food which is the subject of a standard of identity established under section 401 that is not identical to such standard of identity or that is not identical to the requirement of section 403(g) . . . ." FDA has interpreted this provision to apply to standards of quality (21 CFR 100.1(c)(4)).

Request for a letter be sent by FDA to the relevant state agencies explaining how bottled water is regulated

As background, FDA regulates bottled water as food under the FD&C Act. In addition to regulations applicable to foods in general, bottled water is also subject to bottled water specific regulations, including the standard of identity regulation in 21 CFR 165.110(a), SOQ regulation in 21 CFR 165.110(b), and the current good manufacturing practice (CGMP) regulation for the processing and bottling of bottled drinking water in 21 CFR part 129.

FDA's CGMP regulation for bottled water includes testing requirements for contaminants in bottled water. Specifically, for chemical, physical, and radiological purposes, bottlers must take and analyze at least annually a representative sample from a batch or segment of a continuous production run for each type of the bottled drinking water produced during a day's production to assure compliance with the SOQ regulation for bottled water (21 CFR 129.80(g)(2)). FDA does not consider different bottle sizes to be different types of bottled water that would require separate testing under 129.80(g). However, the regulation requires testing of "a representative sample from a batch or segment of a continuous production run." Therefore, where a bottler has separate production runs for each size of bottled water, separate testing of each size would be required.

In addition, samples of source water from each source must be taken and analyzed as often as necessary but at a minimum each year for chemical contaminants (21 CFR 129.35(a)(3)). Bottlers that use a public water system for source water may substitute public water system testing results, or certificates showing full compliance with all provisions of EPA National Primary Drinking Water Regulations pertaining to chemical contaminants, for the testing requirements of 129.35(a)(3) (21 CFR 129.35(a)(4)(i)). <https://www.fda.gov/media/130564/download>

We note that the above bottled water regulations have not changed in recent years and the regulatory language is clear on the applicability of the SOQ regulation and the testing requirements. Therefore, FDA does not believe a letter is needed to explain how bottled water is regulated by FDA.

We hope this response provides clarification on how FDA regulates bottled water including the establishment of SOQ regulations.

Sincerely,



Paul South, Ph.D.  
Director, Division of Plant Products and Beverages  
Office of Food Safety  
Center for Food Safety  
and Applied Nutrition

Thank you Mr. Chairman and members of the committee. My name is Rep. David Meuse from Portsmouth and I'm here to offer my full support of HB 265 and if you're feeling a little deja vu this morning it's because this bill is identical to HB 335, which you heard earlier.

Over the years, Portsmouth like many NH communities has found itself on the wrong side of water contamination issues. We're in the unusual position of having been a victim of the negligence of others when it comes to PFAS contamination at Pease Tradeport—but we are also a responsible party when it comes to contamination at the Coakley Landfill that has affected our neighbors in Greenland, Rye, and North Hampton.

Something the victims of this pollution have become familiar with is bottled water. The one constant we see when contamination above the limits is discovered in a private well or water supply that exceeds the state's maximum levels is switching the people who have been affected over to bottled water.

We assume that bottled water is safe and pure. And most of the time that would be the correct assumption. But in 2019, tests by New Hampshire regulators showed PFAS chemicals in bottled water brands sold across New England. Four brands had PFAS levels the state now considers unsafe. These were the generic brands for stores like Whole Foods, CVS, Market Basket and Cumberland Farms. They all contained water from a supplier called Spring Hills Farms in Haverhill, Massachusetts.

But it's not just a few rogue brands we need to worry about. While the Federal Food and Drug Administration requires companies to test the quality of their products, the agency typically doesn't conduct its own tests. And companies aren't required to make the results of their tests available to the public. When Consumer Reports magazine investigated bottled water in 2019, it was only able to get reports from just 133 bottled water brands, barely half of those that were identified. When it reviewed the water quality test reports it gathered and spot tested bottled waters gathered from companies, it found that 6 percent of brands had a contaminant that exceeded state or federal limits.

One company, Keurig Dr Pepper, ultimately chose to withdraw its Peñafiel bottled water for sale in the U.S. after high arsenic levels were detected.

When it comes to PFAS, the International Bottled Water Association says it now requires members to test for PFAS. But the problem is the IBWA doesn't represent all bottlers. Spring Hill, the bottler responsible for bottled contaminated water being sold on store shelves at Market Basket, is not a member.

While it would be nice to think that the FDA and industry groups will close the gaps that allow contaminated water to be sold on store shelves, New Hampshire knows from its experience with PFAS and the EPA that sometimes you just can't afford to wait around for a federal agency to take action.

That's why I urge you to pass this bill. If a bottled water can't pass New Hampshire's drinking water standards, it simply doesn't deserve to be on New Hampshire store shelves.

Thank you.

RSA 485:3 XI. The commissioner shall adopt rules, pursuant to RSA 541-A, specifying the water quality standards and other criteria and procedures for obtaining a permit to use a source of water for the manufacture of bottled water.

HB 265 - AS INTRODUCED

2021 SESSION

21-0050

08/11

HOUSE BILL

**265**

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Meuse, Rock. 29; Rep. Rung, Hills. 21; Rep. Edgar, Rock. 21; Rep. Hobson, Rock. 35; Rep. Levesque, Straf. 4; Sen. Sherman, Dist 24

COMMITTEE: Resources, Recreation and Development

---

ANALYSIS

This bill requires bottled water to comply with the maximum contaminant levels in the New Hampshire safe drinking water act.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Short Title. This act may be known as the safe bottled drinking water act of 2021.

2 2 Purpose Statement. The general court finds that water is essential to life and it is a  
3 fundamental responsibility of government to protect the public health and safety of the people of the  
4 state. It is the intent of the legislature that bottled drinking water sold in the state meet the same  
5 maximum contaminant levels for public drinking water established under the New Hampshire safe  
6 drinking water act, RSA Chapter 485.

7 3 Container Sterilization and Sanitation; Water Source; Maximum Contaminant Levels. Amend  
8 RSA 143:16 to read as follows:

9 143:16 Container Sterilization and Sanitation; Water Source. All containers used in the  
10 manufacture of beverages, other than cider manufacturers regulated by the department of  
11 agriculture, shall be cleaned and sterilized in such manner as may be provided in the rules adopted  
12 under this chapter. All materials used in the manufacture of beverages shall be pure and wholesome  
13 and shall be stored, handled, transported, and kept in such manner as to protect them from spoilage,  
14 contamination, and unwholesomeness. Manufacturers of bottled water shall only utilize a source of  
15 water [~~for which a permit has been issued by the department of environmental services in~~  
16 ~~accordance with RSA 485:3, XI~~] ***that complies with the requirements in rules adopted under***  
17 ***RSA 143:6. All sources of bottled water in New Hampshire that began service on or after***  
18 ***August 8, 1997 shall be approved by the department of environmental services in***  
19 ***accordance with RSA 485:3, XI.*** All products shall comply as to composition, labeling, conditions  
20 of manufacture, transportation, storage, handling, and sale with existent statutory provisions  
21 relating thereto and with rules adopted under this chapter. ***All bottled water manufactured in***  
22 ***the state shall comply with requirements specified in departmental rules adopted under***  
23 ***RSA 143:6, and the maximum contaminant levels established under RSA 485.***

24 4 New Section; Sale of Bottled Water; Maximum Contaminant Levels. Amend RSA 143 by  
25 inserting after section 16 the following new section:

26 143:16-a Sale of Bottled Water Manufactured Out of State. All bottled water for retail sale,  
27 manufactured or bottled out of state, shall comply with the requirements specified in departmental  
28 rules under RSA 143:6, and maximum contaminant levels established under RSA 485. The  
29 department shall implement rules under RSA 541-A relative to bottled water manufactured out of  
30 state that are in compliance with any federal regulations on the matter.

1           5 Effective Date. This act shall take effect January 1, 2022.

**Archived:** Tuesday, April 13, 2021 1:55:00 PM

**From:** [David Meuse](#)

**Sent:** Tuesday, March 2, 2021 6:45:13 AM

**To:** ~House Commerce Committee

**Subject:** HB 265 Testimony

**Importance:** Normal

**Attachments:**

[HB 265 requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.pdf](#) 

---

Here is a written copy of the testimony I plan to deliver at this morning's hearing of HB 265.

Sent from my iPad

**Archived:** Tuesday, April 13, 2021 1:55:00 PM  
**From:** [Thomas Prasol](#)  
**Sent:** Monday, March 1, 2021 1:38:20 PM  
**To:** ~[House Commerce Committee](#)  
**Subject:** IBWA Testimony on HB265  
**Importance:** Normal  
**Attachments:**  
IBWA NEBWA Testimony NH HB265  
022621.docx ;FDA\_Response\_Re\_PFAS\_SOQs\_121719.pdf ;

---

Good afternoon Chairman Hunt, Vice Chairman Potucek, and Members of the Committee,

Ahead of the public hearing for HB265 on Tuesday morning, I wanted to send you a copy of the written comments and referenced letter to the International Bottled Water Association (IBWA) from the U.S. Food and Drug Administration. Additionally, James Toner from IBWA will also be testifying on Tuesday. Please do not hesitate to reach out to me with any questions you may have.

Sincerely,

Tom Prasol



Thomas R. Prasol

Managing Director  
Demers & Prasol, Inc  
72 No. Main Street, Suite 301  
Concord, NH 03301  
Office: 603-228-1498

Cell: 413-320-1523  
[www.Demers-Prasol.com](http://www.Demers-Prasol.com)

The information contained in this email message and any attachments may be privileged and/or confidential. It is for



the use of the intended addressee(s) only and is not for distribution to anyone else without the permission of Demers & Prasol, Inc. If you are not the intended recipient, any reproduction, distribution or other use of this communication is strictly prohibited. If you received this email in error, please notify the sender by reply and delete the message without saving, copying or disclosing it. Thank you.

**Archived:** Tuesday, April 13, 2021 1:55:00 PM

**From:** [Thompson, Tye](#)

**Sent:** Tuesday, March 2, 2021 5:25:39 AM

**To:** ~House Commerce Committee

**Subject:** NH House Remote Testify: 9:00 am - HB265 in House Commerce and Consumer Affairs

**Importance:** Normal

---

Good morning,

I am writing to you in favor of HB265. Change of sex designation on passports and NH ID requires statements from medical professional and is a simple administrative process. The added step of a court order to make this change is an added unnecessary barrier for individuals and the state.

I was born in New London Connecticut in 1970, my father was in the military and I moved considerably over my lifetime. I came to NH as a student in 1988 and have remained employed in NH since graduation in 1993. I was able to build my home in Nottingham in 2005 and for the first time experienced a deeply rooted sense of place.

I am also a transgender person who identifies as non-binary. I have been able to transition socially and medically over the last several years of my life. I am proud of NH for Having passed several pieces of legislation that have allowed me to safely be who i am in this world including protections against discrimination and to change my gender marker in my driver's license to X. Last year just Before the start of COVID i was as also able to and to amend my CT birth certificate to reflect X as the gender marker. This process required the forms be filled out correctly and that the appropriate attestation from my healthcare provider be included. I can't tell you how meaningful it has been to me to be accurately reflected in these forms of ID. In particular during COVID, if i had to get a court order in CT this would have been particularly prohibitive. The fact that this was a simple administrative process made it reasonable for me as a non-resident and was fair. We Can do this in NH as well.

Thank you for your consideration in this matter. I urge you to vote in favor of HB 265.

Respectfully,  
Tye  
(they/them/theirs)

Sent from my iPhone

Bill as  
Introduced

HB 265 - AS INTRODUCED

2021 SESSION

21-0050

08/11

HOUSE BILL **265**

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Meuse, Rock. 29; Rep. Rung, Hills. 21; Rep. Edgar, Rock. 21; Rep. Hobson, Rock. 35; Rep. Levesque, Straf. 4; Sen. Sherman, Dist 24

COMMITTEE: Resources, Recreation and Development

---

ANALYSIS

This bill requires bottled water to comply with the maximum contaminant levels in the New Hampshire safe drinking water act.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Short Title. This act may be known as the safe bottled drinking water act of 2021.

2 2 Purpose Statement. The general court finds that water is essential to life and it is a  
3 fundamental responsibility of government to protect the public health and safety of the people of the  
4 state. It is the intent of the legislature that bottled drinking water sold in the state meet the same  
5 maximum contaminant levels for public drinking water established under the New Hampshire safe  
6 drinking water act, RSA Chapter 485.

7 3 Container Sterilization and Sanitation; Water Source; Maximum Contaminant Levels. Amend  
8 RSA 143:16 to read as follows:

9 143:16 Container Sterilization and Sanitation; Water Source. All containers used in the  
10 manufacture of beverages, other than cider manufacturers regulated by the department of  
11 agriculture, shall be cleaned and sterilized in such manner as may be provided in the rules adopted  
12 under this chapter. All materials used in the manufacture of beverages shall be pure and wholesome  
13 and shall be stored, handled, transported, and kept in such manner as to protect them from spoilage,  
14 contamination, and unwholesomeness. Manufacturers of bottled water shall only utilize a source of  
15 water [~~for which a permit has been issued by the department of environmental services in~~  
16 ~~accordance with RSA 485:3, XI~~] ***that complies with the requirements in rules adopted under***  
17 ***RSA 143:6. All sources of bottled water in New Hampshire that began service on or after***  
18 ***August 8, 1997 shall be approved by the department of environmental services in***  
19 ***accordance with RSA 485:3, XI.*** All products shall comply as to composition, labeling, conditions  
20 of manufacture, transportation, storage, handling, and sale with existent statutory provisions  
21 relating thereto and with rules adopted under this chapter. ***All bottled water manufactured in***  
22 ***the state shall comply with requirements specified in departmental rules adopted under***  
23 ***RSA 143:6, and the maximum contaminant levels established under RSA 485.***

24 4 New Section; Sale of Bottled Water; Maximum Contaminant Levels. Amend RSA 143 by  
25 inserting after section 16 the following new section:

26 143:16-a Sale of Bottled Water Manufactured Out of State. All bottled water for retail sale,  
27 manufactured or bottled out of state, shall comply with the requirements specified in departmental  
28 rules under RSA 143:6, and maximum contaminant levels established under RSA 485. The  
29 department shall implement rules under RSA 541-A relative to bottled water manufactured out of  
30 state that are in compliance with any federal regulations on the matter.

1        5 Effective Date. This act shall take effect January 1, 2022.