

CONSENT CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 1422-FN,**

**AN ACT requiring warning labels on consumer
products containing perfluorinated chemicals. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Chris McAleer

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1422-FN
Title:	requiring warning labels on consumer products containing perfluorinated chemicals.
Date:	March 7, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This is a commendable goal but unwieldy as an overwhelming number of products contain these harmful chemicals. Our neighboring state Maine is attempting to implement a law along this line but it is too soon to evaluate the results. Short term efforts should be in educating the public about the dangers of these chemicals with the expressed intent that product manufacturers will voluntarily limit their use until proper controls can be implemented.

Vote 18-0.

Rep. Chris McAleer
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 1422-FN, requiring warning labels on consumer products containing perfluorinated chemicals.
INEXPEDIENT TO LEGISLATE.

Rep. Chris McAleer for Commerce and Consumer Affairs. This is a commendable goal but unwieldy as an overwhelming number of products contain these harmful chemicals. Our neighboring state Maine is attempting to implement a law along this line but it is too soon to evaluate the results. Short term efforts should be in educating the public about the dangers of these chemicals with the expressed intent that product manufacturers will voluntarily limit their use until proper controls can be implemented. **Vote 18-0.**

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1422-FN

BILL TITLE: requiring warning labels on consumer products containing perfluorinated chemicals.

DATE: March 3, 2022

LOB ROOM: 302-304

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. McAleer

Seconded by Rep. Potucek

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



2022 SESSION

Commerce and Consumer Affairs

Bill #: HB 1422 Motion: ITL AM #: Exec Session Date: 3/3/22

<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 <i>Acton</i>	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.			
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E. <i>Tanner</i>	15		
Burroughs, Anita D.	16		
McAlear, Chris R.	17		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1422-FN

BILL TITLE: requiring warning labels on consumer products containing perfluorinated chemicals.

DATE: 2/24/22

Subcommittee Members: and McAleer Reps. Hunt, Osborne, Ham, Johnson, Abel, Herbert, Fargo, Weston

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: OTP, OTP/A, (ITL) Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. [Signature] Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. McAleer Seconded by Rep. Ham Vote: 9-0

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1422-FN

BILL TITLE: requiring warning labels on consumer products containing perfluorinated chemicals.

DATE: February 24, 2022

Subcommittee Members: Reps. Hunt, Osborne, Ham, Johnson, Abel, Herbert, Fargo, Weston and McAleer

Comments and Recommendations:

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rep. McAleer

Seconded by Rep. Rep. Ham

Vote: 9-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1422-FN

BILL TITLE: requiring warning labels on consumer products containing perfluorinated chemicals.

DATE: February 10, 2022

LOB ROOM: 302-304

Time Public Hearing Called to Order: 11:45 a.m.

Time Adjourned: 12:35 p.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Ham, Greeson, Johnson, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Vail

Rep. Berch

Rep. Chase

Rep. Meuse

TESTIMONY

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

Rep Susanne Vail - Introduced the bill - Hillsborough District 30

- Alcohol and flooring substances must be labeled before being sold in NH
- There are several PCOS contamination hot spots in NH with cancer clusters
- NH passed Legislation to set max contamination levels to extend the statute of limitations to prove injury
- Instituted an array of measures that have raised awareness
- Worked with Dartmouth College researching. 18 months worth or maybe two years made a PDF online and it is hosted at Dartmouth medical school website. You can click through and get to the resources.
- Listed NH in saferstates.org and our efforts will be shared with other states.
- Empowers people
- Taken from a Michigan Bill
- Bill tells manufacturer and distributor to label products that contain p-fafs, a warning label that it is contained in the product

Rep Burroughs -

Question - Given the difficulty of enforcing this and the cost to enforce it, you know there must be thousands of products that have this. Why not use the GMO labeling system, it would be a good marketing tool.

Answer - That is extremely innovative. We are looking for this type of expertise.

Rep Abel -

Question - How would we do labeling so that the manufacturer didn't have to have 50 different labels for all of the states?

Answer - I am open to amendments to the bill that would include that would label the requirements which are very simple. It does not have to be a New Hampshire specific.

Rep Johnson -

Question - How do we get all these manufacturers from all these different industries for just New Hampshire. And because NH is NH and not California I worry about New Hampshire, I don't care about California.

Answer - Almost all of the time when manufactured, all kinds of labels are put on them and the manufacturers seem to be able to know where they can sell the items and what has to be on the labels.

Rep Potucek -

Question - Everything is labeled, my cell phone is labeled as is everyone elses, but what do we do with this information? What does it mean to me?

Answer - You will have a choice of what you are going to buy. We are talking about mostly consumables and the pots and pans that you cook them in.

Rep Bartlett - One of the things that has been valuable through this exercise is education. I didn't know until two weeks ago that dental floss goes directly into your bloodstream. Don't be discouraged if we kill it, but I think the conversation should continue.

Rep Chase - Rollinsford, Somersworth - Co-Sponsor

- We know that the bill has flaws, but awareness and getting the word out about things we put in our body.
- I took the test but do not understand the results and cannot print them. My test was high, what does that mean, where did it come from?
- This is a severe issue and I feel strongly that people have the right to know where p-fafs are found in products. It can be a simple label like a GMO label.
- We should know that the manufacturer process is not contaminated through build up on the machines.

Rep Greeson -

Question - I think the next bill needs to say realistically what kind of manufacturing may be in your area that perhaps the residues or byproducts of manufacturing may be questionable dumped into the water.

Answer - We are not trying to ban chemicals, we are just looking to help the consumer understand what they are putting in their bodies. Coakley Landfill is a Superfund site so the EPA put a cap on it but it still seeps into the land underneath. There are childcare centers that are exposing children. We do not know the levels in the water.

Rep Burroughs -

Question - Has any doctor told you that your daughter died from cancer caused by p-fafs?

Answer - No, I just have a feeling that could have caused it.

Rep Fargo -

Question - How would this be enforced. Is this a criminal offense or consumer protection angle that should be addressed.

Answer - It is food for thought. The other states looking to label are at a standstill right now and we are concerned it will get bigger.

*Kristin Koch, BIA-Director of Public Policy for the Business Industry Association

- HB1422 would be impossibly burdensome for manufacturers and retailers
- This bill would affect nearly every single industry
- We cannot monitor every single product sold in NH
- Respectfully request ITL

Rep Abel -

Question - Does the BIA have a viewpoint on what is appropriate to be done at the state level? I am just trying to get a sense of what is appropriate for a state to try to do and what is best for the federal government.

Answer - We believe this policy should be addressed at the federal level so that multi state businesses meet their uniformity. It also would be impossible for the state to regulate every single product that comes into NH.

Rep Fargo -

Question - While I agree that the federal level should, I would want to know why you would say that the burden isn't the responsibility of the NH department of Environmental Services?

Answer - We don't think it is reasonable or realistic for this burden to belong to just the department of Environmental services. We believe the issue is much larger and should be addressed at the federal level. The fiscal note doesn't address the costs for lab testing and what it would take to identify thousands of products that are for sale in NH and we don't think the staff could possible carry out what this bill would require.

Rep Hunt - It does have a fiscal note of 100 grand.

Let me clarify that we believe in the capabilities that the GPS here in NH, we just think that this bill is so large and costly that it needs to occur at the federal level.

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB1422 on 2022-02-10

Support: 2 Oppose: 3 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>
Dunn, Cara	Londonderry, NH choccraving@gmail.com	A Member of the Public	Myself	Support	No	No	2/3/2022 6:19 PM
Allen, Laurene	Merrimack, NH Alaurene@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 4:32 PM
Allen, Daniel	Merrimack, NH Danielrallen55@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 4:33 PM
DiPirro, Carol	Merrimack, NH cmdipirro@hotmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 5:58 PM
Weihrauch, David	Merrimack, NH dave.weihrauch516@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2022 7:40 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/8/2022 2:19 PM
See, Alvin	Loudon, NH absee@4liberty.net	A Member of the Public	Myself	Oppose	No	No	2/9/2022 8:35 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/9/2022 9:27 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/9/2022 9:46 PM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	No	No	2/10/2022 12:46 PM
Ouellette, Alfred	Plaistow, NH ouellettealfred@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/10/2022 3:09 PM

Updated Merrimack Cancer Analysis and Next Steps

Whitney Hammond, MSW MPH

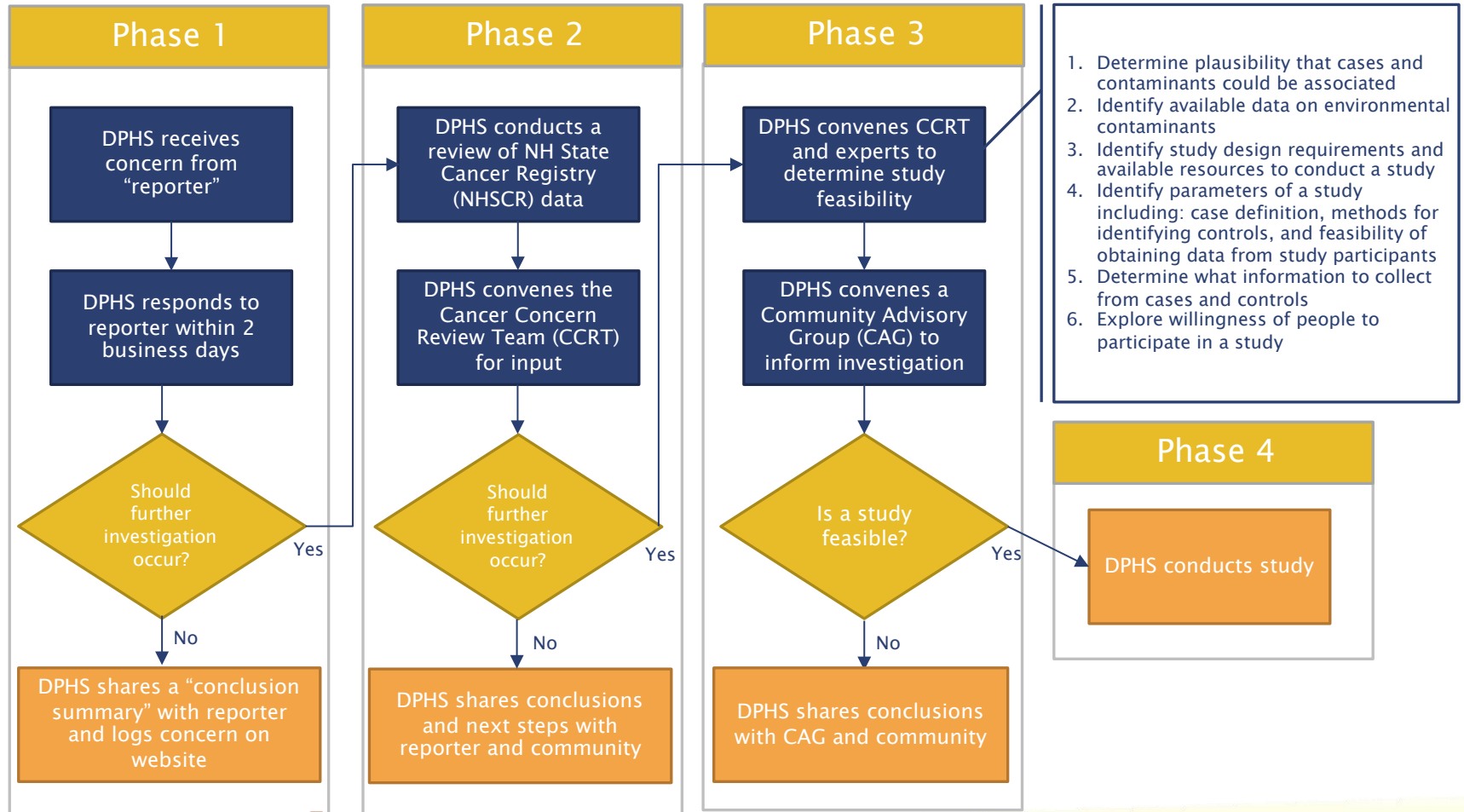
- ▶ St Gobain plant has been operational since 1980 (~40 years ago)
- ▶ 2/2016- Low levels of PFOA were found in the water supplied by the Merrimack Village District
- ▶ 10/16 to 8/17 – DHHS conducts MVD Exposure Assessment (blood testing for PFCs)
- ▶ 1/18 – DHHS published a report on cancer in Merrimack ([here](#))
 - As a result of PFOA drinking water contamination surrounding the Saint-Gobain Plastics facility the DHHS received requests to look at cancer rates
 - At the time DHHS reviewed scientific literature related to the “cancer causing” nature of PFOA and found only some studies which showed an “association” not “causation”

- Cancers associated with PFOA (Kidney SIR 1.25(0.93-1.64) , Prostate SIR 1.15 (0.99-1.32), Testicular SIR 0.91(0.39-1.78)) were not found to be higher in Merrimack using 2005-2014 NHSCR data.
- DHHS committed to continuing to monitor cancer rates and re-running SIR calculations in 1-2 years
- ▶ 6/19 - HB737 Established a commission to investigate and analyze impacts of PFAS in air, soil and groundwater in Merrimack, Bedford, and Litchfield through 11/24
 - Commission members request update on cancer data

NH Cancer Concern Review Protocol

- ▶ NH Protocol Available ([here](#))
- ▶ Guided by CDC Guidelines ([here](#)) from 2013 due for updates in 2022
 - CDC defines a cancer cluster as a:
 - 1) greater than expected number of cases;
 - 2) that occurs within a group of people;
 - 3) in a geographic area;
 - 4) over a defined period of time.
- ▶ Involves a 4-phase process for “evaluating suspected clusters”

State of New Hampshire Cancer Concern Investigation Protocol



What IS an SIR?

- ▶ It provides NHDHHS with a “signal”
- ▶ Standardized Incidence Ratio (SIR)
 - Calculated to provide an estimate of the likelihood that an excess of cases exists in the population of concern
 - Since cancer rates vary by age the SIR calculates “age-specific” rates which takes into account the actual age distribution of a population

- ▶ The SIR is the recommended measure for comparison of cancer in small areas with small numbers of cases rather than comparison of age-adjusted rates

Response to Cancer Concerns in Merrimack

What ISN'T an SIR?

- ▶ Proof of correlation or causation
- ▶ An indication of a cluster of cancers caused by an environmental exposure
- ▶ The end of an investigation



Interpreting the SIR

- ▶ An SIR of 1.00 means that observed cases are the same as expected, while an SIR of 1.20 means that observed cases are 1.20 times expected
 - SIR of 1.20 also means that observed cases are 20% greater than expected
- ▶ The SIR is accompanied by a confidence interval to assess statistical significance. If the SIR does not cover the base value of 1, then it is significant

- e.g. An interval of (1.10, 1.30) indicates significance, while an interval of (0.90, 1.50) does not
- ▶ Factors to consider in computing SIRs include
 - Types of cancer
 - Choice of reference population (e.g., cancer incidence in the larger reference population)
 - Time period of concern
 - Geographic area of concern
 - Demographic characteristics of cases in reference population

- ▶ Like any statistical procedure, SIR is not foolproof
 - Analogously to disease testing, false positive and false negatives can occur
 - Specificity of a test is related to “Type I error” in statistics
 - Sensitivity of a test is related to “Type II error”
 - The more statistical tests or intervals you compute, the greater the chance that some significant results will be due merely to chance

Standardized Incidence Ratios (SIRs) for cancer in Merrimack, NH 2009-2018

Cancer Type ^e	Observed	Expected ^d	SIR	Lower Confidence Interval ^f	Upper Confidence Interval
Brain and Other Nervous System	20	21.1	0.95	0.58	1.47
Colon and Rectum	122	101.8	1.20	1.00	1.43
Esophagus	19	19.8	0.96	0.58	1.50
Gall Bladder ^g					
Hodgkin Lymphoma	7	7.7	0.91	0.37	1.88
Kaposi Sarcoma ^g					
Kidney and Renal Pelvis	66	46.5	1.42	1.10	1.81
Larynx	8	10.0	0.80	0.35	1.58
Leukemia	39	37.9	1.03	0.73	1.41
Liver and Intrahepatic Bile Duct	16	18.5	0.86	0.49	1.40
Lung and Bronchus ^h	167	181.0	0.92	0.79	1.07
Melanoma of Skin	77	83.5	0.92	0.73	1.15
Mesothelioma ^g					
Myeloma	22	16.9	1.30	0.82	1.97
Non-Hodgkin Lymphoma	73	59.0	1.24	0.97	1.56
Oral Cavity and Pharynx	35	37.3	0.94	0.65	1.30
Pancreas	30	34.4	0.87	0.59	1.24
Stomach	11	15.5	0.71	0.35	1.27
Thyroid	44	42.9	1.03	0.75	1.38
Urinary Bladder, invasive and in situ	91	74.8	1.22	0.98	1.49
Prostate ^g	207	185.0	1.12	0.97	1.28
Testis	10	8.6	1.16	0.55	2.13
Breast (Female)	231	221.7	1.04	0.91	1.19
Cervix Uteri	7	6.9	1.02	0.41	2.09
Ovary	17	16.8	1.01	0.59	1.62
Uterus	55	53.3	1.03	0.78	1.34
Other	118	113.4	1.04	0.86	1.25

Table Notes:

- Cancer types are listed in the order of their assigned diagnostic codes in the International Classification of Disease for Oncology, 3rd Edition.
- The expected number is calculated by multiplying each age-specific cancer incidence rate of the reference population by each age-specific population of the community in question and then adding up the results.
- Cancer cases are likely higher than reflected for all of New Hampshire due to a delay in receiving cancer data from the Veterans Administration. Based on previous analysis we think Lung and Bronchus and Prostate cancer types are impacted by these missing data.
- Data are suppressed for all cancer types where the observed number of cases was less than 5.
- For an SIR to be considered statistically significant the lower confidence interval must be above 1.0

Next Steps in Phase 2

- ▶ Additional data analysis?
 - Appropriate geographic area (e.g., additional towns, census tracts with known exposure)
 - Power analysis
 - Mapping the cluster and contaminants of concern
 - Descriptive and spatial statistical epidemiologic methods
- ▶ Identify community concerns and identify local environmental factors
- ▶ Communicate with the community

Next Steps in Phase 2

- Share the results of SIR calculations, process, and next steps
- ▶ DHHS established the CCRT in an effort to respond to community concerns about cancer using the full range of expertise that is advised be involved in the CDC Guidelines. Including:
 - Cancer epidemiology
 - Environmental epidemiology
 - Risk communication
 - Cancer prevention
 - Guidelines on cancer cluster investigations
 - Familiarity with the geographic area and environmental concerns of the community

- ▶ The CCRT can help:
 - To avoid over-reliance on cancer calculations
 - To guide a more coordinated approach that is responsive to an array of concerns in the community (e.g., cancer prevention, environmental response, etc.)
 - To provide expertise in around each phase of the cancer cluster response process
- ▶ Decision to close the investigation or continue to Phase 3
 - Are there enough cases and a large enough population for statistical stability (numerator and denominator)?

Next Steps Phase 2

- Are there environmental contaminants that could be related to these cases?
- Are there population-related issues that might explain excess not controlled for with SIR? (smoking, TCE exposure, etc.)
- Has there been an increase in the incidence of the cancer overtime?
- What is the number of excess cases? (n=13)
- Are the demographics of these cases unusual? (age, gender)
- ▶ “A statistically significant SIR of great magnitude and an increasing trend in incidence rate, together with a known

Response to Cancer Concerns in Merrimack

environmental contaminant would argue for continuing to Step 3”

► Phase 3 Procedures

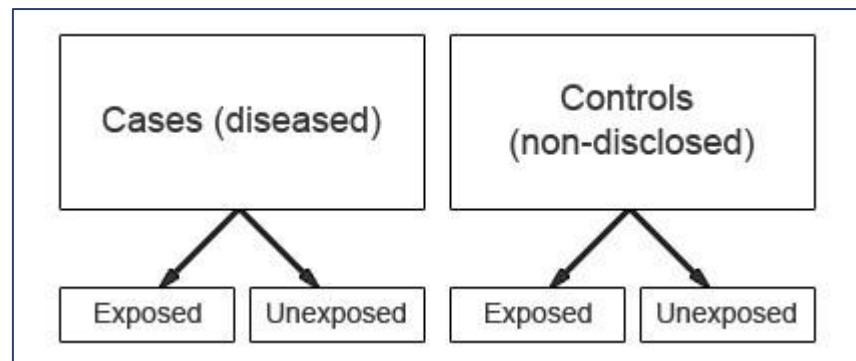
- Determine study hypothesis and review scientific literature
 - Learn what the community wants and needs and feasibility of addressing them (Community Panel)
 - Consider study design issues (Establish an Expert Panel)
- Determine study parameters
 - Case definition
 - Comparison group
 - Explore willingness of people to participate

- Consider plausibility that cases and contaminants could be associated
 - Known carcinogen, routes of exposure, sufficient doses, duration of exposure, historical records on exposures exist, residential history exists
- Identify available data on environmental contaminant of concern
- Identify study design requirements AND available resources to conduct the study

Next Steps Phase 4

► Case-Control Study

- Compares prevalence of an exposure between cases and controls



In summary...

- ▶ Initial analysis found a signal in Merrimack for kidney and renal cancer
- ▶ DHHS will work to better understand this signal
- ▶ This signal DOES NOT tell us anything about a common exposure
- ▶ More work is needed to better understand this signal
- ▶ This is a priority for DHHS

Thank You!

DHHSCCRT@dhhs.nh.gov 603-568-
5755



Archived: Thursday, May 19, 2022 12:44:35 PM
From: Suzanne Vail
Sent: Thursday, February 10, 2022 10:46:39 AM
To: ~House Commerce Committee
Subject: Additional Resources for 1422 HB -FN, including cancer cluster slide deck
Importance: Normal

Suzanne Vail has shared a OneDrive for Business file with you. To view it, click the link below.

 737_Dec102021_MerrimackData_FINAL.docx

<https://riversideca.gov/sites/default/files/press/pdf/RPU%20Products%20Containing%20PFAS.PDF>

Pesticides Stain Resistant Products are First to go off the shelves in a
municipality in Riverside, California

Water Resistant Non-Stick Dental Cleaning Paints, Sealants, P.i.
Title: RPU Products Containing PFAS Created Date: 11/17/2020 7:30:44 AM

riversideca.gov

<https://senatedems.com/bayer/news/2020/10/21/senator-bayer-introduces-bill-requiring-pfas-labeling-on-products/>



Senator Rosemary Bayer / Senator Bayer
Introduces Bill Requiring PFAS Labeling on
Products - Michigan State Senate

Senator Bayer Introduces Bill Requiring PFAS Labeling on
Products. LANSING, Mich. — Sen. Rosemary Bayer (D-Beverly
Hills) has introduced legislation to protect Michigan consumers
by requiring manufacturers to list per- and polyfluoroalkyl
substances, or PFAS, as active and hazardous ingredients in any
consumer product. S.B. 1000.

senatedems.com

<https://health.ri.gov/water/about/pfas/>

https://www4.des.state.nh.us/nh-pfas-investigation/wp-content/uploads/PFASinNH_Fact-Sheet_20210805.pdf



HOW ARE WE EXPOSED TO PFAS IN NEW HAMPSHIRE? HOW DOES PFAS REACH PEOPLE IN NH?

- Communities are taking action: Merrimack Citizens for Clean Water, was formed in 2016 when NHDES ordered the closing of two of the six Merrimack, NH public water wells as they

www4.des.state.nh.us

PFAS Contamination of Water: Department of Health

State of Rhode Island: Department of Health

health.ri.gov

Suzanne Vail
NH State Representative
Nashua Ward 3
Hillsborough County District #30
House Committee on Resources, Recreation and Development
Hillsborough County Executive Committee
603-234-0704

PFAS in New Hampshire

Frequently Asked Questions (FAQ) and Responses

What are PFAS?

Per- or poly-fluoroalkyl substances, or PFAS, are a family of fluorine containing compounds. This family includes over 5,000 different chemicals. PFOA, PFOS, PFHxS, and PFNA have the greatest research focus, because historically, they are the most abundant PFAS in the environment. More recently GenX, a chemical replacement for PFOA, has been researched in other regions of the nation due to concerns about how it may influence the health of humans and wildlife. Currently, there is not a high occurrence of GenX in New Hampshire (NH).

What are the PFAS drinking water standards for New Hampshire?

- In July 2020, legislation was signed into law setting maximum contaminant levels for PFOA, PFOS, PFHxS, and PFNA in NH. These are enforceable limits for public water suppliers and recommendations for private well users.
- PFAS drinking water standards currently vary from state to state because there are no national standards set for PFAS in drinking water by the U.S. Environmental Protection Agency (EPA). States develop these standards using the best science, the professional judgment of toxicologists and health risk assessors, and long-established risk assessment methods. As new studies inform our knowledge and risk assessment, PFAS drinking water standards may change. NH specific and other state contaminant levels can be found [here](#) on the Duke “PFAS in Drinking Water: Sources & Standards” fact sheet published in 2020.
- The following chart displays the PFAS standards specific to NH at this time, which are currently some of the strictest in the country:

Per- and Polyfluoroalkyl Substance (PFAS)	NH Maximum Contaminant Level nanograms per liter (parts per trillion, or ppt)
Perfluorooctanoic acid (PFOA)	12
Perfluorooctane sulfonic acid (PFOS)	15
Perfluorohexane sulfonic acid (PFHxS)	18
Perfluorononanoic acid (PFNA)	11

What are steps I can take to reduce my family’s exposure?

Get your well water tested: You can find out how and what to do next by visiting the NH Department of Environmental Services (NHDES) [private wells webpage](#) or look for laboratories recommended by the NHDES for [testing services](#).

- Enter your results for PFAS (and other contaminants) into the [NHDES Be Well Informed app](#) to receive an evaluation of your well water quality and, if advisable, water treatment options.
- If your well water tests above the PFAS maximum contaminant levels for NH, here are some resources designed to find the right water filter for your budget to protect your family from PFAS in your drinking water:

- NHDES PFAS in-home [Water Filtration Webpage](#)
- Environmental Working Group's (EWG) [Water Filter Guide](#)
- If your private well tap water has high PFAS levels, choose an alternative water source. However, note that bottled water is not currently held to NH state drinking water standards (unless it is bottled in NH). You should choose bottled water brands that are confirmed to have low PFAS concentrations and packaging without PFAS.
 - You can learn more about the amount of PFAS in various bottled waters through the [results of a study conducted by the NH Department of Environmental Services](#). Samples were collected in 2019 and some companies have since updated their practices in response to this study.

Minimize dust in your home to limit exposure to PFAS particles in the air:

- Leave shoes at the door to avoid tracking in dirt and pollutants.
- Wet mop or vacuum the floor instead of using a broom to avoid flying PFAS particles. Vacuum with a HEPA (high-efficiency particulate air) filter.
- Regular maintenance of home air filters has been shown to reduce levels of other persistent pollutants in dust in the home and is anticipated to provide similar reductions in PFAS. Find the right air filter for your home using the EPA's [Guide to Air Cleaners in the Home](#) or EWG's [Healthy Living: Home Guide](#).
- The average person spends 65 percent of their entire life inside their home! Check out [Homes For Health](#) for more tips on keeping each area of your home healthier.

Buy common products like pans, rain jackets and makeup thoughtfully:

- **Avoid** non-stick cookware containing PFAS. Instead, buy stainless steel and cast-iron pots and pans. If you have old non-stick pans you cannot part with, do not heat them over 450°F or use them in the oven. When the coating shows signs of wear-and-tear, it is time to let them go.
- **Avoid** stain-resistant treatments by asking for furniture, carpet and cleaning supplies that do not contain PFAS or are not marketed as “stain-resistant.”
- **Purchase** PFAS-free products from companies who have committed to eliminating PFAS from their manufacturing. You can find a list of these companies at [PFAS Central](#).
- **Be aware** that water and stain resistant treatments for textiles used as clothing or carpets are often made using PFAS. Many companies are seeking to eliminate PFAS from their stain and water-resistant products; however, until these transitions are complete it is important to be aware that these products may contain PFAS, particularly if they are older products:
 - PTFE (e.g., Teflon® coating, Gore-Tex® materials)
 - PFOS or PFBS (e.g., Scotchgard® coating), older items contain PFOS (e.g., Polartec® materials)
- **Minimize** your consumption of foods that are packed in materials containing PFAS. [Research suggests](#) that people who eat more meals prepared at home have lower PFAS concentrations in their bodies than those that regularly eat out or get takeout. Common food packaging that may contain PFAS includes:
 - Microwave popcorn
 - Fast food boxes (like French fry containers and pizza boxes)
 - Bakery bags
 - Bottled water

- **Find out which cosmetics and personal care products contain PFAS** using the ingredient list below, or [EWG's Skin Deep database](#) to find PFAS free cosmetics. [PFAS Central also maintains a list of PFAS free personal care products](#). **Generally, be cautious when ingredients contain the words “fluoro” or “perfluoro.”** PFAS are found in certain types of [dental floss](#), nail polish, facial moisturizers, eye make-up and more. Here are ingredients to look out for:
 - [PTFE](#)
 - [Perfluorononyl Dimethicone](#)
 - [Perfluorodecalin](#)
 - [C9-15 Fluoroalcohol Phosphate](#)
 - [Octafluoropentyl Methacrylate](#)
 - [Perfluorohexane](#)
 - [Pentafluoropropane](#)
 - [Polyperfluoroethoxymethoxy Difluoroethyl Peg Phosphate](#)
 - [Polyperfluoroethoxymethoxy Peg-2 Phosphate](#)
 - [Methyl Perfluorobutyl Ether](#)
 - [Perfluorononylethyl Carboxydecyl Peg-10 Dimethicone](#)
 - [Perfluorodimethylcyclohexane](#)
 - [Perfluoroperhydrophenanthrene](#)

What is being done about PFAS in NH?

In addition to the activities listed in the fact sheet, the NH Department of Health and Human Services (NHDHHS) is conducting a [public health surveillance study of NH residents](#) to measure their exposure to environmental contaminants, including PFAS. Community level studies are also ongoing, including the area surrounding the former [Pease Air National Guard Base](#).

Communities are taking action and have been instrumental in advocating for a PFAS blood testing program, PFAS community health studies, water filtration, PFAS remediation, and state and federal legislative action.

- [Merrimack Citizens for Clean Water](#) was formed in 2016 when NHDES ordered the closing of two of the six Merrimack public water wells as they tested over the state regulatory limit for PFAS at that time.
- [Testing for Pease](#) is a community action group founded in 2015 in response to PFAS contamination at the Pease Tradeport.

How can I find out if my family is being exposed to PFAS at high levels?

Biomonitoring (measurement of the toxic chemical compounds, elements, or their breakdown products, in the body) studies suggest that most people in the general population have [measurable levels of PFAS](#) in their blood. This exposure primarily comes from ingestion of contaminated water and food, as well as from exposure to consumer and personal care products that contain PFAS. **However, NH residents are often exposed to PFAS at higher levels than the general population.**

It is important to have well water testing done every 3-5 years for PFAS and other chemicals such as arsenic, copper, and lead. You can find out how to get your well water tested and what to do after you receive your test results on the [NHDES private wells page](#), and find out which laboratories the NHDES recommends for [testing services](#).

If you are concerned about your PFAS exposure start by speaking with your doctor. The Agency for Toxic Substances and Disease Registry (ATSDR) published [advice and a fact sheet](#) to help you begin this conversation. Also, NHDHHS has written a [letter that you can share with your health care provider](#). Printing these materials and sharing them with your primary care provider is a useful first step. Blood

testing may be suggested, and NH recently passed a law to support insurance coverage for the costs of PFAS blood testing. You can find out more about blood testing on this [NH Department of Health & Human Services](#) webpage.

What health effects have been associated with exposure to PFAS?

Many studies have been conducted to understand the association between PFAS exposure and human health effects. While research on these topics is still ongoing, PFAS exposure has been shown to impact human health as listed below. For examples of scientific journal articles discussing each health effect see the links provided.

PFAS has been shown to:

- Interfere with the body's natural hormones ([See ATSDR Report](#); [Additional Journal Article](#))
 - Studies suggest that PFAS interact and interfere with a variety of hormones including, but not limited to estrogen, androgens, insulin, and thyroid-related hormones.
- Increase cholesterol levels ([See ATSDR Report](#); [Additional Journal Article](#)) and risk of thyroid disorder ([See ATSDR Report](#); [Additional Journal Article](#))
 - Various studies suggest that greater PFAS blood levels are related to increased cholesterol levels, with heightened cholesterol levels leaving individuals at risk for other chronic conditions.
- Affect the immune system ([See ATSDR Report](#) and [National Toxicology Program Report](#))
 - Studies have found PFAS exposure to both heighten and diminish immune responses depending on the specific chemical under study.
- Alter physical growth and brain development in children ([See ATSDR Report](#); [Additional Journal Article](#))
 - Most studies indicate that PFAS adversely affect growth *in utero* and increase risk of obesity in childhood.
 - Some studies suggest that PFAS are neurotoxins and may delay and alter development in children who have been exposed to high PFAS levels, but these health effects have been less consistent across research studies than many of the other observed effects of PFAS on health.
- Increase the risk of certain types of cancer ([See ATSDR Report](#); [Additional Journal Article](#))
 - Research suggests a correlation between PFAS exposure and both kidney and testicular cancers in humans; however, further studies are needed to confirm these findings.
 - Animal studies have suggested the potential for PFAS exposure to trigger the growth of tumors in breast, liver, and pancreatic tissues.

For a more detailed description on the probable links of PFAS with human health see:

- The C8 Science Panel which specifically investigated the health effects of PFOA and created [Probable Link Reports](#) which summarize whether or not PFOA is likely to cause a number of specific health conditions. These reports establish that there was a probable link between PFOA and the following conditions:
 - [High Cholesterol](#)
 - [Ulcerative colitis](#)
 - [Thyroid disease](#), including hyperthyroidism or overactive thyroid (particularly among women) and hypothyroidism or underactive thyroid (particularly among men).

- [Testicular cancer](#)
- [Kidney cancer](#)
- [Pregnancy-induced hypertension](#)
- Rhode Island [STEER Report](#) on health effects

What if I live in a New England state that is not New Hampshire?

The New England Pediatric Environmental Health Specialty Unit [has produced a report](#) that explains federal advisory levels and details the state-wide regulations for New England states.

This FAQ was last updated: May 2021

February 9, 2022

Dear Charmin Hunt and Honorable Members of the Commerce Committee:

My name is Representative Wendy Chase. I live in Rollinsford and represent Strafford County District 18. Rollinsford and Somersworth. I am a co-sponsor and *strongly* support HB 1422.

I'm very proud to share that my family has lived in New Hampshire for eleven generations. We have resided on the seacoast for the past 70 years.

We have a severe PFAS issue here in New Hampshire throughout our state. I feel very strongly that our residents have the right and deserve to know where PFAS is found in products we use daily.

This legislation, HB 1422, requires warning labels on consumer products containing perfluorinated (PFAS) chemicals.

Per- and poly-fluoroalkyl substances are a group of human-made chemicals (of which there are thousands) known as PFAS. These chemicals were developed in the 1940s to repel water or make a surface slippery. Since then, PFAS have been adapted for many consumer products and are now common drinking water contaminants throughout the United States.

Scientific studies have shown that exposure to some PFAS in the environment may be linked to harmful health effects in humans and animals.

There are thousands of PFAS chemicals, and they are found in many different consumer, commercial, and industrial products.

Since the 1960s, the FDA has authorized several broad classes of PFAS for use in food contact substances due to their non-stick and grease, oil, and water-resistant properties. The authorization to use a food contact substance requires that available data and information demonstrate that there is a reasonable certainty of no harm for that use.

To ensure food contact substances are safe for their intended use, the FDA conducts a rigorous review of scientific data prior to their authorization for market entry. This includes reviewing data on migration of the food contact substance into food, expected consumer exposure to the food contact substance from this and other uses in food, and potential health impact from this exposure.

PFAS that are authorized for use in contact with food generally fall into four application categories:

Non-stick cookware: PFAS may be used as a coating to make cookware non-stick.

- Gaskets, O-Rings, and other parts used in food processing equipment: PFAS may be used as a resin in forming certain parts used in food processing equipment that require chemical and physical durability.
- Processing aids: PFAS may be used as processing aids for manufacturing other food contact polymers to reduce build-up on manufacturing equipment.

- Paper/paperboard food packaging: PFAS may be used as grease-proofing agents in fast-food wrappers, microwave popcorn bags, take-out paperboard containers, and pet food bags to prevent oil and grease from foods from leaking through the packaging.

Although the above categories have been “*authorized*” for use, they still contain levels of PFAS, which the consumer should know about when choosing products for their family. Please keep in mind that these are products that are most likely used daily, which brings the exposure of the PFAS in that product to a higher level.

Even though recent efforts to remove certain PFAS from commerce have reduced the likelihood of exposure, some household products, and indoor air or dust may still contain PFAS.

I mentioned at the beginning of my testimony that I grew up on the seacoast. Hampton’s North Beach, to be exact. There is so much documented PFAS in the area. North Hampton, parts of Portsmouth, and Greenland had one of the highest pediatric cancer clusters in New England.

My daughter was diagnosed in 1987 with Ewing’s Sarcoma when she was two. Ewing’s is a rare childhood bone cancer, but one of the highest know cancers caused by PFAS. Was it the water I drank growing up? The playing fields of my youth, the local eggs, vegetables, or meats I ate that caused my firstborn to develop such a rare cancer? You tell me...

I’ve attached my PEASE PFAS study results, which came with no real facts or guide to let me know what the high numbers mean. The bottom line is that my levels are high... what now?

I urge you to vote OTP on HB1422. Adding a warning labels on products containing perfluorinated (PFAS) chemicals is the right step to help the consumer make a better and more knowledgeable choice when purchasing. I thank you for your time this morning.

Sincerely,

Representative Wendy Chase
Rollinsford
Judiciary Committee
Disability and Children's Caucus

I’m also sending you a bit more information on ways people can be exposed to PFAS, and other areas where PFAS can be found.

Archived: Thursday, May 19, 2022 12:44:33 PM
From: [Wendy Chase](#)
Sent: Friday, February 11, 2022 9:06:33 AM
To: [~House Commerce Committee](#)
Subject: Thank you HB1422
Importance: Normal

Dear Chairman Hunt and members of the Commerce Committee,

I want to thank each of you for listening to my testimony yesterday as I shared with you my personal thoughts and concerns about the unknown lasting effects of PFAS.

AS I stated before all of you. I honestly have *no* idea if my lifelong exposure to these chemicals, played a part in my beautiful daughter's childhood cancer, but my Mothers instinct can't help but believe it did.

One day I'd like to have some answer after asking for so long. what could have caused this. I'm feeling energized and hopeful that something may be found in the TRWU Pediatric Cancer Family Study (TheReasonsWhy.Us). being conducted by Baylor College of Medicine (BCM), which I am now a part of.

I have re-attached my PEASE PFAS study results and the handout that was enclosed with my results. As you can see the handout does not give information or direction to know what my PFAS readout means. I've also attached images of my daughter's "pelvis" so you can see the destruction the tumor caused. Erin was 27 when her last femur surgery was done and this x-ray was taken. Keep in mind she was 3 years old when her hip was removed followed by 2 more years of Chemotherapy and 6 weeks of radiation.

Thank you again for your time, and thank you Representative Ham for that much-needed cup of water!

All the best,
Representative Wendy Chase

Representative Wendy Chase
Strafford County D-18
Rollinsford, Somersworth Wards 1-3-4 & 5
603-319-7259
Judiciary Committee
Member of the Disability & Children's Caucus



HB 1422-FN - AS INTRODUCED

2022 SESSION

22-2750
05/08

HOUSE BILL ***1422-FN***

AN ACT requiring warning labels on consumer products containing perfluorinated chemicals.

SPONSORS: Rep. Vail, Hills. 30; Rep. Berch, Ches. 1; Rep. Chase, Straf. 18; Rep. Meuse, Rock. 29

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires warning labels on consumer products containing PFAS.

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 Two

AN ACT requiring warning labels on consumer products containing perfluorinated chemicals.

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

1 1 New Section; PFAS Warning Label on Consumer Products. Amend RSA 485-H by inserting
2 after section 11 the following new section:

3 485-H:12 PFAS Warning Label on Consumer Products.

4 I. In this section:

5 (a) "Consumer product" or "product" means an article or component part thereof that is
6 produced, distributed, or sold for the personal use, consumption, or enjoyment of a consumer,
7 including, but not limited to, clothing, carpeting, fabric cleaning solutions, cosmetics and toiletries,
8 food, beverages, and water.

9 (b) "Label" means a display of information that is printed on or affixed to a product or its
10 packaging.

11 (c) "Labeling" means any communication that accompanies a product, such as labels
12 provided by the manufacturer to update labels on existing products in stock.

13 (d) "Packaging" means the immediate container or wrapper of a consumer product.

14 (e) "PFAS" means any organic chemical containing at least one fully fluorinated carbon
15 atom.

16 (f) "PFAS consumer product" or "PFAS product" means a consumer product that
17 includes PFAS.

18 (g) "PFAS packaging" means packaging that includes PFAS.

19 (h) "Retail seller" means a person that sells or otherwise provides consumer products
20 directly to consumers by any means, including the Internet. Retail seller includes those functions of
21 a business involved in the sale or other provision of consumer products directly to consumers, even if
22 the business or facility is primarily devoted to non-retail activities.

23 (i) "Sign" means a physical presentation of written, printed, graphic, or electronically
24 provided communication, including a shelf sign, but not including a label or labeling.

25 II.(a) The manufacturer, producer, packager, importer, supplier, or distributor of a PFAS
26 consumer product or PFAS packaging shall do one of the following if that person meets the
27 requirement of subparagraph (b)(5)(B):

28 (1) Beginning January 1, 2024, provide on the product label or labeling a warning
29 that meets the requirements of paragraph III.

HB 1422-FN - AS INTRODUCED
- Page 2 -

1 (2) By January 1, 2024, and annually thereafter, provide a written notice directly to
2 the authorized agent for a retail seller that sells the product in this state and obtain written
3 confirmation of receipt of the notice. The notice shall meet all of the following requirements:

4 (A) State that the product or the product's packaging may result in exposure to
5 PFAS, an organic chemical containing at least one fully fluorinated carbon atom.

6 (B) Include the exact name or description of the product or specific identifying
7 information for the product such as a universal product code.

8 (C) Be accompanied by labels or labeling that meet the requirements of section 5
9 and, for a product to be sold by the retailer on the Internet, warning language that meets the
10 requirements of section 5.

11 (b) Beginning January 1, 2024, a retail seller of a PFAS consumer product or consumer
12 product with PFAS packaging shall provide on the product label or labeling a warning that meets
13 the requirements of paragraph III if one or more of the following apply:

14 (1) The retail seller is selling the product under a brand or trademark that is owned
15 or licensed by the retail seller or an affiliated entity.

16 (2) The retail seller has knowingly introduced PFAS into the product or packaging,
17 or knowingly caused PFAS to be created in the product or packaging.

18 (3) The retail seller has removed, covered, obscured, or altered a warning provided
19 under subparagraph I(a)(1).

20 (4) The retail seller has received a notice pursuant to subparagraph I(a)(2). If the
21 notice includes a sign, the retail seller shall conspicuously post and display the sign in association
22 with the consumer product under conditions, including lighting conditions, that make it likely to be
23 seen, read, and understood by an ordinary person.

24 (5) The retail seller has actual specific knowledge from a reliable source that the
25 consumer product is a PFAS consumer product or has PFAS packaging and there is no
26 manufacturer, producer, packager, importer, supplier, or distributor of the product that meets both
27 of the following requirements:

28 (A) Has designated an agent for service of process in this state or has a place of
29 business in this state.

30 (B) Is not any of the following:

31 (i) A person employing fewer than 10 employees.

32 (ii) A local unit of government, this state, the federal government, or a
33 department, agency, board, commission, or authority of any of these.

34 (iii) The owner or operator of a public water supply, as defined in RSA 485:1-
35 a, XV.

36 III. A warning required under paragraph II shall:

HB 1422-FN - AS INTRODUCED
- Page 3 -

1 (a) State that the product or packaging, as applicable, includes PFAS and that exposure
2 to PFAS may have adverse health effects.

3 (b) Meet any other relevant requirements imposed by the department.

4 IV. The department may adopt rules under RSA 541-A to implement this section.

5 V.(a) A person who violates this section may be ordered to pay a civil fine of not more than
6 the following for each day of violation:

7 (1) For a violation committed in 2024, \$250.

8 (2) For a violation committed in 2025, \$1000.

9 (3) For a violation committed after 2025, \$2500.

10 (b) A violation of this section may be prosecuted by the prosecutor of the county in which
11 the violation occurred or by the attorney general. A fine collected under this section by the attorney
12 general shall be deposited in the PFAS remediation loan fund established in RSA 485-H:10.

13 (c) The attorney general or the prosecutor of the county in which a violation occurs may
14 bring an action for injunctive relief for a violation of this section.

15 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1422-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT requiring warning labels on consumer products containing perfluorinated chemicals.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase In Excess of \$90,000	Indeterminable Increase In Excess of \$94,000	Indeterminable Increase In Excess of \$98,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill gives the Department of Environmental Services rulemaking authority to implement the use of PFAS warning labels or signs on consumer products and packaging that contain PFAS compounds. The Department makes the following assumptions relative to this bill:

- The Department is expected to implement and enforce the program which would require it to make rules and administer them. In order to administer such a program, the Department would need to assess what type of consumer products and packaging materials are currently being sold or are in use with PFAS present and where they are being sold or used throughout the State which would be a time intensive and complicated endeavor given the hundreds of products and packaging known to potentially contain PFAS coupled with the volume of retail and food establishments in New Hampshire. This information will allow for education and outreach to affected businesses prior to the compliance date of January 1, 2024 and to ensure compliance of these businesses.

- As new products come into the consumer marketplace, the Department would need to evaluate such new products and provide technical assistance to affected businesses on an on-going basis.

The Department states this new responsibility would overextend its existing program resources, and therefore would require the hiring of a new Environmentalist IV position (labor grade 26). The estimated salary and benefit costs of this position is approximately \$90,000 in FY 2023, \$94,000 in FY 2024, and \$98,000 in FY 2025. Further, the Department states this bill would likely result in additional indeterminable costs beyond the position, including costs associated with data collection, lab testing and analysis, third party assistance and educational materials.

This bill does not provide an appropriation or authorization for any new positions.

In addition, this bill includes new civil penalties, which may be prosecuted by county prosecutors or the Department of Justice, which may result in increased costs to said entities, as well as the Judicial Branch. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures.

AGENCIES CONTACTED:

Department of Environmental Services, Department of Justice, Judicial Branch, and New Hampshire Association of Counties