

REGULAR CALENDAR

October 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Resources, Recreation and
Development to which was referred HB 1602-FN,**

**AN ACT relative to perfluorinated chemicals in
drinking water. Having considered the same, report
the same: NOT RECOMMENDED FOR FUTURE
LEGISLATION.**

Rep. Robert Harb

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 1602-FN
Title:	relative to perfluorinated chemicals in drinking water.
Date:	October 26, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill required testing for PFAS in drinking water of child care facilities and schools. Testimony from the Department of Environmental Services (DES) asserted that schools, and some daycare centers, are on public water supplies which are already tested. The department is presently sampling facilities with non-public water systems. DES also states that the enforcement of PFAS regulations in schools and daycare centers are a public health responsibility and is under the jurisdiction of the Department of Health and Human Services (DHHS), and not the responsibility of DES. This bill would have changed the regulatory structure. DES recommended that the bill not be recommended for future legislation. The majority agreed. However, some members of the committee wished to have the bill recommended for future legislation with a caveat that the bill be so structured as to re-affirm the jurisdictional responsibility of DHHS.

Vote 11-6.

Rep. Robert Harb
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Resources, Recreation and Development

HB 1602-FN, relative to perfluorinated chemicals in drinking water.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Robert Harb for Resources, Recreation and Development. This bill required testing for PFAS in drinking water of child care facilities and schools. Testimony from the Department of Environmental Services (DES) asserted that schools, and some daycare centers, are on public water supplies which are already tested. The department is presently sampling facilities with non-public water systems. DES also states that the enforcement of PFAS regulations in schools and daycare centers are a public health responsibility and is under the jurisdiction of the Department of Health and Human Services (DHHS), and not the responsibility of DES. This bill would have changed the regulatory structure. DES recommended that the bill not be recommended for future legislation. The majority agreed. However, some members of the committee wished to have the bill recommended for future legislation with a caveat that the bill be so structured as to re-affirm the jurisdictional responsibility of DHHS. **Vote 11-6.**

Original: House Clerk

Cc: Committee Bill File

Heather Goley

From: Andrew Renzullo
Sent: Wednesday, October 26, 2022 1:46 PM
To: Heather Goley
Subject: Interim Study Report on HB1602

Hi Heather,
Another one.

HB 1602 Relative to perflorinated chemicals in drinking water

Representative Harb for Resources, Recreation and Development. This bill required testing for PFAS in drinking water of child care facilities and schools. Testimony from DES asserted that schools, and some day care centers, are on public water supplies which are already tested. The department is presently sampling facilities with non-public water systems. DES also states that the enforcement of PFAS regulations in schools and daycare centers are a public health responsibility and is under the jurisdiction of the Department of Health and Human Services, and not the responsibility of the Department of Environmental Services. This bill would have changed the regulatory structure. DES recommended that the bill not be recommended for future legislation. The majority agreed. However, some members of the committee wished to have the bill recommended for future legislation with a caveat that the bill be so structured as to re-affirm the jurisdictional responsibility of DHHS.

Recommendation: Not to Recommend for Future Legislation 11-6

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1602-FN

BILL TITLE: relative to perfluorinated chemicals in drinking water.

DATE: October 19, 2022

LOB ROOM: 305 - 307

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Harb

Seconded by Rep. Creighton

Vote: 11-6

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1602-FN

BILL TITLE: relative to perfluorinated chemicals in drinking water.

DATE:

10/19/22

LOB ROOM:

305 - 307

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. Harb

Seconded by Rep. Creighton

Vote: 11-6

Respectfully submitted,

Rep.

Julia H. Bolu
Committee Clerk



2022 SESSION

Resources, Recreation and Development

Bill #: 1602 Motion: Not Recommended AM #: _____ Exec Session Date: 10/19/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓	✓	
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.		✓	
Spang, Judith T.		✓	
Grassie, Chuck W.		✓	
Gottling, Suzanne H.		✓	
Cohen, Bruce L.		✓	
Connors, Erika F.			✓
Vail, Suzanne M.		✓	
Kelley, Eamon P.			✓
Moran, Melbourne R.			✓
Egan, Timothy T.			✓

Abst. 11 6

CONSENT CALENDAR

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 1602-FN,

AN ACT relative to perfluorinated chemicals in drinking water. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Chuck Grassie

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 1602-FN
Title:	relative to perfluorinated chemicals in drinking water.
Date:	March 1, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill would require testing for PFAS in drinking water of childcare facilities and schools. The bill required the testing and reporting of results of PFAS testing for all licensed childcare facilities and schools in NH. The Department of Environmental Services has agreed to do much of the work addressed in this bill as part of their on-going testing program. The committee would like to study this issue further and follow-up with the DES program.

Vote 21-0.

Rep. Chuck Grassie
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 1602-FN, relative to perfluorinated chemicals in drinking water. **REFER FOR INTERIM STUDY.**

Rep. Chuck Grassie for Resources, Recreation and Development. This bill would require testing for PFAS in drinking water of childcare facilities and schools. The bill required the testing and reporting of results of PFAS testing for all licensed childcare facilities and schools in NH. The Department of Environmental Services has agreed to do much of the work addressed in this bill as part of their on-going testing program. The committee would like to study this issue further and follow-up with the DES program. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

Heather Goley

From: Andrew Renzullo
Sent: Monday, February 28, 2022 8:08 PM
To: Heather Goley
Cc: Suzanne Smith; Chuck Grassie
Subject: Committee Report for HB1602

Hi Heather,

Attached is an approved committee report for HB1602.
Andy

Committee Report HB1602
REFER FOR INTERIM STUDY
Consent Calendar
Rep. Chuck Grassie for Resources, Recreation, and Development.

This bill would require testing for PFAS in drinking water of childcare facilities and schools. The bill required the testing and reporting of results of PFAS testing for all licensed childcare facilities and schools in NH. The Department of Environmental Services has agreed to do much of the work addressed in this bill as part of their on-going testing program. The committee would like to study this issue further and follow-up with the DES program.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1602-FN

BILL TITLE: relative to perfluorinated chemicals in drinking water.

DATE: February 23, 2022

LOB ROOM: 305 - 307

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Grassie

Seconded by Rep. Vail

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk



2022 SESSION

Resources, Recreation and Development

Bill #: 1602-FN Motion: Interim Study AM #: _____ Exec Session Date: 2-23-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith-T. <u>WESTON</u>	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R. <u>PEREZ</u>	✓		
Egan, Timothy T.	✓		

21

0

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1602-FN

BILL TITLE: relative to perfluorinated chemicals in drinking water.

DATE: January 19, 2022

LOB ROOM: 305 - 307 **Time Public Hearing Called to Order:** 4:00 p.m.

Time Adjourned: 4:14 p.m.

Committee Members: Reps. Renzullo, Harb, Harvey-Bolia, Hough, Gould, Creighton, Dodge, Mayville, Post, Suzanne Smith, Gottling, Cohen and Egan

Bill Sponsors:

Rep. Grassie

Rep. Cohen

Rep. Meuse

Rep. Woods

Rep. B. Boyd

Rep. Marsh

Rep. Vail

Rep. Langley

Sen. Watters

TESTIMONY

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

Rep. Bruce Cohen introduced the bill.

***Brandon Kernan, NHDES** spoke in favor.

Respectfully submitted,

Rep. Juliet Harvey-Bolia

Clerk

01/19/21 4:00 pm

Committee members: Reps Renzullo, Harvey-Bolia, Creighton, Cohen, Smith, Dodge, Egan, Gottling, Gould, Hough, Harb, Healey, Hough, Post, Mayville

HB 1602-FN

Rep. Cohen introduced the bill.

Brandon Kernen, NHDES spoke in favor.

Adjourn at 4:14PM

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

House Resources, Recreation and Development

HB1602

Support: 50 | Oppose: 1 | Neutral: 0

<u>Name</u>	<u>Town</u>	<u>State</u>	<u>Position</u>	<u>Attachment</u>	<u>Typed</u>
Amy Erickson	Wolfeboro	NH	Support		
Andrew Jones	Pembroke	NH	Support		
Anne Dontonville	Enfield	NH	Support		
Anne Grossi	Bedford	NH	Support		
Annie Rettew	Concord	NH	Support		
Barbara Healey	Merrimack	NH	Oppose		
Barbara Zaenglein	AMHERST	NH	Support		
Benjamin Stinson	CONCORD	NH	Support		
Brian Landrigan	Merrimack	NH	Support		
Cheri Falk	Wilton	NH	Support		
Claudia Damon	Concord	NH	Support		
David Doherty	Pembroke	NH	Support		
David Holt	Somersworth	NH	Support		
David Meuse	Portsmouth	NH	Support		
Debra Altschiller	Stratham	NH	Support		
Denise Clark	Milford	NH	Support		
Elizabeth Fenner-Lukaitis	Warner	NH	Support		
Elizabeth Lewis	Nashua	NH	Support		
Ellis Robinson	Grantham	NH	Support		
Eric Zaenglein	Amherst	NH	Support		
Evan Oxenham	Plainfield	NH	Support		

<u>Name</u>	<u>Town</u>	<u>State</u>	<u>Position</u>	<u>Attachment</u>	<u>Typed</u>
Gary Devore	Pembroke	NH	Support		
GARY WOODS	BOW	NH	Support		
Gregory Davis	Salem	NH	Support		
Heidi Hamer	Manchester	NH	Support		
Hon. Nancy A Murphy	Merrimack	NH	Support		
Jeanne Torpey	Concord	NH	Support		
John Ballentine	Nashua	NH	Support		
Jonathan Glass	Cornish	NH	Support		
Joyce Weston	Plymouth	NH	Support		
Karen Dewey	NEWPORT	NH	Support		
Katherine Tucker	Wilmot	NH	Support		
Laura Aronson	MANCHESTER	NH	Support		
Laurene Allen	Merrimack	NH	Support		
Lee Oxenham	Plainfield	NH	Support		
Linda Burnap	Wolfeboro	NH	Support		
Lyn Lindpaintner	Concord	NH	Support		
Lynda Cecchetti	Strafford	NH	Support		
Margaret Keeler	New London	NH	Support		
Mark Vallone	Epping	NH	Support		
Nancy Brennan	Weare	NH	Support		
Pat Teden	Merrimack, NH	NH	Support		
Pauline Landrigan	Merrimack	NH	Support		
Randy Hayes	Canterbury	NH	Support		
Renia Woods	Bow	NH	Support		
Roger Dontonville	Enfield	NH	Support		
Safiya Wazir	Concord	NH	Support		
Sally Findley	Grantham	NH	Support		
Sandra Blanchard	Loudon	NH	Support		
Senator David Watters	Dover	NH	Support		
Susan Richman	Durham	NH	Support		



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 18, 2022

The Honorable Andrew Renzullo
Chairman, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1602–FN, AN ACT relative to perfluorinated chemicals in drinking water.

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 1602. This bill would require schools and licensed child care facilities to test drinking water at all locations at the facility that are available for consumption by children for the presence of per and polufluoroalkly substances (PFAS) every five years. The New Hampshire Department of Environmental Services (Department) agrees with the intent of the legislation but provides the following recommendations which will substantially reduce costs and achieve the intent of this legislation.

- 1) **Only Test the Source of the Drinking Water:** The language in HB 1602 is modeled on the lead sampling requirements in RSA 485:17-a which requires periodic testing of drinking water for lead at every fixture that could potentially be used as a source of drinking water for children. The sampling of every fixture for lead is appropriate because lead in drinking water generally originates from plumbing system components or water fixtures such that each fixture needs to be tested to ensure elevated lead levels are not present in drinking water. PFAS in drinking water have not been generally associated with the components of plumbing systems and instead occurs due to its release into the environment which contaminates groundwater or surface water used as drinking water. The Department recommends that only the source of the water after treatment be required to sample. Some facilities have dozens of fixtures and the cost per PFAS test can range from \$175-\$300 per sample.
- 2) **Only Test Facilities that Are not a Public Water System or that Do Not Obtain Water from a Public Water System:** The majority of schools and childcare facilities either purchase water from a regulated public water system or itself is a standalone regulated public water system because they could potentially serve more than 25 people water more than 60 days of year. Public water systems recently completed four rounds testing for PFAS and are subject to ongoing PFAS sampling requirements into the future. In accordance with regulations adopted by the Department, public notification occurs if the PFAS results exceed a standard adopted by the Department. It is not necessary to require additional testing for PFAS in drinking water at these facilities.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

The Honorable Representative Renzullo
Chairman, House Resources, Recreation and Development Committee
January 18, 2022
Page 2

There are approximately 100 child care facilities and 50 schools that use onsite private wells that are not subject to regulations of the Department because there are less than 25 people at these facilities. These entities are not required to test their drinking water for PFAS. However, the Department of Health and Human Services is currently considering if it will include voluntary testing of the drinking water for PFAS at child care facilities using a private well as part of its Choose Safe Places program that is currently under development. Furthermore, the Department could offer to voluntarily sample these facilities over the next eighteen months or the language of the bill could be amended to require these facilities to sample their private well for PFAS themselves or in collaboration with state agencies.

Thank you again for the opportunity to comment on HB 1602. Should you have any questions or require more information, please contact Brandon Kernen, Administrator of the Drinking Water and Groundwater Bureau at 603-271-1168 or Brandon.Kernen@des.nh.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

cc: Sponsors of HB 1602: Representatives Grassie, Cohen, Meuse, Woods, Boyd, Marsh, Vail, Langley;
Senator Watters

Heather Goley

From: Laurene Allen <alaurene@gmail.com>
Sent: Sunday, January 16, 2022 5:16 PM
To: ~House Resources Recreation and Development
Cc: Bill Boyd; Suzanne Vail
Subject: NH House Remote Testify: Wed 1/19 3:45 pm - HB1602 in House Resources, Recreation and Development

Good afternoon esteemed members of the NH House Resources Recreation and Development Committee,

I am a long term resident of Merrimack and a cofounder of a citizen group, Merrimack Citizens for Clean Water, that community members formed after the discovery of PFAS chemicals in our drinking water back in 2016. I am writing in support of HB 1602 as it is a very important bill that seeks to ensure that our most vulnerable population, children, are not ingesting PFAS compounds at unsafe levels in the drinking water at their schools and daycares where they spend a significant amount of time. We know from health consultations with the CDC/ATSDR and the excellent work of NHDES when they established a science based Maximum Contaminant Level for the 4 PFAS with the most information available that these chemicals are harmful to infants and children whose development can be easily disrupted in the most vulnerable times of life, in utero, infancy and in childhood. Since NH set MCLs for 4 PFAS, we have learned that there are several more chemicals in this class that have toxicological profiles complete that we see in our water data in a regular basis. Guidance is slowly emerging from the federal government that acknowledges that water consumers in PFAS impacted areas of the nation are exposed to mixtures and the trend has begun to categorize and consider the total burden as each compound is now being fitting into various subclass categories grouped according to similar health impacts. As we wait for the slow process of federal regulations to catch up to the work that states such as NH have already responsibly begun, we must be continually integrating new knowledge into the foundation that we have laid. We must also be vigilant in finding where exposure can take place and protecting children from the health disruptions that this chemical class is known to trigger.

Thank you,

Laurene Allen
16 French Court
Merrimack NH 03054
(603)494-8395

HB 1602-FN - AS INTRODUCED

2022 SESSION

22-2710

08/04

HOUSE BILL

1602-FN

AN ACT

relative to perfluorinated chemicals in drinking water.

SPONSORS:

Rep. Grassie, Straf. 11; Rep. Cohen, Hills. 28; Rep. Meuse, Rock. 29; Rep. Woods, Merr. 23; Rep. B. Boyd, Hills. 21; Rep. Marsh, Carr. 8; Rep. Vail, Hills. 30; Rep. Langley, Hills. 8; Sen. Watters, Dist 4

COMMITTEE:

Resources, Recreation and Development

ANALYSIS

This bill requires testing for PFAS in drinking water of child care facilities and schools.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

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 relative to perfluorinated chemicals in drinking water.

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

1 1 New Section; PFAS Levels in Drinking Water; Schools and Child Care Facilities.. Amend RSA
2 485 by inserting after section 17-a the following new section:

3 485:17-b Per and Polyfluoroalkyl Substance Levels in Drinking Water in Schools and Licensed
4 Child Care Facilities.

5 I. Upon the effective date of this section, and within every 5-year period thereafter, public
6 and private schools and licensed child care facilities that have not sampled in the prior 2 years shall
7 test for the presence of per and polyfluoroalkyl substances (PFAS) in drinking water at all locations
8 at the facility that is available for consumption by children. Such testing shall be in accordance with
9 guidance from the department. If test results demonstrate the presence of PFAS in a concentration
10 that exceeds the applicable standard established by the department or the Environmental Protection
11 Agency, whichever is more stringent, the school or licensed child care facility shall, within 5 business
12 days, notify parents and guardians of the excessive levels. The school or licensed child care facility
13 shall, as an interim measure, ensure that the children are provided only drinking water that meets
14 the standard. The school or licensed child care facility shall also implement a remediation plan, as
15 approved by the department, within 30 days of notification of parents or, in consultation with the
16 department, as soon as practicable. The department shall review the plan and any associated
17 submittals within 30 days of receiving them. If 3 consecutive rounds of sampling performed every 5
18 years are below the standard, further testing shall not be required.

19 II. Any time the applicable state standard for PFAS in drinking water is changed, public
20 and private schools and licensed child care facilities shall, within 30 days, compare the results of
21 their most recent testing with such new standard and, in the event any such results exceed the new
22 standard, proceed with the requirements of paragraph I relative to notice, remediation, and interim
23 measures.

24 2 Effective Date. This act shall take effect July 1, 2022.

**HB 1602-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to perfluorinated chemicals in drinking water.

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	\$130,000	\$130,000	\$130,000
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$171,500 - 294,000	\$171,000 - \$294,000	\$171,000 - \$294,000

METHODOLOGY:

This bill requires the Department of Environmental Services to administer and enforce PFAS sampling, reporting and notification requirements at all schools (public and nonpublic) and licensed childcare facilities. While the total of all facilities subject to this bill exceeds 1,500, for the purpose of estimated local costs, the Department estimates there are 490 public schools with an average number of sampling sites each of 10, for a total of 4,900 public school sampling sites. The Department further estimates the average cost per sample ranges from \$175-\$300, therefore the cost to complete the required sampling for local school districts would range from \$857,500 to \$1,470,000, or \$171,500 to \$294,000, assuming testing occurs once every five years.

The Department states to administer, track and enforce the proposed sampling, notification and remediation requirements for over 1,500 facilities, it would need an additional staff person (environmentalist IV, labor grade 27). Assuming a start date of July 1, 2022, this position, including salary, benefits, and other expenses, would cost approximately \$130,000 in FY 2023 and each year thereafter. It should be noted that this bill provides neither authority nor appropriation for new personnel.

AGENCIES CONTACTED:

Department of Environmental Services