

Amendment to SB 309-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after
4 section 16-d the following new subdivision:

5 Perfluorochemicals

6 485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of
7 the department of health and human services and stakeholders, and no later than January 1, 2019,
8 initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate
9 (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and
10 perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The
11 commissioner shall consider the standards of other states, including the science considered by states
12 with standards lower than those contained in health advisories from the United States
13 Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect
14 public health, particularly prenatal and early childhood health, and that are reasonably supported
15 by peer reviewed science and independent or government agency studies, provided no MCL shall
16 exceed that contained in any MCL promulgated by the United States Environmental Protection
17 Agency. The commissioner shall annually review the newest peer reviewed science and
18 independent or government agency studies and undertake rulemaking in order to comply with this
19 paragraph, if necessary.

20 2 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting
21 after paragraph III the following new paragraph:

22 IV. The commissioner shall, in consultation with the commissioner of the department of
23 health and human services and stakeholders, and no later than January 1, 2019, determine
24 whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS),
25 perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid
26 (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her
27 determination. The commissioner shall consider the standards of other states, including the science
28 considered by states with standards lower than those contained in the lifetime health advisory
29 promulgated by the United States Environmental Protection Agency. The commissioner shall adopt
30 standards that reasonably protect public health, particularly prenatal and early childhood health,
31 and that are reasonably supported by peer reviewed science and independent or government agency
32 studies, provided no standard shall exceed that contained in any standard promulgated by the

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1 United States Environmental Protection Agency. If the commissioner determines that the standard
2 should be changed, the commissioner shall initiate rulemaking within 60 days of making the
3 determination. The commissioner shall annually review the newest peer reviewed science and
4 independent or government agency studies and undertake rulemaking in order to comply with this
5 paragraph, if necessary.

6 3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after
7 paragraph II-a the following new paragraph:

8 II-b. The commissioner shall, in consultation with stakeholders, and no later than January
9 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS),
10 perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid
11 (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider
12 the standards of other states. The commissioner shall adopt standards that reasonably protect
13 public health, particularly prenatal and early childhood health, and that are reasonably supported
14 by peer-reviewed science and independent or government agency studies, provided no standard
15 shall exceed that contained in any standard promulgated by the United States Environmental
16 Protection Agency. If the commissioner determines that the standard should be changed, the
17 commissioner shall initiate rulemaking within 60 days of making the determination. The
18 commissioner shall annually review the newest peer-reviewed science and independent or
19 government agency studies and undertake rulemaking in order to comply with this paragraph, if
20 necessary.

21 4 Effective Date. This act shall take effect 60 days after its passage.