REGULAR CALENDAR

October 17, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred HB 465-FN,

AN ACT restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products. Having considered the same, report the same:

NOT RECOMMENDED FOR FUTURE LEGISLATION.

Rep. Carry Spier

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**HB 465-FN**
Title:	**restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.**
Date:	**October 17, 2024**
Consent Calendar:	**REGULAR**
Recommendation:	**NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT

As a result of committee hearings, the provisions of this bill were included in HB1649 (Ch. 349, Laws of 2024), relative to prohibiting certain products with intentionally added PFAS and relative to civil actions for PFAS contamination, and relative to settlement of lawsuits against manufacturers of PFAS for impacts to public drinking water systems. HB 1649 has been signed by the governor. No further action should be considered for this bill.

Vote 16-0.

Rep. Carry Spier
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products. **NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Carry Spier for Commerce and Consumer Affairs. As a result of committee hearings, the provisions of this bill were included in HB1649 (Ch. 349, Laws of 2024), relative to prohibiting certain products with intentionally added PFAS and relative to civil actions for PFAS contamination, and relative to settlement of lawsuits against manufacturers of PFAS for impacts to public drinking water systems. HB 1649 has been signed by the governor. No further action should be considered for this bill. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: October 17, 2024

LOB ROOM: 302-304

MOTION:

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

Moved by Rep. Spier Seconded by Rep. Cole Vote: 16-0

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2024 SESSION

4/19/2024 9:56:56 AM
Roll Call Committee Registers Report

Commerce and Consumer Affairs

Bill #: HB 465 Motion: Not AM #: _____ Exec Session Date: 10/17/24

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Potucek, John M.	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
McGough, Tim S	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.			
Beaulieu, Jane E. Clerk	✓		
McAleer, Chris R.	✓		
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
Grassie, Chuck W.	✓		
Rafter, Hal W			
TOTAL VOTE:	16	0	

CONSENT CALENDAR

November 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred HB 465-FN,

AN ACT restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Carry Spier

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**HB 465-FN**
Title:	**restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.**
Date:	**November 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**REFER FOR INTERIM STUDY**

STATEMENT OF INTENT

Since the drafting of HB 465, the Northeast Waste Management Officials Organization (NEWMOA), whose members include Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, has developed model legislation that will best remove dangerous perfluoroalkyl and polyfluoroalkyl substances (PFAS) from entering our NH landfills (and ground water) by banning the use of those chemicals in consumer products considered to be the most serious contributors to the contamination. A new bill has been proposed (LSR 24-2805) which will address the combined issues taken up by HB 242 and this bill in a unified approach using the strategies proposed by the NEWMOA model.

Vote 19-0.

Rep. Carry Spier
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products. **REFER FOR INTERIM STUDY.**

Rep. Carry Spier for Commerce and Consumer Affairs. Since the drafting of HB 465, the Northeast Waste Management Officials Organization (NEWMOA), whose members include Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, has developed model legislation that will best remove dangerous perfluoroalkyl and polyfluoroalkyl substances (PFAS) from entering our NH landfills (and ground water) by banning the use of those chemicals in consumer products considered to be the most serious contributors to the contamination. A new bill has been proposed (LSR 24-2805) which will address the combined issues taken up by HB 242 and this bill in a unified approach using the strategies proposed by the NEWMOA model. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: November 8, 2023

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Spier Seconded by Rep. Hunt Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: 465 **Motion:** IS **AM #:** _____ **Exec Session Date:** 11/8/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Osborne, Jason M. McGough	✓		
Potucek, John M.	✓		
Terry, Paul A	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk	✓		
~~McAleer, Chris R.~~ Howard	✓		
Vincent, Kenneth S.	✓		
Calabro, Karen E	✓		
Filiault, Shaun M			
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: October 17, 2023

Subcommittee Members: Reps. Ammon, Cole, Thackston, Hunt, McAleer, Herbert, Filiault and Spier

Comments and Recommendations: Rep Spier recommends Interim Study

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Rep. Spier Seconded by Rep. Rep. Ammon Vote: 6-0

Respectfully submitted,

Rep. Jane Beaulieu
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: September 20, 2023

Subcommittee Members: Reps. Ammon, Cole, Thackston, Hunt, McAleer, Herbert, Filiault and Spier

Comments and Recommendations: Mike Wimsatt, DES testified. They recognize the seriousness of PFAS in NH. The Committee will come back on Oct. 17th.

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Rep. Hunt Seconded by Rep. Rep. Ammon Vote: 7-0

Respectfully submitted,

Rep. Jane Beaulieu
Subcommittee Clerk

HOUSE COMMITTEE ON Commerce and Consumer Affairs

BILL NUMBER: **HB 465-FN**

BILL TITLE: **restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.**

DATE: **February 15, 2023**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. Hunt, Chair

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: February 15, 2023

LOB ROOM: 302-304

MOTIONS: RETAINED

Moved by Rep. Hunt Seconded by Rep. Potucek Vote: 18-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Acting Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:24:24 PM
Roll Call Committee Registers Report

2023 SESSION

Commerce and Consumer Affairs

Bill #: HB 465 Motion: Retain AM #: _____ Exec Session Date: 2/15/23

Members	YEAS	Nays	NV
Hunt, John B. Chairman	18		
Ammon, Keith Michael Vice Chairman	1		
Osborne, Jason M.	2		
Potucek, John M.	3		
Terry, Paul A	4		
Post, Lisa C.M.	5		
~~Cole, Brian D~~ Ankarberg	6		
Porcelli, Susan M	7		
Thackston, Dick H	8		
Walsh, Lilli M	9		
Burroughs, Anita D.	10		
Herbert, Christopher J.		1	
~~Beaulieu, Jane E. Clerk~~ Howard	11		
McAleer, Chris R.		2	
Vincent, Kenneth S.	12		
Calabro, Karen E	13		
~~Filiault, Shaun M~~ Bouldin	14		
Gibbs, Merryl	15		
Spier, Carry	16		
Sullivan, Jared	17		
TOTAL VOTE:	18	2	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: February 15, 2023

Subcommittee Members: Reps. Hunt, Ammon, Thackston, Herbert, McAleer, Filiault and Potucek

Comments and Recommendations:

MOTIONS: RETAINED

Moved by Rep. Rep. Hunt Seconded by Rep. Rep. Potucek Vote: 4-2

Respectfully submitted,

Rep. John Hunt
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 465-FN

BILL TITLE: restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

DATE: February 1, 2023

Subcommittee Members: Reps. Hunt, Ammon, Cole, Thackston, Herbert, McAleer, Filiault and Spier

Comments and Recommendations: Retain 5-3

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 465-FN

BILL TITLE: **restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.**

DATE: **January 25, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **12:05 p.m.**

Time Adjourned: **12:30 p.m.**

Committee Members: Reps. Hunt, Ammon, Beaulieu, Potucek, Terry, Post, Cole, Porcelli, Thackston, L. Walsh, Burroughs, Herbert, McAleer, Vincent, Calabro, Filiault, Gibbs, Spier and J. Sullivan

Bill Sponsors:

Rep. Ebel	**Rep. Rung**	**Rep. N. Murphy**
Rep. Grote	**Rep. Malloy**	**Rep. Mooney**
Rep. Dunn	**Rep. B. Boyd**	**Rep. Merner**
Sen. Watters	**Sen. Chandley**	**Sen. Ricciardi**
Sen. Perkins Kwoka	**Sen. Prentiss**	

TESTIMONY

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

*Rep Ebel - Introduced
- Reduce toxicity in our waste streams
- Source reduction is most important

Michael Nork - NHDES - No position
- May be very costly for the Department

Henry Veilleux - Waste Management - Supports

Respectfully Submitted,

Rep Jane Beaulieu, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB465-FN

Date: 1/25/23

Committee: Commerce

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Karen Ebel	Merrimack #7	6037483876		✓	
Dennis Malloy	Rockingham 24	603 970-1927		✓	
Rep Nancy Murphy	Hills #12, Town of Merrimack			✓	
Michael Nork	NHDES	271-2906	NHDES		

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB465 on 2023-01-25

Support: 75 Oppose: 1 Neutral: 1 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2023 5:01 PM
Stewart, Colleen	Salem, NH cm.stewart024@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2023 10:52 AM
Antonucci, Amy	Barrington, NH amyla226@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2023 12:27 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No	1/20/2023 3:52 PM
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/21/2023 11:19 AM
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/21/2023 11:34 AM
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No	1/21/2023 1:13 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	1/22/2023 4:11 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 5:32 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:47 PM
Allen, Laurene	merrimack, NH alaurene@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:47 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	1/22/2023 7:48 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:17 PM

Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:40 AM
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:50 AM
Farnum, William	Tamworth, NH williamwfarnum@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:10 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:27 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:42 AM
Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:49 AM
Strayer, Frances	Sandwich, NH fdstrayer@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:51 AM
Benton, Richard	Sandwich, NH rlbentonbuilder@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:52 AM
Ford, Sue	Easton, NH sueford06@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:20 AM
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 10:56 AM
Hurley, Jack	Claremont, NH jrhurjd@aol.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:21 AM
Dabrowski, Sally	Merrimack, NH sallyadabrowski@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 12:34 PM
Rettew, Ann	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:11 PM
Liebowitz, Susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:25 PM
Stewart, Rosemary	Merrimack, NH rmy.stewart@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:27 PM
Thorne, Sarah	Holderness, NH scthorne350@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:41 PM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 37	Support	No	No	1/23/2023 2:36 PM
Hurley, Margaret	Claremont, NH mdaisshurley@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 3:37 PM

Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:52 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:08 PM
Schapiro, Joe	Keene, NH joe.schapiro@leg.state.nh.us	An Elected Official	Cheshire 16	Support	No	No	1/23/2023 6:19 PM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:04 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:53 PM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:00 PM
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:17 PM
Bruno, Darla	Lebanon, NH rockitgirly@aol.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:26 PM
Healey, Robert	MERRIMACK, NH rvhealey@aol.com	An Elected Official	Myself	Support	No	No	1/23/2023 9:09 PM
Hennessey, Martha	Hanover, NH Msh4wt@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:16 PM
Murphy, Rep. Nancy	Merrimack, NH nancy.murphy@leg.state.nh.us	An Elected Official	Hillsborough #12/ Merrimack	Support	No	No	1/23/2023 11:28 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 6:01 AM
Spielman, Kathy Sue	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 8:09 AM
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:35 AM
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Support	No	No	1/24/2023 9:05 AM
Baker, Deb	Concord, NH deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No	1/24/2023 9:26 AM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	1/24/2023 10:51 AM
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 12:27 PM

LeClerc, Daniel	Amherst, NH djl91862@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2023 1:44 PM
BALDWIN, HEATHER	Thornton, NH hpbaldwin48@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2023 2:26 PM
Brown, Marc	Newfields, NH marc@advantagenh.com	A Lobbyist	The Alliance for Automotive Innovation	Neutral	No	No	1/24/2023 3:44 PM
LaMontagne, Jessica	Dover, NH finnlamontagne@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2023 3:57 PM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 4:34 PM
Laker-Phelps, Gail	Chichester, NH lpsart@tds.net	A Member of the Public	Myself	Support	No	No	1/24/2023 4:38 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 6:03 PM
Thomas, Wendy	Merrimack, NH wethomas@gmail.com	An Elected Official	Town of Merrimack	Support	No	No	1/24/2023 6:57 PM
Cayot, Albert	Merrimack, NH evacayot@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 6:59 PM
Black, William	Hanover, NH billblacknh@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 7:12 PM
Ebel, Karen	New London, NH karen.ebel@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/24/2023 7:16 PM
Holt, David	Somersworth, NH Davholt@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 7:19 PM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/24/2023 7:43 PM
Rung, Rosemarie	Merrimack, NH rosemarie.rung@leg.state.nh.us	An Elected Official	Hillsborough 12	Support	No	No	1/24/2023 7:48 PM
Black, Austin	Merrimack, NH blackaa13@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 7:55 PM
Boyd, Representative Bill	Merrimack, NH william.w.boyd.iii@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2023 10:32 PM
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 10:48 PM
Hobson, Deb	East Kingston, NH deborahlhobson@gmail.com	An Elected Official	Myself	Support	No	No	1/25/2023 7:52 AM

Bosworth, Nora	Portland, ME nbosworth@clf.org	A Lobbyist	Conservation Law Foundation	Support	No	No	1/25/2023 8:53 AM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 10:59 AM
Muns, Chris	Town, NH chris.muns@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2023 11:30 AM
Marshall, James	Derry, NH jim_marshall2268@yahoo.com	A Member of the Public	Myself	Support	No	No	1/25/2023 11:34 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	1/25/2023 11:46 AM
Friedrichs, Emily	Durham, NH emilyfriedrichs@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 11:56 AM
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2023 5:55 PM
Schuett, Rep. Dianne	Pembroke, NH schuettforrep@yahoo.com	An Elected Official	Myself	Support	No	No	1/25/2023 8:35 PM
Damon, Representative Hope	Croydon, NH Hope.Damon@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2023 10:13 PM
Reardon, Donna	Concord, NH bugs42953@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 10:17 PM

Testimony in support of HB 465

HB 465 would restrict the sale of PFAs and PFOAs that are intentionally added to carpets and rugs in New Hampshire, as well as aftermarket stain and water-resistant treatments. This bill would protect the public health and would support the goals adopted by NH DES's recently issued Solid Waste Management Plan (SWMP), specifically to reduce the toxicity of our waste stream. Reducing PFAs in our waste stream should, over time, help to decrease societal costs, both in terms of health and economically. The effective date of this measure would not be until July 1, 2025, which should give ample time to prepare for its implementation. This bill has strong bipartisan support as indicated by our cosponsors.

The bill's approach to decreasing PFAs in our waste stream is supported by New Hampshire's Solid Waste Working Group (SWWG) of which I am chair. Among other things, the SWWG is a stakeholder committee statutorily created and charged with working closely with NHDES on long-range solid waste planning, developing creative solutions to our state's solid waste management challenges and recommending related legislation. As noted above, this bill supports specific goals in the SWMP issued in September by NH DES.

It is important to put HB 465 into context. Back in 2019, when China issued is National Sword policy and stopped taking much of our plastics and mixed paper, many of our towns and businesses were thrown into turmoil as disposal prices increased and alternatives seemed slim.

When the HB 617 Recycling Streams and Solid Waste Management Study Committee was formed in response, we were surprised at what we learned. Our state's long-range solid waste plan hadn't been updated since 2003, the solid waste diversion goals that were to be achieved by 2000 were woefully out-of-date, our once-robust Solid Waste Bureau planning department had been eliminated due to years of general fund budget cuts and the Bureau was struggling to keep up with its workload, half the trash being dumped in this state came from elsewhere and our neighboring states in the northeast were aggressively moving forward with solid waste management alternatives seeking to greatly reduce landfilling in their states thru disposal bans and recycling alternatives.

Meanwhile, our towns were trying to fulfill their responsibilities to their citizens economically and safely in an increasingly complex scenario. The issues of solid waste are at once intensely local and global. NHDES was able to offer little support to our towns and businesses due to underfunding and understaffing. There was much work to be done to get our state's policies back on track. I am happy to say, progress is being made. COVID delayed our legislative progress, but several noteworthy things have been achieved of which we should all be proud.

New Hampshire has newly established solid waste diversion goals requiring our state to strive to reduce the weight of solid waste disposed of by 25% by 2030 and by 45% by 2050, with certain exclusions. (See NH RSA 149-M:2.). In September, DES issued its long-awaited update to long range SWMP, setting forth the New Hampshire's solid waste management goals and the outline of an action plan for the next ten years. The SWWG was created as an effective stakeholder group to work with DES on the creation of the SWMP and its implementation plans. A much-needed planning department was created and staffed within the Solid Waste Bureau. Although not yet funded, the SWMF was established to support our towns and businesses through a matching grant program.

As noted above, one of the important goals of the SWMP is the reduction of toxicity in the waste stream. We all know that New Hampshire has been facing huge issues trying to remediate PFAs in our ground water and that the adverse effects of PFAs are many. Recently, PFAs were even found in fresh water fish. Federal and state laws have increasingly reduced the allowable amounts of PFAs released by our waste water treatment plans to protect public health. These processes required to remove PFAs from waste water are extremely expensive, causing hard-won tax dollars to be spent in increasing amounts. These expenses are not going away and PFAs, these "forever chemicals" are not either. Recent EPA health advisories recommend testing of PFAs to infinitesimal amount, which gives one some indication of their toxicity.

We are all exposed to PFAs in our everyday lives through food packaging, cosmetics, furniture, carpets, kitchen utensils and even dust. Statistics indicate that upwards of 97% of us have PFAs in our bodies. Much of the PFAs in waste water actually comes from us. Landfill leachate, a noxious substance that flows from our landfills, also contains PFAs that go to our waste water treatment plants. One of the very best pathways forward is source reduction up front through PFAs bans. This would benefit all of us and limit what goes into our landfills and waste water treatment plants.

In analyzing data made available, SWWG made the determination that as a first step, the state should join its neighbors and ban the sale of carpets and rugs, aftermarket stain and water-resistant treatments with intentionally added PFAs. This fact sheet from the Solid Waste Association of North America indicates that carpets are the fifth highest common source of PFAs. Maine and Vermont have similar which will become effective in July of this year. Many states are implementing far-reaching PFAs bans. While it would be beneficial to have a federal law, that may take years, and in the meantime states, like NH are left with the health effects and the cost of remediation. We need to take action now.

I have submitted to the committee separately a presentation DES made to our Fiscal Committee on PFAs in landfill leachate. Fiscal committee members requested the presentation because of concern of future costs to waste water treatment plants. You will note in this presentation on page 6 that based on an October 2019 Sanborn Head study in

Vermont one of the largest sources of PFAs in landfills is carpets. The biggest contributor per that study is bulky items, such as furniture. The second largest is textiles.

Carpets and rugs are large, heavy items bringing with them a great deal of PFAs that occupy much space in our landfills. Banning PFAs in the carpets will decrease the PFAs in our homes and businesses and, ultimately, in our landfills. It presents a big problem for them. In fact, although some do, not all landfills remove PFAs from leachate before it goes to treatment plants where it has to be removed at a high cost. Companies are being sued for billions of dollars in damages for PFAs use. It is time for manufacturers to stop using PFAs. Some are, but not all and not fast enough.

The adoption of this policy will require staff oversight by the DES, but the related financial cost is a matter for the Finance Committee to assess as part of the budget process. If we want to make progress on this issue, it will take some investment upfront, but we protect the public's health, should save money in long run and perhaps lives.

Now that we have established our solid waste goals, it is time for the state to move ahead to implement them. We must reduce the toxicity in our waste stream in this state, in our landfills, in our waste water treatment plants, in our food and in us. HB 465 is an excellent start and I urge the committee to recommend its passage.

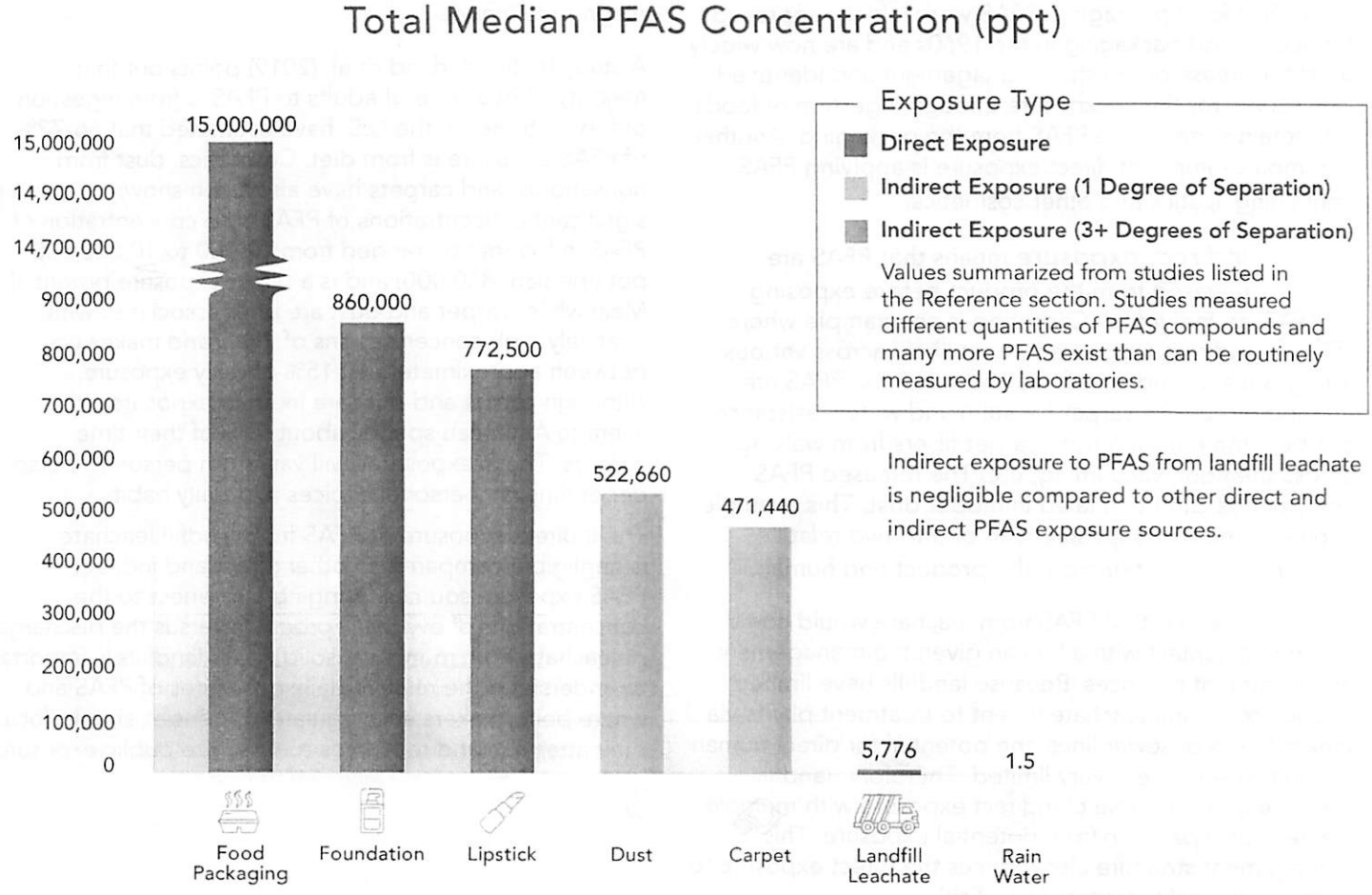
Rep. Karen Ebel
Merrimack District #7
karen.ebel@leg.state.nh.us
January 25, 2023

National Waste & Recycling Association
Collect. Recycle. Innovate.

SWANA
SOLID WASTE ASSOCIATION OF NORTH AMERICA

PFAS Concentrations and Exposures Factsheet

Understanding PFAS in Landfill Leachate Relative to Common Exposure Sources and Pathways



Understanding Common PFAS Exposure Sources, Pathways, and Concentrations

The use of per- and polyfluoroalkyl substances (PFAS) has grown rapidly since its discovery in the early 1930s. As the unique properties have been leveraged to add heat resistance, oil repellency, and waterproof benefits to a wide range of consumer products, these same properties have been the reason PFAS have been found in various media and environments, including in our homes and places of work.

Use of PFAS in many consumer products has resulted in management complexities for public service sectors that responsibly manage our collective waste streams. The municipal solid waste landfill sector provides an essential public service that ensures human health and the environment are protected by properly managing society's wastes. Landfills are similar to wastewater treatment plants as both are "passive receivers" of sanitary waste streams carrying PFAS, not manufacturers or users of these chemicals. These essential public services now have the burden of managing PFAS protectively in the face of growing public and regulatory scrutiny.

Given the presence of PFAS in many products found in municipal solid waste, PFAS make their way into landfill leachate. PFAS have been detected in landfill leachate at varying concentrations due to regional variations in wastes and climate. The total median PFAS concentration in U.S. leachate is 5,776 parts per trillion (ppt) with PFOA and PFOS combined representing 836 ppt.

Direct vs. Indirect Exposure to PFAS and Why This Matter

With the ubiquitous nature of PFAS in the environment and consumer products, it is important to understand the difference between "direct" and "indirect" exposure to PFAS and how levels of PFAS in landfill leachate compare to other PFAS-containing items we encounter through our everyday lives.



Direct exposure means the PFAS-containing item comes in direct contact with an individual whether it is via eating, breathing, or skin contact. For instance, there is growing information on the presence of PFAS in food packaging. PFAS were initially approved for use in food packaging in the 1960s and are now widely used for grease or moisture management and identified as a source for direct exposure through ingestion of foods that retain some of the PFAS from the packaging. Another common example of direct exposure is applying PFAS-containing lipstick and other cosmetics.



Indirect exposure means that PFAS are released from the product before exposing an individual. Carpeting is an example where indirect exposure is most likely across various age groups, including infants and toddlers. PFAS are applied directly to carpet for stain and water resistance, but become released from carpet fibers from walking across the floor, vacuuming, etc. The released PFAS compounds can be inhaled in indoor dust. This example shows an indirect exposure with *one to two relative degrees of separation* from the product and human.

It is not expected that PFAS from leachate would come into direct contact with a human given the management and treatment practices. Because landfills have limited public access and leachate is sent to treatment plants via tanker trucks or sewer lines, the potential for direct human contact to leachate is very limited. Therefore, landfill leachate is an example of indirect exposure with *multiple degrees of separation* from potential exposure. This management structure also reduces the direct exposure to other ecological receptors (e.g., fish).

Negligible Indirect Exposure from Leachate

Landfills commonly rely on wastewater treatment plants for leachate treatment. There leachate mixes with large quantities of wastewater from other sources, including our homes, is treated, and eventually discharged as an effluent that meets regulatory requirements. As displayed in the figure above, the indirect exposure of PFAS from leachate is negligible compared to other direct and indirect PFAS exposure sources. In addition, when comparing the concentration of PFAS in leachate to various consumer products, food, and food packaging, the concentrations of these items that can come into direct contact with consumers (as color coded in red) are typically *orders of magnitude higher.*

A study by Sunderland et al. (2019) points out that a majority of exposure of adults to PFAS is from ingestion of food. Studies in the U.S. have estimated that 66-72% of PFAS exposure is from diet. Cosmetics, dust from households, and carpets have also been shown to contain significant concentrations of PFAS. The concentration of PFAS in foundation ranged from 70,000 to 10,500,000 ppt (median: 860,000) and is a direct exposure potential. Meanwhile, carpet and dust are both associated with relatively high concentrations of PFAS and makes up between approximately 10-15% of daily exposure. Although carpet and dust are indirect exposures, the average American spends about 90% of their time indoors. These exposures will vary from person to person depending on personal choices and daily habits.

The indirect exposure of PFAS from landfill leachate is negligible compared to other direct and indirect PFAS exposure sources. Bringing awareness to the concentrations of everyday products versus the discharge of leachate from municipal solid waste landfills is important to understand the relative daily exposures of PFAS and where policymakers and regulatory agencies should focus their attention and resources to minimize public exposure.

References

Carpet
Chen, J., Tang, L., Chen, W.-Q., Peaslee, G. F., & Jiang, D. (2020). Flows, Stock, and Emissions of Poly- and Perfluoroalkyl Substances in California Carpet in 2000–2030 under Different Scenarios. *Environmental Science & Technology, 54*(11), 6908-6918. https://doi.org/10.1021/acs.est.9b06956

Cosmetics
Whitehead, H. D., Venier, M., Wu, Y., Eastman, E., Urbanik, S., Diamond, M. L., Shalin, A., Schwartz-Narbonne, H., Bruton, T. A., Blum, A., Wang, Z., Green, M., Tighe, M., Wilkinson, J. T., McGuinness, S., and Peaslee, G. F., (2021), Fluorinated Compounds in North American Cosmetics, Environmental Science & Technology Letters, 2021 8 (7), 538-544

Dust
Wu, Y., Romanak, K., Bruton, T., Blum, A., & Venier, M. (2020). Per- and polyfluoroalkyl substances in paired dust and carpets from childcare centers. *Chemosphere, 251*, 126771. https://doi.org/https://doi.org/10.1016/j.chemosphere.2020.126771

Exposure Pathways
Sunderland, E. M., Hu, X. C., Dassuncao, C., Tokranov, A. K., Wagner, C. C., & Allen, J. G. (2019). A review of the pathways of human exposure to poly- and perfluoroalkyl substances (PFASs) and present understanding of health effects. *J Expo Sci Environ Epidemiol, 29*(2), 131-147. https://doi.org/10.1038/s41370-018-0094-1

Food Packaging
Consumer Reports. (2022). *Dangerous PFAS Chemicals Are in Your Food Packaging.*
Schaider, L. A., Balan, S. A., Blum, A., Andrews, D. Q., Strynar, M. J., Dickinson, M. E., Lunderberg, D. M., Lang, J. R., & Peaslee, G. F. (2017). Fluorinated Compounds in U.S. Fast Food Packaging. *Environmental Science & Technology Letters, 4*(3), 105-111. https://doi.org/10.1021/acs.estlett.6b00435

Landfill Leachate

California Water Boards Data and Databases, 2019-2020, Landfill Leachate data as of 10/10/2022

Hart & Hickman. (2020). Collective Study of PFAS and 1,4-Dioxane in Landfill Leachate and Estimated Influence on Wastewater Treatment Plant Facility Influent https://files.nc.gov/ncdeq/Waste%20Management/DWM/NC-Collective-Study-Rpt-03-10-2020.pdf

Helmer, R. W., Reeves, D. M., & Cassidy, D. P. (2022). Per- and Polyfluorinated Alkyl Substances (PFAS) cycling within Michigan: Contaminated sites, landfills and wastewater treatment plants. *Water Research, 210,* 117983. https://doi.org/https://doi.org/10.1016/j.watres.2021.117983

Lang, J. R., Allred, B. M., Field, J. A., Levis, J. W., & Barlaz, M. A. (2017). National Estimate of Per- and Polyfluoroalkyl Substance (PFAS) Release to U.S. Municipal Landfill Leachate. *Environ Sci Technol, 51*(4), 2197-2205. https://doi.org/10.1021/acs.est.6b05005

Masoner, J. R., Kolpin, D. W., Cozzarelli, I. M., Smalling, K. L., Bolyard, S., Field, J., Furlong, E. T., Gray, J. L., Lozinski, D., Reinhart, D., Rodowa, A., & Bradley, P. M. (2020). Landfill leachate contributes per-/poly-fluoroalkyl substances (PFAS) and pharmaceuticals to municipal wastewater. *Environmental Science: Water Research & Technology, 6,* 1300-1311. https://doi.org/10.1039/D0EW00045K

Minnesota Pollution Control Agency, (2007), Active Landfill survey for PFCs, 2007

North Dakota Environmental Quality, (2018), North Dakota Statewide 2018 Per- and Polyfluoroalkyl Substances (PFAS) Presence/Absence Survey

Weston & Sampson, (2020), Poly- and Perfluoroalkyl Substances at Wastewater Treatment Facilities and Landfill Leachate 2019 Summary Report

Rain Water
Pfotenhauer,D., Sellers,E., Olson, M., Praedel, K., Shafer, M., PFAS concentrations and deposition in precipitation: An intensive 5-month study at National Atmospheric Deposition Program – National trends sites (NADP-NTN) across Wisconsin, USA, Atmospheric Environment, 2022, 119368, ISSN 1352-2310. https://doi.org/10.1016/j.atmosenv.2022.119368

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

PFAS Occurrence in Leachate at New Hampshire Landfills

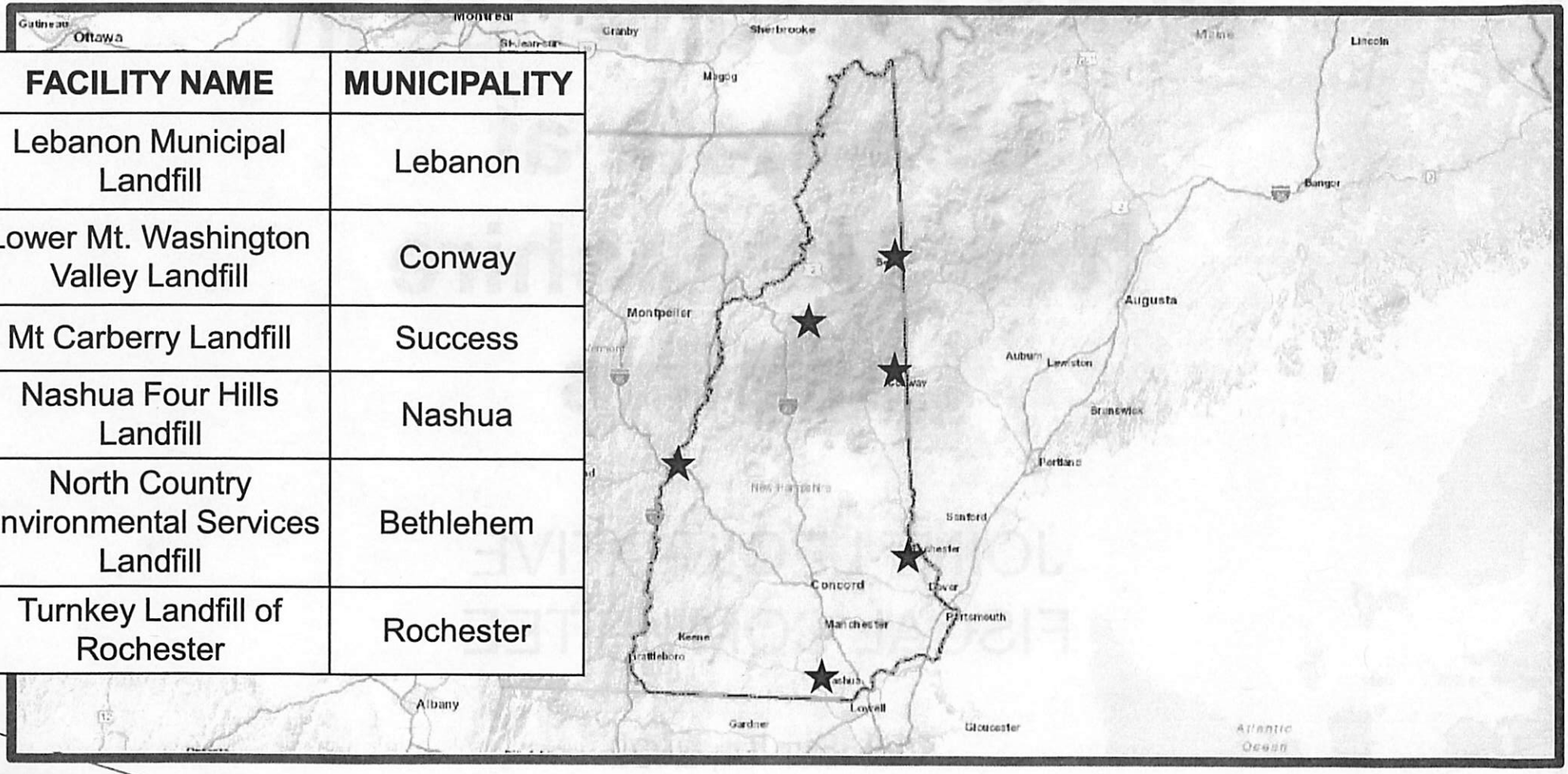
JOINT LEGISLATIVE
FISCAL COMMITTEE

October 14, 2022

Landfills in New Hampshire

6 Operating Lined Municipal Solid Waste (MSW) Landfills

FACILITY NAME	MUNICIPALITY
Lebanon Municipal Landfill	Lebanon
Lower Mt. Washington Valley Landfill	Conway
Mt Carberry Landfill	Success
Nashua Four Hills Landfill	Nashua
North Country Environmental Services Landfill	Bethlehem
Turnkey Landfill of Rochester	Rochester



NEW HAMPSHIRE DEPARTMENT OF Environmental Services

Landfills in New Hampshire

Potential Waste Contributions to NH's Lined MSW Landfills

- Asbestos
- Bulky Waste
- White Goods
- C&D
- Contaminated Soil
- Electronics
- Food Waste
- Industrial Waste
- Medical Waste
- Mixed Municipal Solid Waste
- MSW Ash
- WWTP Sludge
- Tires
- Wood Ash
- *Casting Sands**
- *Auto Shredder Residue**

* *Limited Application*

Landfill Leachate Management In New Hampshire

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

Landfill Leachate Management

What is Landfill Leachate?

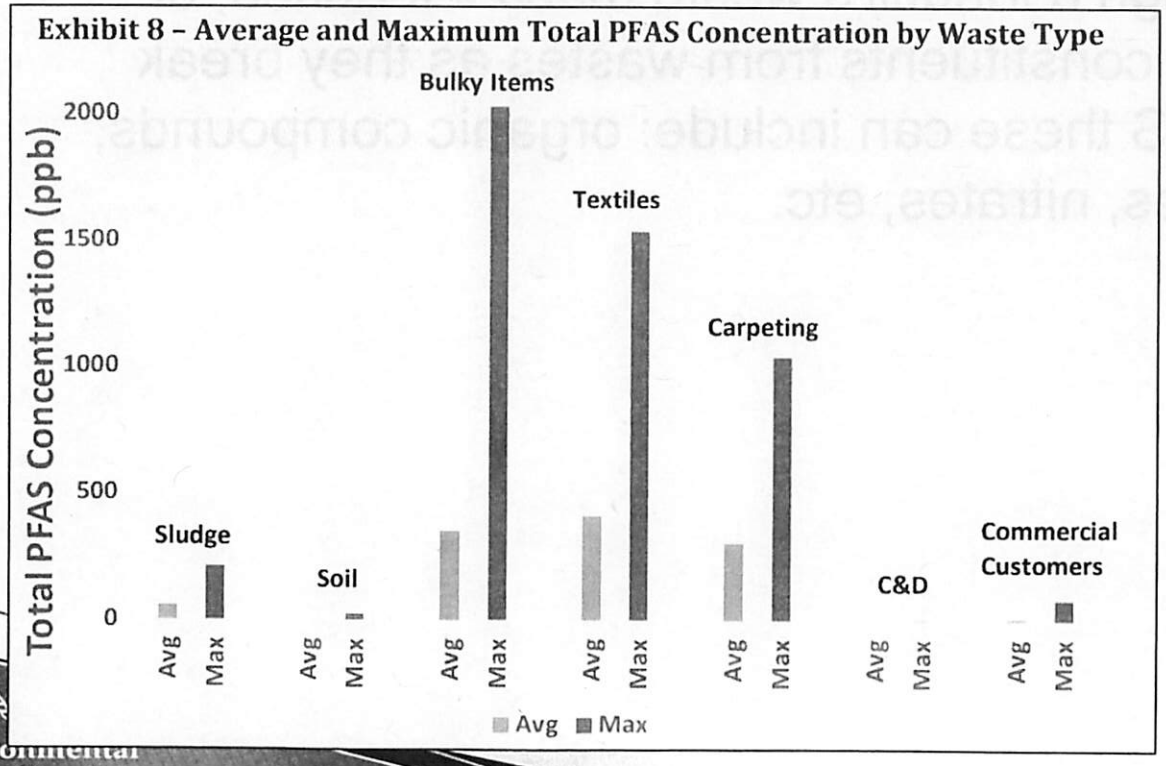
- Env-Sw 103.34 “Leachate” means a liquid, including any suspended components in the liquid, which has contacted or passed through solid waste.

As liquid passes through a landfill’s waste mass it leaches, or extracts, chemicals or constituents from wastes as they break down. Along with PFAS these can include: organic compounds, heavy metals, chlorides, nitrates, etc.

Landfill Leachate Management

Initial Investigations into PFAS in Landfill Leachate

- NHDES conducted an initial sampling survey of leachate from 9 landfills in 2018. A wide variety of PFAS were detected at varying concentrations.
- In 2019 the state of Vermont required its only operating landfill to conduct a study of potential PFAS sources in waste streams.



From "PFAS Waste Source Testing Report" Coventry, Vermont, October 2019, Sanborn, Head & Associates, Inc. https://anrweb.vt.gov/PubDocs/DEC/SolidWaste/OL510/OL510%202019.10.15%20NEWSVT%20PFAS%20Source%20Testing%20Rpt%20-%20Final.pdf

Landfill Leachate Management

Current Management of Landfill Leachate

- Leachate captured in the landfill's liner system is shipped or piped to WWTPs.
  - Negligible destruction of PFAS – partitions to effluent and sludge.
  - Relative impacts on receiving water quality – rivers/groundwater.
  - Relative impacts on sludge – potentially limiting management options.
- One active landfill pretreats its leachate (not PFAS specific) - Turnkey Landfill of Rochester.

Cyclical Relationship between landfills and WWTPs.

- Leachate to WWTP.
- WWTP sludge to landfill.

Landfill Leachate Management

Facility Name	Year	Gallons
Lebanon Municipal Landfill	2019	4,795,889
	2020	3,892,219
	2021	2,633,564
Lower Mt. Washington Valley Landfill	2019	5,213,911
	2020	5,044,912
	2021	4,316,802
Mt Carberry Landfill	2019	23,166,211
	2020	14,681,242
	2021	11,093,176
Nashua Four Hills Landfill	2019	9,323,542
	2020	9,107,427
	2021	15,639,319
North Country Environmental Services Landfill	2019	8,190,236
	2020	9,091,897
	2021	11,410,376
Turnkey Landfill of Rochester	2019	44,967,483
	2020	45,421,203
	2021	48,129,260

Closed Lined Landfills	Location
Dummer Yard Landfill	Berlin
Franklin Ash Landfill	Franklin
Lamprey Ash Landfill	Somersworth
NH / VT Ash Landfill	Newport
Roketenetz Landfill	Pelham
Souhegan Regional Landfill	Amherst

Occurrence of PFAS in Groundwater at New Hampshire Landfills

PFAS Occurrence in Groundwater at NH Landfills

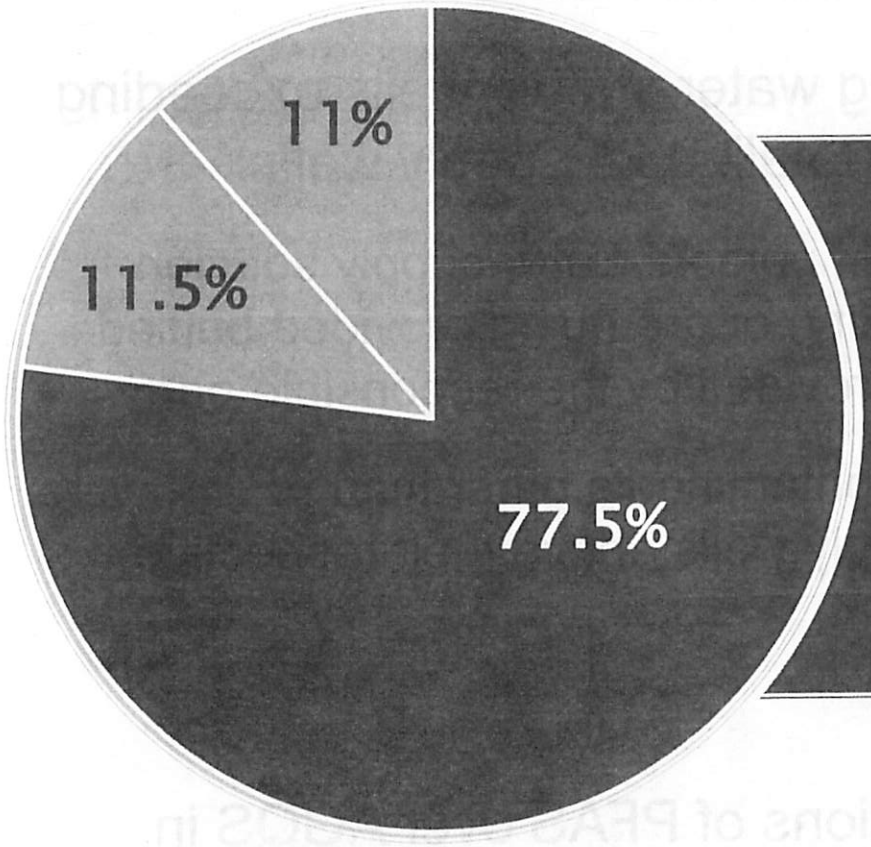
Groundwater Sampling Results at NH Landfills:

- NHDES has required groundwater sampling for PFAS at all lined and unlined landfills that have a groundwater release detection or groundwater management permits.
- As of March 2022, ~ 90% of landfills have sampled for PFAS (including all lined landfills).
  - 91% have PFAS detections.
  - 77.5% have PFAS detected over Ambient Groundwater Quality Standard (AGQS) for PFOA, PFOS, PFHxS, and/or PFNA.
  - 22.5% below AGQS or not detected.

Facility Type	Landfills Sampled	Landfills with PFAS Detections	Landfills with PFAS Detected Over AGQS	Landfills with PFAS Detected Below AGQS	Landfills with PFAS Not Detected
Lined Landfills	13	13	10	0	3
Unlined Landfills	161	145	125	19	17
Totals	174	158	135	19	20

NH's four regulated PFAS include: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), and perfluorononanoic acid (PFNA).

PFAS Occurrence in Groundwater at NH Landfills



MSW Landfills

(Lined and Unlined)

174 Screened for PFAS

■ Detected Over AGQS ■ Detected Under AGQS ■ Not Detected

Data from "*Status Report on the Occurrence of Per- and Polyfluoroalkyl Substance (PFAS) Contamination in New Hampshire*", dated June 2022, prepared by New Hampshire Department of Environmental Services

PFAS Occurrence in Groundwater at NH Landfills

Water Supply Well Sampling at NH Landfills:

- PFAS has been detected in drinking water supply wells exceeding the AGQS at 6 closed landfill sites, totaling 24 supply wells.
  - Each has been provided a permanent potable water supply solution (treatment or connection to water utility) or are being provided bottled water until a permanent solution is provided by the responsible party.
  - In approximately half of the cases, contaminants other than PFAS, were previously detected at the water supply wells above their respective AGQS.

- To date, there have been no detections of PFAS over AGQS in water supply wells that have been sampled near active landfills.

Potential Future Approaches to Landfill Leachate Management

Potential Future Approaches to Landfill Leachate Management

Continue with Current Practice

- WWTP continue to handle – will have to meet applicable standards for discharge.
  - Impact of future surface water quality standards?
  - Impact for sludge disposal?

Consider a Requirement to Pretreat Leachate

- On-site pretreatment infrastructure at landfills?
- Develop pretreatment infrastructure at WWTPs?
- Develop regional pretreatment facility(ies)?
- Evaluate the significance of the benefit.

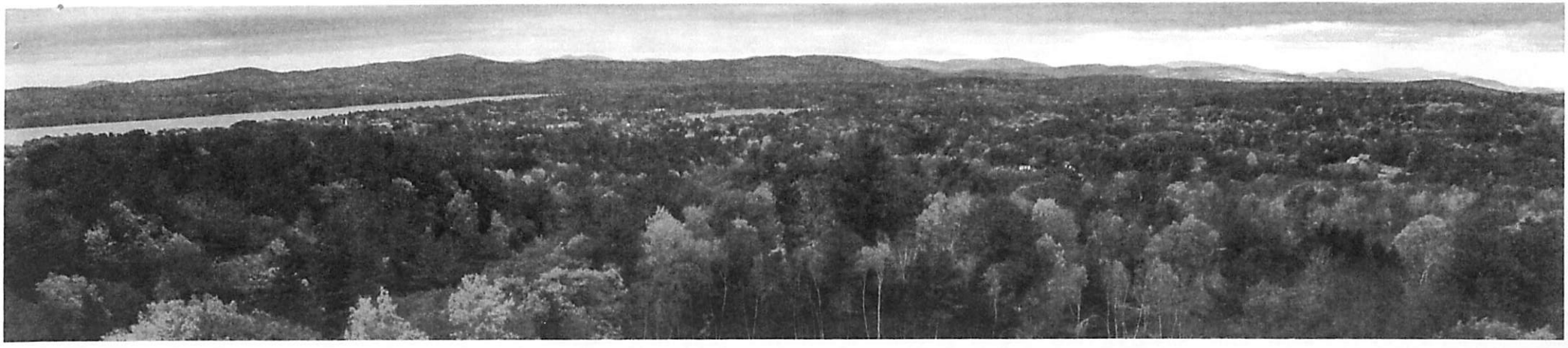
Overview of PFAS Treatment Technologies

Treatment Technologies

- Available Technologies
  - Granulated Activated Carbon (GAC)
  - Ion Exchange (Resins)
  - Reverse Osmosis (RO)
- New and Emerging Technologies for Treatment
  - Foam Fractionation
  - Stabilization / Encapsulation
  - Supercritical Water Oxidation (SCWO)
- Pilot Studies?

PFAS Occurrence in Landfill Leachate - Summary

- The 6 active lined MSW landfills are generating approximately 96 million gallons of leachate per year.
- Leachate quantities generated vary widely by landfill, generally based on landfill size.
- Operational timeframes and landfill size does not always correlate with concentrations of PFAS in leachate.
- PFAS is found in a wide-ranging number of waste types.
- There is a cyclical relationship between landfills and WWTPs - landfill leachate & WWTP biosolids.
- There are potential leachate treatment options for PFAS, however, they haven't been fully vetted for treating PFAS in landfill leachate applications.
- Pilot studies may be on the horizon.



Contact Information

James W. O'Rourke, P.G.
Waste Management Division
NHDES
603-271-2909
James.W.ORourke@des.nh.gov

Michael J. Wimsatt, P.G., Director
Waste Management Division
NHDES
603-271-1997
Michael.Wimsatt@des.nh.gov

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

ALLIANCE FOR AUTOMOTIVE INNOVATION

January 25, 2023

Hon. John Hunt, Chairman
House Committee on Commerce and Consumer Affairs
Legislative Office Building
107 North Main Street
Concord, NH 03301

RE: HB 465 – PFAS in Carpets and Rugs

Dear Chairman Hunt and Members of the Committee:

On behalf of the Alliance for Automotive Innovation (Auto Innovators), thank you for the opportunity to provide testimony to the Committee as it considers House Bill 465, legislation that seeks to regulate the use of per and polyfluoroalkyl substances in rugs and carpets. From the automakers producing the vast majority of vehicles sold in the U.S. each year, to autonomous vehicle pioneers, to major equipment suppliers, battery producers, and semiconductor manufacturers – the Alliance for Automotive Innovation represents the full breadth of the auto industry, a sector supporting 10 million American jobs and five percent of the overall economy.

While automobiles surely fall outside the list of consumer products identified for regulation within HB 465, we do have some concern that the open-ended language within the definition of "Rug or carpet" could unintentionally be construed to include atypical uses of the products, such as with automobiles or airplanes. We have successfully worked with regulators in both California and Maine to alleviate this concern by adding to similar definitions addition language to clarify that the legislation is targeting carpets and rugs in their most commonly used and expected meanings. For example, the Maine Department of Environmental Protection recently released its proposed regulations (https://www.maine.gov/dep/bep/2023/01-19-23/Chapter%2090%20Draft.pdf) to implement their 2021 PFAS law. Within these regulations, the state uses the following definition for such items – *"Carpet or rug" means any consumer product made from natural or synthetic fabric marketed or intended to be used as a floor covering inside commercial, industrial, or residential buildings. This includes carpeted door mats intended for indoor use."*

If the Committee sees it in its wisdom to move HB 465 favorably, we would strongly encourage the inclusion of language similar to the above to avoid any future questions over application of the proposed law.

Thank you for your consideration of the Auto Innovators' position. Please do not hesitate to contact me, should I be able to provide any additional information.

Sincerely,

Wayne Weikel
Senior Director, State Affairs

cc: Members, House Committee on Commerce and Consumer Affairs

Testimony in support of HB 465

HB 465 would restrict the sale of PFAs and PFOAs that are intentionally added to carpets and rugs in New Hampshire, as well as aftermarket stain and water-resistant treatments. This bill would protect the public health and would support the goals adopted by NH DES's recently issued Solid Waste Management Plan (SWMP), specifically to reduce the toxicity of our waste stream. Reducing PFAs in our waste stream should, over time, help to decrease societal costs, both in terms of health and economically. The effective date of this measure would not be until July 1, 2025, which should give ample time to prepare for its implementation. This bill has strong bipartisan support as indicated by our cosponsors.

The bill's approach to decreasing PFAs in our waste stream is supported by New Hampshire's Solid Waste Working Group (SWWG) of which I am chair. Among other things, the SWWG is a stakeholder committee statutorily created and charged with working closely with NHDES on long-range solid waste planning, developing creative solutions to our state's solid waste management challenges and recommending related legislation. As noted above, this bill supports specific goals in the SWMP issued in September by NH DES.

It is important to put HB 465 into context. Back in 2019, when China issued is National Sword policy and stopped taking much of our plastics and mixed paper, many of our towns and businesses were thrown into turmoil as disposal prices increased and alternatives seemed slim.

When the HB 617 Recycling Streams and Solid Waste Management Study Committee was formed in response, we were surprised at what we learned. Our state's long-range solid waste plan hadn't been updated since 2003, the solid waste diversion goals that were to be achieved by 2000 were woefully out-of-date, our once-robust Solid Waste Bureau planning department had been eliminated due to years of general fund budget cuts and the Bureau was struggling to keep up with its workload, half the trash being dumped in this state came from elsewhere and our neighboring states in the northeast were aggressively moving forward with solid waste management alternatives seeking to greatly reduce landfilling in their states thru disposal bans and recycling alternatives.

Meanwhile, our towns were trying to fulfill their responsibilities to their citizens economically and safely in an increasingly complex scenario. The issues of solid waste are at once intensely local and global. NHDES was able to offer little support to our towns and businesses due to underfunding and understaffing. There was much work to be done to get our state's policies back on track. I am happy to say, progress is being made. COVID delayed our legislative progress, but several noteworthy things have been achieved of which we should all be proud.

New Hampshire has newly established solid waste diversion goals requiring our state to strive to reduce the weight of solid waste disposed of by 25% by 2030 and by 45% by 2050, with certain exclusions. (See NH RSA 149-M:2.). In September, DES issued its long-awaited update to long range SWMP, setting forth the New Hampshire's solid waste management goals and the outline of an action plan for the next ten years. The SWWG was created as an effective stakeholder group to work with DES on the creation of the SWMP and its implementation plans. A much-needed planning department was created and staffed within the Solid Waste Bureau. Although not yet funded, the SWMF was established to support our towns and businesses through a matching grant program.

As noted above, one of the important goals of the SWMP is the reduction of toxicity in the waste stream. We all know that New Hampshire has been facing huge issues trying to remediate PFAs in our ground water and that the adverse effects of PFAs are many. Recently, PFAs were even found in fresh water fish. Federal and state laws have increasingly reduced the allowable amounts of PFAs released by our waste water treatment plans to protect public health. These processes required to remove PFAs from waste water are extremely expensive, causing hard-won tax dollars to be spent in increasing amounts. These expenses are not going away and PFAs, these "forever chemicals" are not either. Recent EPA health advisories recommend testing of PFAs to infinitesimal amount, which gives one some indication of their toxicity.

We are all exposed to PFAs in our everyday lives through food packaging, cosmetics, furniture, carpets, kitchen utensils and even dust. Statistics indicate that upwards of 97% of us have PFAs in our bodies. Much of the PFAs in waste water actually comes from us. Landfill leachate, a noxious substance that flows from our landfills, also contains PFAs that go to our waste water treatment plants. One of the very best pathways forward is source reduction up front through PFAs bans. This would benefit all of us and limit what goes into our landfills and waste water treatment plants.

In analyzing data made available, SWWG made the determination that as a first step, the state should join its neighbors and ban the sale of carpets and rugs, aftermarket stain and water-resistant treatments with intentionally added PFAs. This fact sheet from the Solid Waste Association of North America indicates that carpets are the fifth highest common source of PFAs. Maine and Vermont have similar which will become effective in July of this year. Many states are implementing far-reaching PFAs bans. While it would be beneficial to have a federal law, that may take years, and in the meantime states, like NH are left with the health effects and the cost of remediation. We need to take action now.

I have submitted to the committee separately a presentation DES made to our Fiscal Committee on PFAs in landfill leachate. Fiscal committee members requested the presentation because of concern of future costs to waste water treatment plants. You will note in this presentation on page 6 that based on an October 2019 Sanborn Head study in

Vermont one of the largest sources of PFAs in landfills is carpets. The biggest contributor per that study is bulky items, such as furniture. The second largest is textiles.

Carpets and rugs are large, heavy items bringing with them a great deal of PFAs that occupy much space in our landfills. Banning PFAs in the carpets will decrease the PFAs in our homes and businesses and, ultimately, in our landfills. It presents a big problem for them. In fact, although some do, not all landfills remove PFAs from leachate before it goes to treatment plants where it has to be removed at a high cost. Companies are being sued for billions of dollars in damages for PFAs use. It is time for manufacturers to stop using PFAs. Some are, but not all and not fast enough.

The adoption of this policy will require staff oversight by the DES, but the related financial cost is a matter for the Finance Committee to assess as part of the budget process. If we want to make progress on this issue, it will take some investment upfront, but we protect the public's health, should save money in long run and perhaps lives.

Now that we have established our solid waste goals, it is time for the state to move ahead to implement them. We must reduce the toxicity in our waste stream in this state, in our landfills, in our waste water treatment plants, in our food and in us. HB 465 is an excellent start and I urge the committee to recommend its passage.

Rep. Karen Ebel
Merrimack District #7
karen.ebel@leg.state.nh.us
January 25, 2023

clf
conservation law foundation

For a thriving New England

CLF New Hampshire 27 North Main Street
Concord, NH 03301
P: 603.225.3060
F: 603.225.3059
www.clf.org

January 24, 2023

By Electronic Mail

The Hon. John Hunt, Chair
House Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, NH 03301

Re: HB 465, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products

Dear Chairman Hunt and Honorable Committee Members,

Conservation Law Foundation ("CLF") appreciates the opportunity to comment on HB 465, an act restricting the use of per and polyfluoroalkyl substances ("PFAS") in rugs, carpets, and aftermarket stain and water-resistant treatments sold in New Hampshire. CLF is a member-supported non-profit advocacy organization working to protect public health and the environment and build healthy communities in New Hampshire and throughout New England. Through its Zero Waste Project, CLF aims to improve solid waste management via source reduction, recycling, and composting.

CLF strongly supports HB 465. HB 465 prohibits the sale or distribution of rugs and carpets to which PFAS have been intentionally added in any amount, as well as the sale or distribution of aftermarket stain and water-resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount. This bill is a common-sense measure in response to a nationally recognized public health issue.

The problem of PFAS contamination in New Hampshire is significant, threatening drinking water and public health across the state.[1] PFAS are toxic to humans in very small concentrations—in the parts per trillion (ppt).[2] PFAS are associated with cancer and have been linked to growth, learning and behavioral problems in infants and children; fertility and pregnancy problems, including pre-eclampsia; interference with natural human hormones; increased cholesterol; immune system problems; and interference with liver, thyroid, and pancreatic function.[3]

[1] PFAS in New Hampshire: What You Need to Know (nh.gov); Mara Hoplamazian, N.H. Private Well Users May Soon Have Help with Removing PFAS Contamination, New Hampshire Public Radio, Jan. 25, 2022
[2] U.S. Dep't of Health & Human Serv., Agency for Toxic Substances and Disease Registry, TOXICOLOGICAL PROFILE FOR PERFLUOROALKYLS, AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY, at 5–6, https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf
[3] *Id.*

clf

conservation law foundation

PFAS are often used to make rugs and carpets stain- and water-resistant. Humans are primarily exposed to PFAS by drinking contaminated water and food, and inhaling indoor air that contains PFAS particles from carpets, furniture, or other sources.[4] In fact, the CDC named carpet as the number one exposure pathway to PFAS for infants and toddlers who spend a lot of time lying, playing and crawling on carpeting.[5] When these textiles are disposed of in landfills, their PFAS are released into landfill leachate, essentially guaranteeing leachate to contain these toxic chemicals.[6] The EPA, in a study released just this month, found PFAS in the leachate of 95% of landfills they tested.[7] When this PFAS-laden leachate is collected and discharged into wastewater treatment facilities, the PFAS are discharged into our waterways and also can end up in sewage sludge which, if landfilled, perpetuates the cycle of contamination. Alternatively, if rugs and carpets containing PFAS are incinerated, their PFAS can be emitted into the air as well as end up in bottom- and fly-ash, which must then be landfilled.

A critical solution to New Hampshire's and the nation's PFAS problem is to address PFAS at the source – i.e., to prevent PFAS-laden products from being consumed in the first place. HB 465 is a logical and important next step in protecting New Hampshire's communities and natural environment from toxic forever chemicals. We urge the committee to support HB 465, and vote *ought to pass.*

Sincerely,

Nora Bosworth
Staff Attorney, Zero Waste Project
nbosworth@clf.org

[4] Elsie Sunderland et al., A review of the pathways of human exposure to poly- and perfluoroalkyl substances (PFASs) and present understanding of health effects, 29 J. of Exposure Sci. & Envtl. Epidemiology 131 – 147 (2018), available at https://www.nature.com/articles/s41370-018-0094-1.

[5] Tasha Stoiber, Ph.D., In a First, California Moves to Protect People from Toxic PFAS in Carpets, Environmental Working Group, Mar. 16, 2018

[6] Johnsie R. Lang, B. McKay Allred, Jennifer A. Field, James W. Levis, and Morton A. Barlaz. "National Estimate of Per-and Polyfluoroalkyl Substance (PFAS) Release to U.S. Municipal Landfill Leachate." Environmental Science &Technology 2017 51 (4), 2197-2205 DOI: 10.1021/acs.est.6b05005), available at https://pubs.acs.org/doi/pdf/10.1021/acs.est.6b05005

[7] Megan Quinn, EPA Proposes Further Leachate Regulations After Study Finds PFAS at 95% of Surveyed Landfills, Waste Dive, Jan. 24, 2023. *See also* Johnsie R. Lang, B. McKay Allred, Jennifer A. Field, James W. Levis, and Morton A. Barlaz. "National Estimate of Per-and Polyfluoroalkyl Substance (PFAS) Release to U.S. Municipal Landfill Leachate." Environmental Science &Technology 2017 51 (4), 2197-2205 DOI: 10.1021/acs.est.6b05005), available at https://pubs.acs.org/doi/pdf/10.1021/acs.est.6b05005

Gale Taylor

We all should be very concerned about PFAS, not just Merrimack, not just NH, but all over. We should no longer eat fresh water fish because of the high contamination. We don't yet know how badly PFAS can make us sick. Cancer?

Other states have been successfully utilizing this strategy as a marketbased approach to reducing an immense source of PFAS in our homes, public buildings and the waste disposal stream. This bill will not only reduce the presence, but decrease liability and protect the environment from leachate, off gassing and other outcomes of PFAS in textile products which make up the greatest share of consumer products

William Farnum

I support this bill becauseNH recently adopted new solid waste diversion goals: to reduce the weight of solid waste being disposed of by 25% by 2030 and 45% by 2050.

Frances Strayer

Please vote to support this bill

Richard Benton

Please vote to support this bill

Maura Willing

The current administration's ideas regarding what should be taught and not taught is unacceptable. As a former teacher I firmly believe ideas, even unpleasant ones, are the basis of a strong society.

Sarah Thorne

Please support HB 462 to prevent the sale of consumer products with toxic PFAs in NH. In a statewide NH HHS study, I was aghast when tested in the 97th percentile for these toxic chemicals. Were they from my carpets where we played with our toddlers or from the couch where my children and I read hundreds of bedtime stories. There should be no place for these chemicals in our homes. We must remove them at the source to protect our health. There is no treatment for this exposure! Please pass HB465.

Margaret Hurley

Please pass this bill.

Deborah Nelson

Jessica LaMontagne

We need to prevent more PFAS contamination.

Rosemarie Rung

I write to you in strong support of HB465-FN to restrict the sale of certain consumer products containing PFAS. It is well-established that the proliferation of PFAS in the environment harms our economy and human health. Already, major retailers such as Home Depot and Lowes have phased out the sale of carpeting containing PFAS and other states (e.g., Colorado, Maine, Maryland, New York, Vermont), have passed legislation to ban or restrict PFAS-containing carpeting and other products. PFAS-containing textiles not only increase skin exposure to the "forever chemicals," but they create dust that allows PFAS to enter the human body through respiration. Especially harmful is the disposal of these products through landfills or incineration, allowing PFAS to enter groundwater either through landfill leachate or air disposition. Most Granite Staters get their drinking water from groundwater and ingestion has been linked to many diseases including cancer. In fact, Merrimack, known to have years of PFAS-contaminated groundwater, has a significantly higher rate of renal/kidney cancer than what would be expected. Treatment of diseases associated with PFAS exposure are costly and the chronic nature of these diseases impacts a person's ability to remain in the workforce. In addition to the healthcare costs created by PFAS exposure, residents must also bear the cost for home filtration systems to remove PFAS from their water. These systems cost thousands of dollars and require on-going maintenance costs. The State's PFAS Remediation Loan Fund provides financial assistance to some households to defray some of the costs.
Many municipalities, like Merrimack, have spent millions of dollars to remove PFAS from public wells and they also bear on-going maintenance. The only solution to these growing health and economic impacts is to reduce PFAS at the source and an important step is to restrict PFAS from products entering our state. I respectfully ask that you recommend HB465-FN Ought to Pass.

Austin Black

The widespread use of PFA chemicals in common household goods poses a significant and preventable hazard. Furthermore, the disposal of these products results in the degradation and pollution of one of New Hampshire's great natural resources - our water. I strongly support HB465 and am optimistic that New Hampshire will continue to lead the way in the health crisis posed by these chemicals.

Emily Friedrichs

The only way to keep PFAs out of NH water supplies is to eliminiate their sale and production in the state. This bill protects drinking water so no more towns are devasted by this type of pollution in their water supply, and it does so in a reasonable way that gives time for businesses to adjust.

HB 465-FN - AS INTRODUCED

2023 SESSION

23-0506
08/05

HOUSE BILL ***465-FN***

AN ACT restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

SPONSORS: Rep. Ebel, Merr. 7; Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Grote, Rock. 24; Rep. Malloy, Rock. 24; Rep. Mooney, Hills. 12; Rep. Dunn, Rock. 16; Rep. B. Boyd, Hills. 12; Rep. Merner, Coos 1; Sen. Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Ricciardi, Dist 9; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill restricts the use of per and polyfluoroalkyl substances in rugs, carpets, and aftermarket stain and water resistant treatments sold in New Hampshire.

- -

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.

23-0506
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

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

1 New Section; Consumer Protection; Per and Polyfluoroalkyl Substance Use Restricted. Amend RSA 149-M by inserting after section 63 the following new section:

149-M:64 Consumer Products; Per and Polyfluoroalkyl Substance Use Restricted.

I. In this section:

(a) "Aftermarket stain and water resistant treatments" means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

(b) "Department" means the department of environmental services.

(c) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(e) "Rug or carpet" means a thick fabric used to cover floors.

II.(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a rug or carpet to which PFAS have been intentionally added in any amount.

(b) This paragraph shall not apply to the sale or resale of used products.

III.(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aftermarket stain and water resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.

(b) This paragraph shall not apply to the sale or resale of used products.

IV. The department may request a certificate of compliance from a manufacturer of rugs, carpets, or aftermarket stain and water resistant treatments. Within 30 days after receipt of the department's request for a certificate of compliance, the manufacturer shall:

(a) Provide the department with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(b) Notify persons who are selling a product of the manufacturer's in this state that the sale is prohibited because the product does not comply with this chapter and submit to the department a list of the names and addresses of those persons notified.

V. The commissioner of the department of environmental services shall, under RSA 541-A, adopt any rules necessary for the implementation, administration, and enforcement of this section.

2 Effective Date. This act shall take effect July 1, 2025.

LBA
23-0506
1/6/23

HB 465-FN- FISCAL NOTE
AS INTRODUCED

AN ACT restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$97,000	$98,000
Expenditures	$0	$0	$0	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	$0	$0	Indeterminable Increase

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	$0	$0	Indeterminable Increase

METHODOLOGY:

This bill restricts the use of per and polyfluoroalkyl substances in rugs, carpets, and after market stain and water resistant treatments sold in New Hampshire.

Because the Department of Environmental Services is responsible for enforcing this statute, as well as promulgating the administrative rules, the Department assumes it would also be responsible for administering this ban. The ban would require the Department to regulate the manufacturing and retail sectors for carpeting, which represents a new responsibility that is outside the scope of it's current solid waste regulatory programs. The Department provided the following information and assumptions concerning the fiscal impact of the bill:

- To effectively administer this ban, the Department would need a new full-time Waste Management Specialist III position, at labor grade 24. The annual cost for this position would be approximately $98,000. The bill does not specifically create or fund this position.

- The process for creating the position would need to be completed prior to FY 2025 and, because there is no provision for revenue, the general fund would be the funding source. The position would need to be filled by the beginning of FY 2025 in order to engage in rulemaking, develop educational materials, research existing manufacturers and distributors, conduct outreach to affected entities, and fulfill any other preliminary administrative tasks. Starting in FY 2026, the position would be primarily responsible for enforcement, complaint response and compliance assistance.
- The compliance with the bill may increase costs for manufacturers, with such costs ultimately passed on to consumers. As such, the bill may result in increased expenditures for state, county, and local governments that purchase carpeting or after-market treatments. The Department is unable to determine the extent to which such state, county and local expenditures may increase.

Due to the variability of factors involved, the Department is unable to accurately calculate the complete fiscal impact of this bill. The Department is able to predict the cost for the Waste Management Specialist III position. Although other fiscal impacts are possible, the Department does not have sufficient information to quantify such impacts. Regarding revenues, this bill is not expected to generate any revenues for state, county or local governments.

This bill does not provide an appropriation or authorization for a new position.

AGENCIES CONTACTED:

Department of Environmental Services