

HB 1440 - AS INTRODUCED

2022 SESSION

22-2494

08/10

HOUSE BILL ***1440***

AN ACT relative to surface water quality standards for perfluorinated chemicals.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Grassie, Straf. 11; Rep. Rung, Hills. 21; Rep. Andrew Bouldin, Hills. 12; Rep. Meuse, Rock. 29; Rep. Tucker, Coos 5; Rep. Paige, Rock. 18

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires the department of environmental services to make rules about perfluorinated chemical limits in surface waters.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to surface water quality standards for perfluorinated chemicals.

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

1 1 New Paragraphs; Rulemaking; Surface Water Quality Standards PFOA and PFOS. Amend
2 RSA 485-A:8 by inserting after paragraph II-a the following new paragraphs:

3 II-b. The department shall, no later than January 1, 2023, initiate rulemaking under RSA
4 541-A to adopt surface water quality standards for perfluorooctanoic acid (PFOA), perfluorooctane
5 sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), and perfluorononanoic acid (PFNA) to
6 be applied to surface waters within 20 miles upstream of surface drinking water supplies. The
7 surface water standards for the following shall be: Perfluorooctanoic acid (PFOA), 12 parts per
8 trillion; Perfluorooctanesulfonic acid (PFOS), 15 parts per trillion; Perfluorohexanesulfonic acid
9 (PFHxS), 18 parts per trillion; Perfluorononanoic acid (PFNA), 11 parts per trillion. Surface water
10 standards shall be no less stringent than the maximum contaminant levels established for such
11 chemicals for drinking water.

12 II-c. The department shall, no later than September 1, 2022, initiate rulemaking under RSA
13 541-A to adopt surface water quality standards for perfluorooctanoic acid (PFOA), perfluorooctane
14 sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), and perfluorononanoic acid (PFNA) to
15 ensure water concentrations will support the safety of fish and shellfish for human consumption as
16 well as water that is safe for human consumption. Such standards shall be premised on a
17 bioaccumulation factor and the standard adopted in rules under RSA 485-A:8, II-b. They shall
18 provide an adequate margin of safety to protect human health at all stages, based on the most
19 critical human health effect and combined effects of chemical exposures, including but not limited to
20 prenatal development, and a maximum exposure risk of one cancer in 1,000,000 exposed population.

21 2 New Paragraphs; Surface Quality Standards; Rulemaking. Amend RSA 485-A:6 by inserting
22 after paragraph XV the following new paragraphs:

23 XVI. Surface water quality standards for perfluorooctanoic acid (PFOA), perfluorooctane
24 sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), and perfluorononanoic acid (PFNA)
25 under RSA 485-A:8, II-b and II-c.

26 XVII. By November 1, 2022, and at least annually thereafter, the commissioner of the
27 department of environmental services shall report to the speaker of the house of representatives and
28 the president of the senate, the chairperson of the house committee on science, technology, and
29 energy, the chairperson of the senate committee on energy and natural resources, the chairperson of
30 the joint legislative committee on administrative rules, and the governor, with a recommendation
31 regarding the adjustment of the surface water standards set in RSA 485-A:8, II-b and II-c. The

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1 department shall also recommend additional PFAS chemicals or others for rulemaking, as
2 appropriate, based on available science as drinking water maximum contaminant levels are
3 established. The standards shall be no less stringent than the maximum contaminant levels
4 established for such chemicals for drinking water.

5 3 Effective Date. This act shall take effect July 1, 2022.