HB 1707-FN - AS INTRODUCED

2024 SESSION

24-2603
05/08

HOUSE BILL ***1707-FN***

AN ACT relative to liability for the cost of PFAS blood testing.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. Rung, Hills. 12; Rep. Dunn, Rock. 16; Rep. W. Thomas, Hills. 12; Rep. Meuse, Rock. 37; Rep. Rombeau, Hills. 2; Sen. Carson, Dist 14; Sen. Ricciardi, Dist 9; Sen. Altschiller, Dist 24; Sen. Chandley, Dist 11

COMMITTEE: Judiciary

ANALYSIS

This bill provides that any person who owns or operates a PFAS facility where a release of PFAS has resulted in total combined concentrations of PFAS in groundwater or surface water of a specified amount shall be strictly liable for the costs of blood tests for affected individuals.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2603
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to liability for the cost of PFAS blood testing.

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

1 New Paragraph; New Hampshire Safe Drinking Water Act; Definition of Fully Fluorinated Carbon Atom. Amend RSA 485:1-a by inserting after paragraph V-a the following new paragraph:

V-b. "Fully fluorinated carbon atom" means a carbon atom on which all of the hydrogen substituents have been replaced by fluorine.

2 New Paragraphs; New Hampshire Safe Drinking Water Act; Definitions Added. Amend RSA 485:1-a by inserting after XIII the following new paragraphs:

XIII-a. "PFAS" means all perfluoroalkyl and polyfluoroalkyl substances.

XIII-b. "PFAS facility" means any site, area, or location where PFAS is or has been used, treated, stored, generated, disposed of, or otherwise come to be located.

XIII-c. "Perfluoroalkyl substance" means a chemical of which all of the alkyl carbon atoms are fully fluorinated carbon atoms.

XIII-d. "Polyfluoroalkyl substance" means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

XIII-e. "Potentially impacted property" means a property:

(a) Within 1,000 feet of a property for which the department has required testing related to a release of PFAS from a PFAS facility or, a property that has otherwise been demonstrated to have been potentially impacted by a release of PFAS from a PFAS facility; and

(b) Where PFAS concentrations in drinking water or groundwater exceed, or have ever exceeded state maximum contaminant levels.

3 New Paragraphs; New Hampshire Safe Drinking Water Act; Enforcement and Penalties; Liability for Cost of Blood Testing. Amend RSA 485:58 by adding after paragraph VII, the following new paragraphs:

VIII. Any person who owns or operates a PFAS facility where a release of PFAS associated with non-household activities, at or from such PFAS facility has resulted in total combined concentrations in groundwater or surface water of 100 ppt (parts per trillion) or greater of PFAS compounds for which ambient groundwater quality standards have been established pursuant to RSA 485-C, or who owned or operated a PFAS facility at the time of such a release, shall be strictly liable for the costs of blood tests for any person who:

(a) Either currently lives or previously lived at a potentially impacted property for a period of 5 years or more after 1986; or

(b) Attended schools located on a potentially impacted property after 1986; or

(c) Worked in a business located on a potentially impacted property for a period of 5 years or more after 1986.

IX. The liability described in paragraph VIII shall be joint and several.

X. Any owner or operator subject to liability pursuant to paragraph VIII shall also be liable for all other reasonable costs, including attorneys' fees related to obtaining compliance with this section.

4 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2603
12/10/23

HB 1707-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to liability for the cost of PFAS blood testing.

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

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source(s)	Various Government Funds			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill provides that any person who owns or operates a PFAS facility where a release of PFAS has resulted in total combined concentrations of PFAS in groundwater or surface water of a specified amount shall be strictly liable for the costs of blood tests for affected individuals.

The Department of Environmental Services indicates that while the bill does not outline a clear role for the Department in the administration or enforcement of blood testing, the bill would amend RSA 485:1-a and RSA 485:58 where the Department holds administrative, rulemaking and enforcement authority. The Department assumes it would conduct the activities required to track and enforce this provision using existing staff. Because State, county and local governments may own or operate a PFAS facility that meets the criteria set forth in the bill,

there may be additional State, county and local expenditures for of blood testing for affected individuals. The Department cannot determine such costs as it does not have information on the number of individuals that may be affected.

AGENCIES CONTACTED:

Department of Environmental Services