

Floor Amendment to HB 1275

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

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3 1 New Subdivision; PFAS in Agriculture. Amend RSA 431 by inserting after section 36 the
4 following new subdivision:

5

PFAS in Agriculture

6 431:37 Per- and Polyfluorinatedalkyl Substances; Civil Immunity. Subject to a moratorium of
7 the land application of sludge or biosolids, any person engaged in the practice of farming shall be
8 immune from suit and civil liability for any damages resulting from claims based on harms caused
9 by per and poly fluorinated alkyl substances present in soil, water, or agricultural products as a
10 result of standard agricultural practices, including the land application of sludge or biosolids for a
11 period of 5 years from the effective date of this section. Individuals or entities that shall not be
12 immune include but are not limited to: (i) those engaged in the production or distribution of PFAS-
13 containing materials, including but not limited to sludge or biosolids; (ii) those engaged in the
14 production, distribution or disposal of industrial waste; and (iii) those engaged in the operation of
15 incinerators.

16 431:38 Agricultural Per- and Polyfluorinatedalkyl Substances (PFAS) Relief Fund.

17 I. There shall be established and set up a separate fund to be known as the agricultural
18 PFAS relief fund, which shall be used exclusively to assist farmers in New Hampshire who have
19 suffered losses or incurred costs resulting from the actual or suspected presence of PFAS in soil,
20 water, or agricultural products as a result of standard agricultural practices, including the land
21 application of sludge or biosolids.

22 II. The agricultural PFAS relief fund shall be credited with money from:

23 (a) Amounts recovered in connection with litigation, settlements, fines, or other actions
24 against the manufacturers of PFAS and PFAS containing products;

25 (b) Amounts recovered in connection with claims arising from the sources of PFAS
26 contamination on farmland from the land application of sludge or biosolids, products derived from
27 sludge or biosolids, and other agricultural products that contain PFAS;

28 (c) Gifts, grants, and donations from public or private sources;

29 (d) Federal reimbursements and grants-in-aid; and

30 (e) Any interest earned from the fund.

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1 III. The department of agriculture, markets, and food shall establish rules under RSA 541-A
2 to direct the expenditure of moneys from the agricultural PFAS relief fund for the following
3 purposes:

4 (a) Testing of soil, water, or agricultural products for PFAS;

5 (b) Water filtration systems to reduce the presence of PFAS in drinking water;

6 (c) Costs incurred from adapting management and business practices as a result of the
7 disallowance of use of products containing PFAS or the disruption of business caused by the presence
8 of PFAS;

9 (d) Development and implementation of educational resources for farmers to adapt to
10 management changes resulting from the presence of PFAS;

11 (e) Testing and other physical and mental health needs of farm owners and personnel
12 resulting from exposure to PFAS;

13 (f) Remediation practices and needed infrastructure for the reduction or elimination of
14 PFAS; and

15 (g) Any other purposes the department determines are a prudent use of the funds.

16 IV. Money from the fund shall not be distributed to an entity that:

17 (a) Operate, or previously have operated, a solid waste management facility as defined
18 by RSA 149-M:4, IX; or

19 (b) Hold, or previously held, a permit under RSA 485-A:4, XVI-d, to transport or process
20 sludge or biosolids.

21 V. Priority shall be given to applicants based on the following criteria:

22 (a) The number of times and total volume of sludge historically applied to the site;

23 (b) The current land use, with priority given to sites used for agricultural purposes; and

24 (c) Any other criteria determined by the department of agriculture markets and food.

25 2 Water Pollution and Waste Disposal; Land Application of Sludge. Amend RSA 485-A:5-d to
26 read as follows:

27 485-A:5-d Land Application of Sludge.

28 ***I.*** Sludge or biosolids which are to be land applied in New Hampshire shall not exceed the
29 maximum concentrations for specific chemical contaminants contained in the rules of the
30 department, or the rules or regulations of the state in which the sludge was generated, whichever
31 are more stringent.

32 ***II.*** ***By June 30, 2027, the department shall initiate rulemaking under RSA 541-A to***
33 ***develop concentration-based standards for PFAS in biosolids at land-application sites.***
34 ***Such standards shall consider the uptake of PFAS in crops and forage that is consumed by***
35 ***humans and animals. Such standards shall be set for those PFAS compounds for which an***
36 ***ambient groundwater quality standard has been established under RSA 485-C. Such***
37 ***rulemaking shall include requirements for PFAS soil testing at land-application sites.***

1 *Land application shall not occur if biosolid or soil PFAS concentrations exceed the*
2 *applicable standards. Funds to assist with agricultural soil testing may be available from*
3 *the agricultural PFAS relief fund under RSA 431:38.*

4 *III. The land application of sludge, biosolids, or any other product or material that*
5 *is derived from or contains sludge or biosolids, shall be prohibited until the concentration-*
6 *based standards for PFAS in biosolids are established and enforced in the rules*
7 *promulgated under RSA 485-A:5-d, II.*

8 3 Per- and Polyfluorinatedalkyl Substances Fund and Programs; Drinking Water and
9 Groundwater Trust Fund Exception. Amend RSA 485-H:7 to read as follows:

10 485-H:7 Drinking Water and Groundwater Trust Fund Exception. Notwithstanding any law to
11 the contrary, any funds deposited into the drinking water and groundwater trust fund established in
12 RSA 6-D:1 as a result of this chapter may be transferred to the department to be used for funding
13 PFAS remediation projects, including those at wastewater treatment facilities, **and the testing of**
14 **agricultural soil**, at the discretion of the drinking water and groundwater trust fund's advisory
15 commission.

16 4 New Subparagraph; Agricultural PFAS Relief Fund. Amend RSA 6:12, I(b) by inserting after
17 subparagraph (410) the following new subparagraph:

18 (411) Moneys deposited into the agricultural PFAS relief fund established in RSA
19 431:38.

20 5 New Paragraph; Definitions; Per- and Polyfluoroalkyl Substances. Amend RSA 485-A:2 by
21 inserting after paragraph XXIV the following new paragraph:

22 XXV. "Per- and polyfluoroalkyl substances" means any member of the class of manufactured
23 fluorinated chemicals containing at least one fully fluorinated carbon atom.

24 6 Moratorium. The land application of sludge or biosolids on land used for agricultural purposes
25 shall be prohibited for a period of 5 years from the effective date of this section.

26 7 Effective Date. This act shall take effect 60 days after its passage.

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2026-1118h

AMENDED ANALYSIS

This bill:

I. Grants immunity from civil liability to farmers for damages resulting from claims based on harms caused by certain per and poly fluorinated alkyl substances present in soil, water, or agricultural products.

II. Requires the department of environmental services to develop concentration-based standards for PFAS in biosolids at land-application sites.

III. Creates the agricultural PFAS remediation fund in order to assist farmers in New Hampshire who have suffered losses or incurred costs resulting from the actual or suspected presence of PFAS in soil, water, or agricultural products as a result of standard agricultural practices, including the land application of sludge or biosolids.

IV. Imposes a 5 year moratorium on the spreading and application of sludge and biosolids for agricultural use.