

Floor Amendment to HB 1275

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the effects of per- and polyfluoroalkyl substances on agriculture,
4 exempting certain per- and polyfluoroalkyl products from use restrictions, and
5 relative to the definition of "drinking water standard".
6

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

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9 1 New Subdivision; PFAS in Agriculture. Amend RSA 431 by inserting after section 36 the
10 following new subdivision:

11 PFAS in Agriculture

12 431:37 Per- and Polyfluorinatedalkyl Substances; Civil Immunity. Any person engaged in the
13 practice of farming shall be immune from suit and civil liability for any damages resulting from
14 claims based on harms caused by per and poly fluorinated alkyl substances present in soil, water, or
15 agricultural products as a result of standard agricultural practices, including the land application of
16 sludge or biosolids.

17 2 Water Pollution and Waste Disposal; Land Application of Sludge. Amend RSA 485-A:5-d to
18 read as follows:

19 485-A:5-d Land Application of Sludge.

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

24 *II. By June 30, 2027, the department shall initiate rulemaking under RSA 541-A to*
25 *develop concentration-based standards for PFAS in biosolids at land-application sites.*
26 *Such standards shall be set for those PFAS compounds for which an ambient groundwater*
27 *quality standard has been established under RSA 485-C. Such rulemaking shall include*
28 *requirements for PFAS soil testing at land-application sites. Beginning January 1, 2028,*
29 *land application shall not occur if biosolid or soil PFAS concentrations exceed the*
30 *applicable standards.*

31 3 New Subparagraph; Solid Waste Management; Regulation of Advanced Recycling; Consumer
32 Products; Per- and Polyfluoroalkyl Substance Use Restricted. Amend RSA 149-M:64, II(a) by
33 inserting after subparagraph (5) the following new subparagraph:

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1 (6) Products authorized by or under contract with the United States Department of
2 Defense that are or may be covered by the International Traffic in Arms Regulations (ITAR), 22
3 C.F.R. parts 120-130, or the Export Administration Regulations (EAR), 15 C.F.R. part 730, et seq.

4 4 Per And Polyfluoroalkyl Substances (PFAS) Fund And Programs; Definitions. Amend RSA
5 485-H:2, III to read as follows:

6 III. "Drinking water standard" means the (*PFAS*) maximum contaminant levels established
7 pursuant to RSA 485:16-e *or, at the discretion of the commissioner, an analogous federal*
8 *standard.*

9 5 Effective Date.

10 I. Section 4 of this act shall take effect 60 days after its passage.

11 II. The remainder of this act shall take effect upon its passage.

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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. Exempts certain per and polyfluoroalkyl products from use restrictions.

IV. Amends the definition of "drinking water standard" as it pertains to maximum contaminant levels in certain water management and protection funds and programs.