



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-50

Rule Number: Env-Sw 2300

1. **Agency:** Department of Environmental Services
Solid Waste Programs
29 Hazen Drive
PO Box 95
Concord, NH 03064
2. **RSA Authority:** RSA 149-M:64, VI
3. **Federal Authority:** 15 U.S.C. §§2607(a)(7); 40 CFR 705
4. **Action(s):** Adoption
5. **Short Title:** Per- and Polyfluoroalkyl Substances Products Control Program
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

The New Hampshire Department of Environmental Services (Department) is proposing to adopt rules under Env-Sw 2300 to implement the statutory prohibition of certain PFAS-added consumer products from being sold, offered for sale, or distributed for sale or promotional purposes in New Hampshire as provided in RSA 149-M:64.

The rules address the statutory requirements as follows:

- Implement the statutory certificate of compliance process under which manufacturers or suppliers certify that the consumer product is not a PFAS-added consumer product; or, for a consumer product for which an exemption has been granted pursuant to RSA 149-M:64, II, a statement identifying the applicable exemption.
- Implement the statutory process by which a manufacturer or supplier that has reformulated a product for which a certificate of compliance was previously

requested provides a certificate of compliance for the reformulated product prior to offering the product for sale or distribution.

- Implement a schedule of administrative fines for violations of RSA 149-M:64 or Env-Sw 2300 as authorized by RSA 149-M:64, VII(a).

This proposal implements RSA 149-M:64 for the first time.

6. **(b) Brief description of the groups affected:**

The rule affects any entity that manufactures or supplies certain PFAS added consumer products.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 2300	RSA 149-M:64	15 U.S.C. §§2607(a)(7); 40 CFR 705
Env-Sw 2304	RSA 149-M:38; RSA 149-M:64	

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Aron Johnson	Title: Legal Coordinator
Address: 29 Hazen Drive PO Box 95 Concord, NH 03064	Phone Number: (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Wednesday, April 8, 2026

Fax

Email nhdesrules@des.nh.gov

Other: [NHDES Administrative Rules Public Comment Form](#)

9. **Public hearing scheduled for:**

Date: Wednesday, April 1, 2026

Time: 12:00 PM

Place: 29 Hazen Drive, Concord, NH

Rooms 112-114, DES Offices,

NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.

Electronic Access, if applicable:

Microsoft Teams

<https://teams.microsoft.com/meet/28455125220437?p=2vjnLVkCZEedEpv3OQ>

Meeting ID: 284 551 252 204 37

Passcode: rm2SQ9cu

Dial in by phone

[+1 603-931-4944](tel:+16039314944), [951368318#](tel:+1951368318) United States, Concord

[Find a local number](#)

Phone conference ID: 951 368 318#

If you have any questions or technical issues connecting to the hearing, contact Alyssa Moodie at Alyssa.A.Moodie@des.nh.gov or (603) 271-6460.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS #: 26:030, dated: 2026-02-18

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable as these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds

3. Cost and benefits of the proposed rule(s):

Env-Sw 2300 is being proposed to implement Chapter 349:1, Laws of 2024, codified at RSA 149-M:64, relative to prohibiting certain PFAS-added consumer products from being sold, offered for sale, or distributed for sale or promotional purposes in New Hampshire. The proposed rules establish the requirements for submission of a certificate of compliance upon request by the Department of Environmental Services, including the timing and manner of submission. The rules also establish an administrative fine schedule and matrix for calculating fines for violations of RSA 149-M:64 and RSA 149-M:38.

While RSA 149-M:64, V and VI authorize the imposition of civil forfeitures of up to \$25,000 per violation and administrative fines of up to \$2,000 per violation, including separate violations for each day of a continuing violation, the statute does not establish specific fine amounts within those limits. The proposed rules set forth the specific administrative fine schedule and methodology for calculating fines. To the extent specific fine amounts are established, any impact attributable to the level of fines assessed is the result of the rules rather than the statute.

A. To State general or State special funds:

To the extent fines are assessed, state dedicated funds may experience an increase in revenue; however, the amount of any such increase is indeterminable.

B. To State citizens and political subdivisions:

To the extent a state citizen violates the provisions of the statute or rules and is subject to the administrative fine amounts established in the rules, that individual would incur increased costs.

C. To independently owned businesses:

To the extent an independently owned business violates the provisions of the statute or rules and is subject to the administrative fine amounts established in the rules, that business would incur increased costs.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not impose a change to an underlying function, duty, or activity performed or to be performed by a local government, and therefore do not violate Part I, Article 28-a of the New Hampshire Constitution.