



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

January 30, 2020

The Honorable Suzanne Smith  
Chair, Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 1425-FN - AN ACT requiring the removal of all containers containing PFAS compounds from public schools and hospitals.**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify on HB 1425-FN. This bill requires the Department of Environmental Services (NHDES) to complete a study on alternatives to perfluoroalkyl and polyfluoroalkyl substances (PFAS) in food packaging and, if such study finds that safe alternatives are available, prohibits the use of food packaging containing PFAS in public schools and hospitals. While NHDES supports the reduction of PFAS in the environment, we have concerns with this bill as currently drafted.

A fiscal note was prepared to reflect possible costs for conducting such a study. NHDES assumes 1-3 additional staff would be needed to fulfill the requirements in the bill. The average annual cost for salary, benefits and other related expenses for staff would be approximately \$100,000 each. In addition, the bill would result in additional costs beyond staff, such as data collection, lab testing, outside engineers and consultants, and analysis. Since the bill is silent on the source of funds for this study, it is assumed the additional state expenditures would be a cost to the general fund.

The language in this bill resembles legislation from both Washington State and Maine. The Washington State Department of Ecology is currently conducting a study similar to what this bill requires. After speaking with the head of the project, NHDES was able to attain details about costs and timeframes for a study such as this one. The study began in 2018 and is still ongoing. They hope to publish their findings in early Fall of 2020. Funding to support this study started at \$170,000 and they are looking to get \$125,000 in additional funding to complete the study. As you can see, a study of this magnitude will take time and resources that NHDES does not currently have.

The time frames proposed in this bill are unrealistic. If the bill were to pass with the current timeframes, it would be impossible for NHDES to meet the deadline of January 2021 to complete and publish the findings.

In light of the fact that there is currently a study being conducted in Washington State, NHDES proposes to wait for the findings from that study to determine if further study is necessary. NHDES recommends amending this bill to establish a work group to develop a focused communication to

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bring awareness of this issue to schools, hospitals and the vendors that supply them with food contact containers. NHDES has some resources to dedicate to an outreach campaign but may need more funding depending on the scope of this effort.

Thank you again for the opportunity to comment on HB 1425-FN. Should you have further questions or need additional information, please feel free to contact either: Melissa Zych, Pollution Prevention Section Administrator, [melissa.zych@des.nh.gov](mailto:melissa.zych@des.nh.gov), 271-6398 or Clark Freise, Assistant Commissioner [clark.freise@des.nh.gov](mailto:clark.freise@des.nh.gov), 271-8806

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long, sweeping flourish extending to the right.

Robert R. Scott  
Commissioner

cc: Sponsors of HB 1425-FN: Representatives Thomas, DesMarais, Stack, Eisner