



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



**Robert R. Scott, Commissioner**

January 18, 2022

The Honorable John Hunt  
Chairman, House Commerce and Consumer Affairs  
Legislative Office Building, Room 304  
Concord, NH 03301

**RE: HB 1589-FN, An Act Relative to Prohibiting the Sale of Products Containing Intentionally-added PFAS**

Dear Chairman Hunt and Members of the Committee:

Thank you for the opportunity to testify on HB 1589. This bill would prohibit the sale of products containing intentionally-added PFAS in New Hampshire. While NHDES supports efforts to reduce potential PFAS exposure to consumers, the Department has concerns about the resources necessary to implement the various regulatory requirements associated with this bill.

As introduced, HB 1589 would require NHDES to administer a new program to prohibit the sale of products containing intentionally-added PFAS, including creating a new PFAS product reporting system and database, reviewing submitted PFAS product data, evaluating the possibility of entering into an agreement with other states to accept notifications to a shared system, adopting new administrative rules, developing priority products by category or use that cause contamination of the state's land or water resources and exemptions for unavoidable PFAS use, establishing fees payable by the manufacturer, monitoring compliance and enforcing the prohibition of sales of products containing intentionally-added PFAS, and responding to inquiries from the general public. These tasks represent new responsibilities for NHDES which cannot be absorbed by existing program resources. As such, NHDES would have to hire additional staff to meet its obligations under this bill. The fiscal note attached to this bill reflects the potential impact to NHDES and the General Fund for creation of a new Environmentalist IV position to fulfill these duties. The cost for this position is estimated at approximately \$95,000. There would be additional administrative costs associated with this bill, but because NHDES has never administered a program like this, the Department is unable to predict complete costs and impacts.

Additionally, NHDES has concerns about the timeline of implementation for this bill. The effective date of this bill would be January 1, 2023, which NHDES interprets to mean that collection of data related to all products containing intentionally-add PFAS would begin on that date. Assuming this bill is signed into law in the second half of 2022, there would not be enough time for NHDES to obtain approval to establish a new position, fill that position, accomplish preliminary tasks such as developing a new database of products, and rulemaking before January 1, 2023.

In short, NHDES is concerned that this bill would require the Department to undertake new and expanded responsibilities for which it is not currently resourced. NHDES believes further study is needed to examine how such a program might be implemented in a way that makes best use of limited state resources while

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The Honorable John Hunt  
Chair, House Commerce and Consumer Affairs  
January 18, 2022  
Page 2

also meeting the needs of the consumers and businesses that would be impacted. NHDES would welcome the opportunity to participate in further study.

Thank you again for the opportunity to comment on HB 1589. Should you have questions or need additional information, please feel free to contact either Kathryn Black, Pollution Prevention Administrator ([kathryn.black@des.nh.gov](mailto:kathryn.black@des.nh.gov) 271-3698) or Amy Rousseau, PFAS Response Administrator ([amy.rousseau@des.nh.gov](mailto:amy.rousseau@des.nh.gov) -271-8801).

Sincerely,

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

Robert R. Scott  
Commissioner

cc: Sponsors of HB 1589: Representatives Boyd and Hill