



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 18, 2022

The Honorable Andrew Renzullo
Chairman, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1602–FN, AN ACT relative to perfluorinated chemicals in drinking water.

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 1602. This bill would require schools and licensed child care facilities to test drinking water at all locations at the facility that are available for consumption by children for the presence of per and polyfluoroalkyl substances (PFAS) every five years. The New Hampshire Department of Environmental Services (Department) agrees with the intent of the legislation but provides the following recommendations which will substantially reduce costs and achieve the intent of this legislation.

- 1) **Only Test the Source of the Drinking Water:** The language in HB 1602 is modeled on the lead sampling requirements in RSA 485:17-a which requires periodic testing of drinking water for lead at every fixture that could potentially be used as a source of drinking water for children. The sampling of every fixture for lead is appropriate because lead in drinking water generally originates from plumbing system components or water fixtures such that each fixture needs to be tested to ensure elevated lead levels are not present in drinking water. PFAS in drinking water have not been generally associated with the components of plumbing systems and instead occurs due to its release into the environment which contaminates groundwater or surface water used as drinking water. The Department recommends that only the source of the water after treatment be required to sample. Some facilities have dozens of fixtures and the cost per PFAS test can range from \$175-\$300 per sample.
- 2) **Only Test Facilities that Are not a Public Water System or that Do Not Obtain Water from a Public Water System:** The majority of schools and childcare facilities either purchase water from a regulated public water system or itself is a standalone regulated public water system because they could potentially serve more than 25 people water more than 60 days of year. Public water systems recently completed four rounds testing for PFAS and are subject to ongoing PFAS sampling requirements into the future. In accordance with regulations adopted by the Department, public notification occurs if the PFAS results exceed a standard adopted by the Department. It is not necessary to require additional testing for PFAS in drinking water at these facilities.

There are approximately 100 child care facilities and 50 schools that use onsite private wells that are not subject to regulations of the Department because there are less than 25 people at these facilities. These entities are not required to test their drinking water for PFAS. However, the Department of Health and Human Services is currently considering if it will include voluntary testing of the drinking water for PFAS at child care facilities using a private well as part of its Choose Safe Places program that is currently under development. Furthermore, the Department could offer to voluntarily sample these facilities over the next eighteen months or the language of the bill could be amended to require these facilities to sample their private well for PFAS themselves or in collaboration with state agencies.

Thank you again for the opportunity to comment on HB 1602. Should you have any questions or require more information, please contact Brandon Kernen, Administrator of the Drinking Water and Groundwater Bureau at 603-271-1168 or Brandon.Kernen@des.nh.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish at the end.

Robert R. Scott
Commissioner

ec: Sponsors of HB 1602: Representatives Grassie, Cohen, Meuse, Woods, Boyd, Marsh, Vail, Langley;
Senator Watters