



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



**Robert R. Scott, Commissioner**

February 9, 2022

The Honorable Kevin Avard  
Chairman, Senate Energy and Natural Resources Committee  
State House, Room 103  
Concord, NH 03301

RE: SB 455 – AN ACT requiring the commissioner of the department of environmental services to adopt ambient groundwater quality standards for certain per and polyfluoroalkyl substances.

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 455. This bill would require the New Hampshire Department of Environmental Services (NHDES) to develop and adopt new ambient groundwater quality standards (AGQS) for three per- and polyfluoroalkyl substances (PFAS) in addition to standards that currently exist for four other PFAS compounds (PFOA, PFOS, PFNA and PFHxS):

- 1) Perfluorobutanoic acid (PFBA);
- 2) Perfluoroheptanoic acid (PFHpA); and
- 3) Perfluorodecanoic acid (PFDA).

NHDES is opposed to this bill for the following reasons:

- 1) **PFBA:** Draft toxicological data exists for PFBA, and the United States Environmental Protection Agency (USEPA) may establish a health advisory later this year. However, expert review of this data at the national level is still ongoing. In addition, the current draft data, if used to calculate an AGQS, would result in a value that is well over 1,000 parts-per-trillion. Given the existing data for PFAS impacted groundwater in New Hampshire, such a standard would have a negligible regulatory impact.
- 2) **PFHpA:** Toxicological data currently available for PFHpA is insufficient to support the analysis necessary to develop an AGQS for this compound.
- 3) **PFDA:** The USEPA is currently reviewing if there is sufficient information to support an assessment of PFDA and, if so, will release a draft assessment later this year. As with PFBA, expert review of this data at the national level is still ongoing.

The Honorable Kevin Avard  
Chairman, Senate Energy and Natural Resources Committee  
February 9, 2022  
Page 2

In addition, even if NHDES believed that current science would support development of standards for these compounds, the bill provides insufficient time for that review and analysis to occur. The Department remains committed to reviewing the state of the science and to the development and adoption of groundwater and/or drinking water quality standards for PFAS as supported by a consensus of peer-reviewed published studies.

Thank you again for the opportunity to comment on HB 1618. Should you have any questions or need additional information, please feel free to contact Mike Wimsatt, Waste Management Division Director (michael.j.wimsatt@des.nh.gov, 271-1997).

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

ec: Sponsors of SB 455: Senator Watters; Representatives Rung and Boyd