An Act to Require Bottled Water Companies to Monitor for Perfluoroalkyl and Polyfluoroalkyl Substances

Reference to the Committee on Health and Human Services suggested and ordered printed.

Presented by Senator BENNETT of Oxford.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 601, sub-c. 9 is enacted to read:

SUBCHAPTER 9

BOTTLED WATER

§2660-AA. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bottler. "Bottler" means a person that extracts water in this State to be sold as bottled water.

2. Community water system. "Community water system" has the same meaning as in section 2660-B, subsection 2.

3. Perfluoroalkyl and polyfluoroalkyl substances or PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a perfluoroalkyl substance or polyfluoroalkyl substance that is detectable in drinking water using standard laboratory methods established by the United States Environmental Protection Agency, including regulated PFAS contaminants.

4. Regulated PFAS contaminants. "Regulated PFAS contaminants" means perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid and perfluorohexanoic acid.

§2660-BB. Bottled water monitoring, testing and treatment requirements

A bottler shall comply with the provisions of this section.

1. Initial monitoring. A bottler shall conduct initial monitoring for the level of PFAS applicable to a community water system detectable using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling. A bottler shall conduct monitoring under this subsection for all regulated PFAS contaminants and additional PFAS included in the list of analytes in the standard laboratory methods established by the United States Environmental Protection Agency applicable to community water systems in effect at the time of sampling.

2. Subsequent monitoring. After completion of initial monitoring under subsection 1, a bottler shall conduct continued monitoring for the presence of regulated PFAS contaminants in water bottled by the bottler according to this subsection.

A. If initial monitoring under subsection 1 detects the presence of any regulated PFAS contaminants individually or in combination at or above the standard applicable to a community water system, the bottler shall conduct continued quarterly monitoring until regulated PFAS contaminants are mitigated as described in subsection 4.

B. If initial monitoring under subsection 1 detects the presence of any regulated PFAS contaminants at or above each analyte's lowest concentration minimum reporting level as specified in the standard laboratory methods established by the United States Environmental Protection Agency applicable to community water systems in effect at
the time of sampling, either individually or in combination with other detected regulated PFAS contaminants, the bottler shall conduct continued monitoring annually.

3. Reporting. A bottler shall report the results of monitoring required by this section to the department in the same manner as a community water system is required to report under department rule.

4. Treatment; notice. If monitoring results under subsection 1 or 2 confirm the presence of any regulated PFAS contaminants individually or in combination at or above the standard for regulated PFAS contaminants applicable to a community water system, the department shall:

A. Direct the bottler to implement treatment or other remedies to reduce the combined levels of regulated PFAS contaminants in the bottled water below the applicable standard; and

B. Direct the bottler to issue a notice by publication on the bottler's publicly accessible website to inform the bottler's customers of the detected PFAS concentration and potential risk to public health until the treatment under paragraph A is completed.

5. Enforcement. The department may enforce the requirements of this section in the same manner as for a violation of subchapter 2. A bottler may appeal the acts or decisions of the department under this section in the same manner as described in subchapter 2-A.

6. Rules. The department shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Rules. The Department of Health and Human Services shall adopt rules as required by the Maine Revised Statutes, Title 22, section 2660-BB not later than 30 days after the date of adoption of rules required under Resolve 2021, chapter 82.

Sec. 3. Compliance. A person that extracts water in this State to be sold as bottled water is not required to comply with the provisions of the Maine Revised Statutes, Title 22, section 2660-BB until the Department of Health and Human Services has adopted rules as required under Resolve 2021, chapter 82 and Title 22, section 2660-BB.

SUMMARY

This bill requires persons that extract water in this State to be sold as bottled water to conduct monitoring for perfluoroalkyl and polyfluoroalkyl substances, or PFAS, in the bottled water. If the monitoring detects the presence of perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid or perfluorohexanoic acid at a level at or above the standard applicable to community water systems, the person is required to conduct additional monitoring. The bill also imposes reporting, treatment and notice requirements on persons that extract water in this State to be sold as bottled water.