

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 796 - L.D. 1248

An Act to Ensure the Quality of Bottled Water

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, perfluoroheptanoic acid and perfluorodecanoic acid.

§2660-BB. Bottled water testing, reporting and sale requirements

A bottler shall comply with the provisions of this section.

1. Initial testing. A bottler shall conduct initial testing 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 testing 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 testing as required by 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 testing under subsection 1 or testing under this paragraph 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 testing until regulated PFAS contaminants are mitigated to the standard applicable to a community water system.

B. If initial testing 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 testing annually.

3. Reporting. A bottler shall:

A. Report the results of testing required by this section to the department in the same manner as a community water system is required to report under department rule; and

B. Post the results of testing required by this section on a publicly accessible website. The posted information must include the source of the water tested, the date the water was tested and the level of regulated PFAS contaminants present in the water or a statement that the water is free from regulated PFAS contaminants.

4. Sale of bottled water. A bottler may not sell bottled water in this State that contains a regulated PFAS contaminant in an amount that exceeds the standard applicable to a community water system, either under a standard set by this State or a federal standard, whichever requires a lower level of the contaminant.

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. Department website. The department shall post the testing results received as required by subsection 2 on a publicly accessible website.

7. 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 or a person who sells bottled 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.