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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 796, L.D. 1248, “An Act to Ensure the Quality of Bottled Water”

Amend the bill in section 1 in sub-c. 9 in §2660-AA in subsection 4 in the last line (page 1, line 19 in L.D.) by striking out the following: "and perfluoroheptanoic acid" and inserting the following: ', perfluoroheptanoic acid and perfluorodecanoic acid'

Amend the bill in section 1 in sub-c. 9 by striking out all of §2660-BB (page 1, lines 20 to 38 and page 2, lines 1 to 10 in L.D.) and inserting the following:

**§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

**COMMITTEE AMENDMENT**

1 Environmental Protection Agency applicable to community water systems in effect at  
2 the time of sampling, either individually or in combination with other detected  
3 regulated PFAS contaminants, the bottler shall conduct continued testing annually.

4 **3. Reporting.** A bottler shall:

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

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

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

15 **5. Enforcement.** The department may enforce the requirements of this section in the  
16 same manner as for a violation of subchapter 2. A bottler or a person who sells bottled  
17 water may appeal the acts or decisions of the department under this section in the same  
18 manner as described in subchapter 2-A.

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

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

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively.

26 **SUMMARY**

27 This amendment adds perfluorodecanoic acid to the list of regulated PFAS  
28 contaminants for which a bottler must test bottled water. The amendment adds language  
29 clarifying the testing requirements and establishes 2 categories of testing: initial testing and  
30 subsequent monitoring. It removes the labeling requirement and adds requirements for the  
31 bottler and the Department of Health and Human Services to post testing results to publicly  
32 accessible websites.

33 **FISCAL NOTE REQUIRED**

34 **(See attached)**