

2023 -- H 5861 SUBSTITUTE A AS AMENDED

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LC002186/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING WATER,
GROUNDWATER, AND SURFACE WATER

Introduced By: Representatives Speakman, and Cortvriend

Date Introduced: March 01, 2023

Referred To: House Environment and Natural Resources

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 46-32-2 and 46-32-3 of the General Laws in Chapter 46-32 entitled
2 "PFAS in Drinking Water, Groundwater, and Surface Waters" are hereby amended to read as
3 follows:

4 **46-32-2. Interim drinking water standard and testing requirements.**

5 (a) As used in this chapter, "PFAS contaminants" means perfluorooctanoic acid (PFOA),
6 perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic
7 acid (PFNA), and perfluoroheptanoic acid (PFHpA), and perfluorodecanoic acid (PFDA).

8 (b) On or before July 1, 2023, all public water supply systems in the state as defined by §
9 46-13-2, except transient, non-community water systems as defined by the department of health in
10 216-RICR-50-05-1 as may be amended, shall conduct monitoring for the presence of PFAS
11 contaminants in drinking water supplied by the system. Regular monitoring shall be conducted as
12 follows until adoption of maximum contaminant level rules pursuant to § 46-32-4:

13 (1) If monitoring results detect the presence of any PFAS contaminants individually or in
14 combination in excess of the interim drinking water standard level of twenty parts per trillion (20
15 ppt), the public water supply system shall conduct continued quarterly monitoring.

16 (2) If monitoring results detect the presence of any PFAS contaminants individually or in
17 combination at a level equal to or below the interim drinking water standard level of twenty parts
18 per trillion (20 ppt), the public water supply system shall conduct continued monitoring annually.

1 (3) If monitoring results do not detect the presence of any PFAS contaminants, the public
2 water supply system shall conduct continued monitoring every two (2) years.

3 (c) If monitoring results under subsection (b) of this section confirm the presence of any
4 PFAS contaminants individually or in combination in excess of the interim drinking water standard
5 level of twenty parts per trillion (20 ppt), the department of health shall require monitoring in a
6 manner consistent with applicable regulations governing synthetic organic contaminants, including
7 but not limited to, requiring a confirmation sample, prior to directing the public water supply system
8 to implement treatment or other remedy to reduce the levels of PFAS contaminants in the drinking
9 water of the public water supply system below the interim drinking water standard level.

10 (d) ~~On or before July 1, 2023, if the PFAS contaminants exceed the level of twenty parts~~
11 ~~per trillion (20 ppt), the public water supply system shall provide potable water through other means~~
12 ~~to all customers or users of the system. The requirement for a public water supply system to provide~~
13 ~~potable water to customers and users of the system through other means shall cease when~~
14 ~~monitoring results indicate that the levels of PFAS contaminants in the drinking water of the public~~
15 ~~water supply system are below the interim drinking water standard level of twenty parts per trillion~~
16 ~~(20 ppt). If the PFAs contaminants exceed the interim drinking water standard, the department~~
17 shall, within one-hundred and eighty (180) days of being notified of the exceedance, draft and enter
18 into a consent agreement with a public water supply system requiring dates for submittal of
19 construction plans and specifications, prepared and stamped by a professional engineer registered
20 in accordance with the provisions of chapter 8 of title 5 to the department of health, to implement
21 treatment or other remedy to reduce the levels of PFAS contaminants in the drinking water of the
22 public water supply system to at or below the interim drinking water standard level. If the
23 department has not approved a consent agreement within one hundred eighty (180) days, the
24 director of the department will take any and all action necessary to obtain compliance in accordance
25 with subsection (e) of this section.

26 (e) The director of the department of health is authorized to enforce the requirements of
27 this chapter in accordance with the provisions of chapter 13 of this title and violations will be
28 subject to the penalties imposed pursuant to § 46-13-16. A person may contest or appeal a decision
29 of the director, a penalty imposed for violation, or the fact of violation pursuant to the provisions
30 of chapter 35 of title 42 (the “administrative procedures act”).

31 **46-32-3. Drinking water standards for PFAS contaminants.**

32 If the director of the department of health decides to publish a notice pursuant to the
33 provisions of § 46-32-4(b)(1) then on or before June 1, 2024, the director of the department of
34 health shall, pursuant to this section, file under § 42-35-4 a final rule with the secretary of state

1 regarding adoption of the interim drinking water standard level of twenty parts per trillion (20 ppt)
2 for perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane
3 sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and
4 perfluorodecanoic acid (PFDA) as a maximum contaminant level (MCL). Upon the effective date
5 of the final rule, the drinking water monitoring provisions of § 46-32-2 may be suspended,
6 modified, or superseded by the provisions of the final ~~rules~~ [rule and the maximum contaminant](#)
7 [level, as specified pursuant to § 46-32-4, shall apply to § 46-32-2\(d\).](#)

8 SECTION 2. Section 23-18.13-4 of the General Laws in Chapter 23-18.13 entitled "Toxic
9 Packaging Reduction Act" is hereby amended to read as follows:

10 **23-18.13-4. Prohibition — Schedule for removal of incidental amounts.**

11 (a) No package or packaging component shall be offered for sale or for promotional
12 purposes by its manufacturer or distributor in the state, which includes, in the package itself or in
13 any packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any
14 lead, cadmium, mercury, or hexavalent chromium that has been intentionally introduced as an
15 element during manufacturing or distribution as opposed to the incidental presence of any of these
16 elements.

17 (b) No product shall be offered for sale or for promotional purposes by its manufacturer or
18 distributor in the state in a package which includes, in the package itself or in any of its packaging
19 components, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium,
20 mercury, or hexavalent chromium that has been intentionally introduced as an element during
21 manufacturing or distribution as opposed to the incidental presence of any of these elements.

22 (c) The sum on the concentration levels of lead, cadmium, mercury, and hexavalent
23 chromium present in any package or packaging component shall not exceed 100 parts per million
24 by weight (0.01%).

25 (d) Effective ~~January 1, 2024~~ [July 31, 2024](#), no food package to which PFAS have been
26 intentionally introduced during manufacturing or distribution in any amount shall be offered for
27 sale or for promotional purposes by its manufacturer or distributor in the state.

28 (e) No substitute material used to replace a chemical regulated by this chapter in a package
29 or packaging component may be used in a quantity or manner that creates a hazard as great as or
30 greater than the hazard created by the chemical regulated by this act. The certificate of compliance
31 required by § 23-18.13-6 shall require an assurance to this effect.

32 (f) Interstate clearinghouse. The department is authorized to participate in the
33 establishment and implementation of a regional or national, multi-state clearinghouse to assist in
34 carrying out the requirements of this chapter and to help coordinate reviews of the regulatory

1 applicability, certificates of compliance, education and outreach activities, and any other related
2 functions. The clearinghouse may also maintain reports on the effectiveness of the program,
3 certificates of analysis and compliance for product packaging.

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO WATERS AND NAVIGATION -- PFAS IN DRINKING WATER,
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1 This act would provide that water supply systems that have PFAS contaminants that exceed
2 the interim drinking water standard be required to enter into a consent agreement with department
3 of health to implement treatment to reduce the levels of PFAS contaminants.

4 This act would take effect upon passage.

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