

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 73

S.P. 45

In Senate, January 4, 2023

**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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **SUBCHAPTER 9**

4 **BOTTLED WATER**

5 **§2660-AA. Definitions**

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

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

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

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

17 **4. Regulated PFAS contaminants.** "Regulated PFAS contaminants" means
18 perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid,
19 perfluorononanoic acid and perfluoroheptanoic acid.

20 **§2660-BB. Bottled water monitoring, testing and treatment requirements**

21 A bottler shall comply with the provisions of this section.

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

29 **2. Subsequent monitoring.** After completion of initial monitoring under subsection
30 1, a bottler shall conduct continued monitoring for the presence of regulated PFAS
31 contaminants in water bottled by the bottler according to this subsection.

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

36 B. If initial monitoring under subsection 1 detects the presence of any regulated PFAS
37 contaminants at or above each analyte's lowest concentration minimum reporting level
38 as specified in the standard laboratory methods established by the United States
39 Environmental Protection Agency applicable to community water systems in effect at

1 the time of sampling, either individually or in combination with other detected
2 regulated PFAS contaminants, the bottler shall conduct continued monitoring annually.

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

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

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

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

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

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

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

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

29 SUMMARY

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