

Insights

PFAS STATE SNAPSHOT: NEW HAMPSHIRE PFAS REGULATION

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New Hampshire is one of several states that has started regulating per- and polyfluoroalkyl substances (“PFAS”) in drinking water, groundwater, and consumer products. This client alert reflects the status of PFAS regulations in New Hampshire as of January 30, 2020.



DRINKING WATER

The final PFNA, PFOA, PFOS, and PFHxS MCLs apply to public drinking water systems or those serving a population of 25 or more people for at least 60 days per year, and non-transient public water systems, or water systems serving the same 25 people for more than 6 months per year. Once the rules go into effect, systems must begin sampling the water for PFAS substances on a quarterly basis. There is currently an injunction issued by a court prohibiting enforcement of these regulations based on an argument, in part, that these numbers may not be based on sufficient scientific evidence.

GROUNDWATER

An ambient groundwater quality standard applies to all regulated contaminants that result from human operations or activities. Any "responsible party" (discharger, operator, etc.) has to provide the state with written notification if the standards are exceeded.

CONSUMER PRODUCTS

Firefighting Foam: Beginning on January 1, 2020, Class B AFFF cannot be used for training or testing purposes, and cannot be sold or distributed in the state. First time violations are not to exceed \$5,000/day, and repeat violations are not to exceed \$10,000/day.

PPE: Beginning January 1, 2020, a person that sells firefighting PPE shall provide written notice to the purchaser if the PPE contains PFAS chemicals.

Important Note: Surface Water Quality Standards, including fish/shellfish consumption criteria, were presented to the New Hampshire Legislature on December 30, 2019.

The Surface Water Quality Standards can be found at the following site:

<https://www.des.nh.gov/organization/divisions/water/wmb/wqs/documents/r-wd-19-30.pdf>

Additional information regarding the firefighting foam restriction and the personal protective equipment can be found at the following site: <https://www4.des.state.nh.us/nh-pfas-investigation/wp-content/uploads/PFAS-Foam-Fact-Sheet-FINAL.pdf>.

For more information on PFAS chemicals, and the regulatory and litigation risks that they pose, please visit our [PFAS webpage](#). If you have a question about how to manage PFAS risk in New

Hampshire, or any other jurisdiction, please contact Tom Lee, Susan Brice, or any other member of our PFAS team at Bryan Cave Leighton Paisner LLP.

RELATED PRACTICE AREAS

- PFAS Team
- Environment

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