

# HOUSE . . . . . No. 4486

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 25, 2024.

The committee on Public Health, to whom was referred the petition (accompanied by bill, Senate, No. 1356) of Julian Cyr, Kate Hogan, Jack Patrick Lewis, Joanne M. Comerford and other members of the General Court for legislation to protect Massachusetts public health from PFAS, the petition (accompanied by bill, Senate, No. 1431) of Michael O. Moore and David Paul Linsky for legislation relative to chemicals in food packaging, and the joint petition (accompanied by bill, House, No. 2197) of Kate Hogan, Julian Cyr and others for legislation to protect public health from PFAS, reports recommending that the accompanying bill (House, No. 4486) ought to pass.

For the committee,

MARJORIE C. DECKER.

**HOUSE . . . . . No. 4486**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act to protect Massachusetts public health from PFAS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after  
2 section 35SSS the following section:-

3           Section 35TTT. (a) As used in this section, the following words, unless the context  
4 clearly requires otherwise, shall have the following meanings:-

5           “Ambient air”, that portion of the atmosphere, external to buildings, to which the general  
6 public has access.

7           “Board of health”, any body politic or political subdivision of the commonwealth that  
8 acts as a board of health, public health commission or a health department for a municipality,  
9 region or district, including, but not limited to, municipal boards of health, regional health  
10 districts established pursuant to G.L. c. 111, § 27B and boards of health that share services  
11 pursuant to G.L. c. 40, § 4A or other legally constituted governmental unit within the  
12 Commonwealth having the usual powers and duties of the board of health of a city or town.

13 “Commissioner”, the commissioner of the department of environmental protection

14 “Department”, the department of environmental protection

15 “Fund”, the PFAS Remediation Trust Fund established in this section.

16 “Per- and polyfluoroalkyl substances” or “PFAS”, as defined and regulated by the  
17 department or identified, on the basis of a health assessment conducted pursuant to the  
18 department’s drinking water regulations, as posing an unacceptable health risk to consumers.

19 “Regional system”, any system established by mutual agreement of two or more  
20 municipalities or a county in which all municipalities of said county have an agreement where  
21 such system provides drinking water or wastewater services, or both, through shared facilities,  
22 sources or distribution networks.

23 (b) (1) There shall be a PFAS Remediation Trust Fund. Expenditures from the fund shall  
24 be made by the department, without further appropriation and consistent with this section, the  
25 terms of settlements, judgments, and awards made in connection with claims arising from the  
26 manufacture, marketing or sale of PFAS and PFAS-containing products, and consistent with the  
27 terms of other allocations and monies transferred to this fund, as applicable. The commissioner  
28 shall administer the fund, shall prioritize expenditures to communities with vulnerable  
29 environmental justice populations, and may make expenditures from the fund to develop and  
30 implement a multilingual outreach and education program pursuant to section 29 of chapter 21A  
31 of the General Laws.

32 (2) The fund shall be expended to mitigate the impacts of PFAS contamination in the  
33 commonwealth, including PFAS contamination in drinking water, groundwater, soil, sediment,

34 surface water, wastewater, sludge or sludge products, landfills, and other media as appropriate.  
35 Such mitigation may include, but is not limited to, projects to assist counties, municipalities or  
36 other public entities with a direct impact on public water supplies, private well owners, and  
37 public water systems with the cost of PFAS treatment and remediation, including but not limited  
38 to remediation projects, treatment, and mitigation. The commissioner shall make necessary  
39 expenditures from this account for the shared administrative costs of the operations and  
40 programs of the department related to the fund. The commissioner shall further direct that  
41 monies from the fund shall be expended to provide services in an amount reasonably related to  
42 such administrative costs. No expenditure shall be made from the fund that would cause the fund  
43 to be in deficit at the close of a fiscal year. Amounts credited to the fund shall not be subject to  
44 further appropriation and monies remaining in the fund at the end of the fiscal year shall not  
45 revert to the General Fund but shall instead be available for expenditure during subsequent fiscal  
46 years. Any fiscal year-end balance in the fund shall be excluded from the calculation of the  
47 consolidated net surplus pursuant to section 5C of chapter 29 of the General Laws.

48 (3) There shall be credited to the fund: (i) amounts recovered by the commonwealth and  
49 credited thereto in connection with claims arising from the manufacture and associated  
50 processes, distribution, marketing, or sale of PFAS and other PFAS-containing products; (ii)  
51 transfers from other funds authorized by the general court and so designated; (iii) funds from  
52 public or private sources, including, but not limited to, gifts, grants, donations, rebates,  
53 settlements, judgments, awards, and other allocations received by the commonwealth designated  
54 to the fund; and (iv) any interest earned on such amounts.

55 (c) The commissioner may award and administer grants from the fund, without further  
56 appropriation, consistent with the purposes of the fund described in this section. Further, subject

57 to this section, grants may be made, without limitation, to: (i) municipalities and counties for  
58 municipal and county useuse, including, but not limited to, establishing connections to regional  
59 systems and funds necessary to address the reasonable administrative costs of the municipality;  
60 (ii) boards of health for use in assisting private well users; (iii) community water systems for use  
61 on an existing system or to expand a system to assist additional water users; (iv) non-transient  
62 non-community water systems; and (v) transient non-community water systems.

63 (d) The department shall adopt regulations, rules, or policies for the use of monies in the  
64 fund, and shall include conditions in grant documents to require that that applicants disclose any  
65 funds recovered from liable third parties or other sources to cover any costs eligible to be  
66 reimbursed by said grant programs and to deduct said recovered funds from the total costs in the  
67 grant application. The department shall also require any person awarded a grant for cost  
68 reimbursement to report the recovery of any such costs in the future and to reimburse the fund by  
69 reimbursing such recovered costs to the department. The department shall further adopt  
70 regulations, rules, or policies establishing criteria to ensure that an applicant shall not be eligible  
71 for grants for any project or portion of a project to the extent the negligence of the applicant  
72 caused the contamination that resulted in the exceedance of applicable state or federal standards  
73 for PFAS in drinking water, groundwater, soil, and other environmental media.

74 (e) If the department provides a grant related to costs for a project for which a third party  
75 might otherwise be liable, the right to recover payment from such third party, excluding public  
76 sector fire departments for the use of Class B firefighting foam in emergency responses, shall be  
77 subrogated to the department to the extent of such grant. Any money recovered by the  
78 department from such third parties shall be deposited in the fund. Notwithstanding any other  
79 general or special law to the contrary, the superior court shall have jurisdiction for subrogation

80 claims brought pursuant to this chapter, and civil actions brought by the attorney general for  
81 subrogated claims to recover costs pursuant to this chapter shall be commenced within five years  
82 from the date the commonwealth is assigned the rights to recover all such costs or five years  
83 from the date the commonwealth discovers that the person against whom the action is being  
84 brought is a person liable pursuant to law, whichever is later.

85 (f)(1) The department may consult with the department of public health to provide  
86 funding from the fund for boards of health to establish rebate and grant programs for the  
87 reimbursement of private well users and owners for the costs of private well water sampling,  
88 installation, and operation and maintenance of PFAS treatment systems. Eligible spending for  
89 rebate shall include, but is not limited to, sampling of private well water for those PFAS that are  
90 regulated for public water systems by the department's drinking water regulations and  
91 installation of permanent treatment systems to remove PFAS from drinking water. Eligible  
92 spending for grants shall include, but is not limited to, payment to vendors for PFAS water  
93 testing and installation and maintenance of PFAS treatment systems, provided that such private  
94 well users and owners can establish that their income was below the state median household  
95 income rate in the year in which the costs were incurred and that such costs were incurred after  
96 the effective date of this section.

97 (2) Boards of health may elect to receive funding from the fund pursuant to any program  
98 established pursuant to paragraph (1), and may apply for and receive grants from the fund  
99 necessary to cover reasonable administrative costs related to implementation of said paragraph  
100 (1). Boards of health that elect to participate shall amend their codes to require private well water  
101 quality testing for PFAS for property sales and new construction consistent with model bylaws  
102 and ordinances provided by the department through program guidance.

103 (3) Annually, not later than August 31, boards of health that elect to participate pursuant  
104 to paragraph (2) shall submit a report to the department including information demonstrating  
105 compliance during the preceding fiscal year with said paragraph (2) and other such information  
106 as required by the department.

107 (g) Annually, not later than October 1, the department shall file a report on the activity,  
108 revenue and expenditures to and from the fund in the prior fiscal year with the clerks of the  
109 house of representatives and the senate and the house and senate committees on ways and means,  
110 and shall make the report available on the department's website. The report shall include, but not  
111 be limited to: (i) revenue credited to the fund; (ii) the amount of expenditure attributable to the  
112 administrative costs of the department; (iii) an itemized list of expenditures from the fund; (iv)  
113 rebate and grant expenditures to private well users and owners and municipal administrative  
114 expenses of boards of health opting into such rebate and grant programs; and (v) data and a  
115 report of how resources have been directed to environmental justice populations. SECTION 2.  
116 Chapter 21 of the General Laws is hereby amended by inserting after section 43A the following  
117 section:-

118 Section 43B. (a) The department of environmental protection shall amend each  
119 groundwater discharge permit upon renewal with requirements for monitoring and reporting of  
120 per- and polyfluoroalkyl substances using United States Environmental Protection Agency  
121 analytical methods as specified by the department.

122 (b) The department of environmental protection shall amend its surface water discharge  
123 permits issued to industrial permittees and groundwater discharge permits issued to industrial  
124 permittees upon renewal with requirements to implement best management practices for

125 discharges of PFAS, including, but not limited to: (i) product elimination or substitution when a  
126 reasonable alternative to using PFAS is available in the industrial process; (ii) accidental  
127 discharge minimization; and (iii) equipment decontamination or replacement where PFAS  
128 products have historically been used. These industrial permittees shall include those that use or  
129 previously used PFAS or PFAS products or those where best management practices are  
130 warranted based on the department's review of discharge monitoring.

131 (c) The department of environmental protection shall include effluent limitations and  
132 treatment requirements for PFAS in groundwater discharge permits upon renewal.

133 SECTION 3. The department of environmental protection shall promulgate regulations to  
134 implement a schedule for phasing out the use, sale, or distribution, or offer for use, sale, or  
135 distribution of sludge without the department's site-specific approval in the commonwealth, and  
136 shall not include the disposal or placement of sludge at a solid waste landfill, hazardous waste  
137 landfill or sludge landfill. For the purposes of this section, "sludge" shall mean the solid, semi  
138 solid, and liquid residue that results from a process of wastewater treatment or drinking water  
139 treatment, and does not include grit, screening, or grease and oil removed at the headworks of a  
140 wastewater or drinking water facility.

141 SECTION 4. Not later than December 31, 2028, the department of environmental  
142 protection shall submit a report to the Chairs of the Joint Committee on Public Health and the  
143 Joint Committee on Environment and Natural Resources regarding its progress in establishing  
144 standards to monitor PFAS in ambient air. This report shall include, but not be limited to: (i) the  
145 department's capacity to establish these standards; (ii) the steps the department has taken or

146 plans to take to establish these standards; and; (iii) a projected timeline detailing when the  
147 department expects to finish establishing standards to monitor PFAS in ambient air.

148 SECTION 5. Chapter 21A of the General Laws is hereby amended by inserting after 31  
149 section 28 the following section:-

150 Section 29. (a) The department, in consultation with the department of public health, shall  
151 develop and implement a multilingual public awareness campaign to promote the education of  
152 Massachusetts residents, including environmental justice populations, of per- and  
153 polyfluoroalkyl substances contamination across the commonwealth and potential health impacts  
154 of PFAS exposure.. The campaign shall include the development and distribution of educational  
155 materials, drafted in plain language to the extent possible, the content of which shall include, but  
156 not be limited to: (i) the potential health impacts of PFAS exposure; (ii) the routes of PFAS  
157 exposure, including but not limited to, drinking water, groundwater, surface water, wastewater,  
158 land application of biosolids, landfills, air, and fish tissue; (iii) consumer products that are known  
159 to contain PFAS; (iv) PFAS in Class B firefighting foam; (v) a list of facilities that are known  
160 and potential sources of PFAS and are required to prepare a toxics use reduction plan for PFAS  
161 within 10 miles of the environmental justice populations; (vi) assistance programs for PFAS  
162 remediation; (vii) citizen involvement pursuant to G.L. c. 21I, § 18; and (viii) assistance  
163 programs for PFAS remediation.

164 (b) The educational materials shall be translated into the native languages spoken by the  
165 impacted environmental justice populations based on the federal census definition of English  
166 isolation. Such educational materials shall be made available to, but not be limited to: (i)

167 community centers; (ii) health care centers; (iii) schools, (iv) places of worship; (v) the  
168 department of education; (vi) and the department of early education and care.

169 (c) The department may contract or associate with public and private agencies and  
170 organizations for the preparation of said educational materials on PFAS exposure, other pertinent  
171 resource information on the matter of PFAS contamination and conducting educational  
172 programs. The department may use funds from the Fund, as established in section 35TTT of  
173 chapter 10 of the general laws, for such contracts.

174 SECTION 6. Chapter 111 of the General Laws is hereby amended by inserting after  
175 section 5S the following sections:-

176 Section 5T. (a) As used in this section, the following words shall, unless the context  
177 clearly requires otherwise, have the following meanings:-

178 “Agricultural products”, any vegetable, fruit, dairy, meat, fish, and poultry, and  
179 agricultural inputs, such as, but not limited to, feed, water, fertilizer, pesticides, produced and  
180 sold commercially in Massachusetts.

181 “Department the department of public health

182 “Food package”, a package or packaging component that is intended for the marketing,  
183 protection or handling of a product intended for food contact or used to store food and foodstuffs  
184 for sale.

185 “Intentionally added”, PFAS that is added to a product, or enters the product from the  
186 manufacturing or processing of that product; the addition of which is known or reasonably  
187 ascertainable by the manufacturer. “Intentionally added” PFAS also includes any degradation by-

188 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release  
189 agent, or the creation of PFAS via chemical reactions.

190 "Known or reasonably ascertainable", all information in a person's possession or control,  
191 plus all information that a reasonable person similarly situated might be expected to possess,  
192 control, or know.

193 "Manufacturer", a person, firm, association, partnership, government entity, organization,  
194 joint venture or corporation that applies a package to a product for distribution or sale.

195 "Package", a container providing a means of marketing, protecting or handling a product  
196 which shall include a unit package, an intermediate package, a package used for shipping or  
197 transport and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other  
198 trays, wrappers and wrapping films, bags and tubs.

199 "Packaging component", an individual assembled part of a package including, but not  
200 limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior  
201 strapping, coatings, closures, inks and labels.

202 "Per- and polyfluoroalkyl substances" or "PFAS", a class of fluorinated organic  
203 chemicals containing at least one fully fluorinated carbon atom.

204 (b) No manufacturer shall sell, offer for sale, distribute for sale, or distribute for use in  
205 the commonwealth food packaging to which PFAS have been intentionally added in any amount.

206 (c) The department, in consultation with department of environmental protection and the  
207 department of agricultural resources, shall procure or otherwise employ an external research  
208 organization, which has the capacity to study per- and polyfluoroalkyl substances and the effect

209 PFAS has on agricultural products produced and sold in the commonwealth; provided, that the  
210 research organization shall have: (1) extensive experience with a wide variety of agricultural  
211 products and environmental matrices, including, but not limited to, plants and animals; (2) a  
212 current QAPP (“Quality Assurance Project Plan”) through the United States Environmental  
213 Protection Agency; (3) current sampling and chain of custody protocols; (4) experience handling  
214 complex agricultural matrices; and (5) access to state-of-the art mass spectrometers. The study  
215 shall include findings on the levels of PFAS found in: (1) in agricultural products sold in  
216 Massachusetts stores; (2) locally sourced agricultural products; and (3) agricultural inputs  
217 including, but not limited to, feed, water, fertilizer, and pesticides. The department shall make  
218 said report publicly available with the department’s findings on the department’s website. The  
219 commissioner shall file a progress report in writing of the findings, including food and  
220 agricultural sources of contamination, within 365 days of the passage of this act; provided, that  
221 the report shall be filed with the house and senate committees on ways and means, the joint  
222 committee on environment and natural resources, the joint committee on public health, and the  
223 joint committee on agriculture on or before August 31, 2025.

224 Section 5U. (a) As used in this section, the following words shall, unless the context  
225 clearly requires otherwise, have the following meanings:-

226 “Child passenger restraint”, a child passenger restraint under G.L. c. 90, § 7AA.

227 “Children’s products”, a consumer product, including its product components, intended,  
228 made or marketed for use by children 12 years of age or under, not including medical devices  
229 and children’s electronic products, including, but not limited to, a personal computer, audio and  
230 video equipment, calculator, wireless phone, game console, handheld device incorporating a

231 video screen, or associated peripheral such as a mouse, keyboard, power supply unit, or power  
232 cord.

233 “Consumer product,” any child passenger restraint, children’s product, cookware, fabric  
234 treatment, personal care products, rugs and carpets, textile, textile furnishings, upholstered  
235 furniture, or other article or product category defined by the department that, to any significant  
236 extent, is distributed in commerce for personal use or consumption by individuals.

237 “Cookware”, durable houseware items that are used in homes and restaurants to prepare,  
238 dispense, or store food, foodstuffs or beverages, including, but not limited to, pots, pans, skillets,  
239 grills, baking sheets, baking molds, trays, bowls and cooking utensils.

240 “Current unavoidable use”, a use of PFAS that the department has determined under this  
241 section to be: (i) essential for health, safety or the functioning of society; (ii) necessary for the  
242 proper operation and functionality of a product; and; (iii) for which safer chemical alternatives  
243 are not reasonably available.

244 “Department”, the department of public health.

245 “Distributor”, any person, firm or corporation who takes title to goods, produced either  
246 domestically or in a foreign country, purchased for resale or promotional purposes.

247 “Fabric treatment”, a substance applied to fabric, carpets, rugs, shoes or textiles to impart  
248 characteristics, including, but not limited to, stain resistance or water resistance.

249 “Intentionally added”, PFAS that is added to a product, or enters the product from the  
250 manufacturing or processing of that product; the addition of which is known or reasonably  
251 ascertainable by the manufacturer. “Intentionally added” PFAS also includes any degradation by-

252 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release  
253 agent, or the creation of PFAS via chemical reactions.

254 "Known or reasonably ascertainable", all information in a person's possession or control,  
255 plus all information that a reasonable person similarly situated might be expected to possess,  
256 control, or know.

257 "Manufacturer", any person, firm or corporation that manufactures a product whose  
258 brand name is affixed to the product. In the case of a product imported into the United States,  
259 "manufacturer" includes the importer or first domestic distributor of the product if the person  
260 that manufactured or assembled or whose brand name is affixed to the product does not have a  
261 presence in the United States.

262 "Per- and polyfluoroalkyl substances" or "PFAS", a class of fluorinated organic  
263 chemicals containing at least one fully fluorinated carbon atom.

264 "Personal care products", articles intended to be rubbed, poured, sprinkled, or sprayed on,  
265 introduced into or otherwise applied to the human body for cleansing, beautifying, promoting  
266 attractiveness or altering the appearance. Personal care products shall include products such as  
267 skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations,  
268 shampoos, permanent waves, hair colors, toothpastes, sunscreen, hair spray, shaving cream and  
269 deodorants, as well as any material intended for use as a component of a cosmetic product.  
270 Personal care products shall also include , but not be limited to, menstrual products such as  
271 sanitary napkins, menstrual underwear, tampons and underwear liners.

272           “Product component”, a component of a consumer product, including the product’s  
273 ingredients or a part of the product, regardless of whether the manufacturer of the consumer  
274 product is the manufacturer of the component.

275           “Product label”, a display of written, printed or graphic material that appears on, or is  
276 affixed to, the exterior of a product, or its exterior container or wrapper that is visible to a  
277 consumer, if the product has an exterior container or wrapper.

278           “Retailer”, any person, firm or corporation to whom a consumer product is delivered or  
279 sold, if such delivery or sale is for purposes of sale or distribution in commerce to purchasers  
280 who buy such product for purposes other than resale.

281           “Rugs and carpets”, fabric used to or marketed to cover floors.

282           “Textile”, any item made in whole or part from a natural or synthetic fiber, yarn, or  
283 fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon,  
284 and polyester.

285           “Textile furnishings”, textile goods of a type customarily used in households and  
286 businesses, including but not limited to draperies, floor coverings, furnishings, bedding, towels,  
287 and tablecloths.

288           “Upholstered furniture”, as defined in G.L. c. 94, § 270.

289           “Wholesaler,” any person, firm or corporation to whom a consumer product is delivered  
290 or sold, if such delivery or sale is for purposes of sale or distribution in commerce to purchasers  
291 who buy such product for purposes of resale.

292 (b) (1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or  
293 distribute in the commonwealth any of the following consumer products or product categories,  
294 manufactured on or after January 1, 2027, to which PFAS have been intentionally added: (i)  
295 child passenger restraints; (ii) cookware; (iii) fabric treatments; (iv) personal care products; (v)  
296 rugs and carpets; (vi) textiles; (vii) textile furnishings; (viii) upholstered furniture; and (ix)  
297 children's products.

298 (2) The prohibitions of this subsection shall not apply to the sale or resale of used  
299 products.

300 (c) (1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or  
301 distribute in the commonwealth any consumer product to which PFAS have been intentionally  
302 added, unless the department, in consultation with the department of environmental protection  
303 and the Toxics Use Reduction Institute, has determined that the use of PFAS in the consumer  
304 product is a currently unavoidable use and grants a temporary exemption at intervals of no more  
305 than 4 years.

306 (2) The department may assess a fee to cover the department's reasonable costs and to  
307 support the purposes outlined in this section payable by a manufacturer, distributor, wholesaler  
308 or retailer upon submission of an unavoidable use exemption request under section (c) paragraph  
309 (5). Fees collected under this paragraph shall be deposited into the PFAS Public Health Trust  
310 Fund established under section (j) to be administered by the department for the purposes outlined  
311 in this section.

312 (3) In the event that the department makes such a determination and grants an  
313 unavoidable use exemption, the manufacturer, distributor, wholesaler or retailer shall label the  
314 product or products in a form and manner determined by the department.

315 (4) The prohibitions of this subsection shall not apply to the sale or resale of used  
316 consumer products.

317 (5) Consumer products or product categories in which the use of PFAS is a currently  
318 unavoidable use, as determined by the department, may be exempted for a fee to cover the  
319 department's reasonable costs and to support the purposes outlined in this section, pursuant to a  
320 process established years. Fees collected under this paragraph shall be deposited into the PFAS  
321 Public Health Trust Fund established under section (j) to be administered by the department for  
322 the purposes outlined in this section. (6) Annually, not later than December 31, the department  
323 shall file a report on the manufacturers, distributors, wholesalers or retailers submitting  
324 unavoidable use exemption requests with the clerks of the house of representatives and the  
325 senate, the joint committee on public health, and shall make the report available on the  
326 department's website. The report shall include, but not be limited to: (i) the full name of the  
327 manufacturer, distributor, wholesaler or retailer applying for an unavoidable use exemption; (ii)  
328 if the department granted the manufacturer, distributor, wholesaler or retailer an exemption or  
329 not; (iii) the department's reasoning for granting the exemption; and (iv) the length of the  
330 exemption.

331 (d) The department shall adopt regulations to implement this section. The department  
332 may adopt regulations to establish additional consumer products and product components to be  
333 covered by this section, provided that the consumer product or product component contains

334 PFAS and the presence of PFAS in the consumer product or product component is deemed by  
335 the department, in consultation with the department of environmental protection and the Toxics  
336 Use Reduction Institute, to pose a risk to human health

337 (e) The attorney general shall have the authority to enforce the provisions of this section  
338 pursuant to G.L. c. 93A, § 4 and any person may bring an action pursuant to G.L. c. 93A §9.

339 (f) (1) Notwithstanding any general or special law to the contrary, the department of  
340 public health shall establish, on or before June 1, 2026, a publicly accessible reporting platform  
341 to collect information about per- and polyfluoroalkyl substances, or “PFAS”, and consumer  
342 products or product components containing PFAS being sold, offered for sale, distributed or  
343 offered for promotional purposes in, or imported into, the state. The department may consult  
344 with Interstate Chemicals Clearinghouse and may collaborate with other states with prohibitions  
345 on PFAS to establish such a platform.

346 (2) On or before June 1, 2026, and on or before June 1 of each year thereafter, a  
347 manufacturer of PFAS or a consumer product or product component containing intentionally  
348 added PFAS that is sold, offered for sale, distributed or offered for promotional purposes in, or  
349 imported into, the state shall register the PFAS or the consumer product or product component  
350 containing intentionally added PFAS on the publicly accessible reporting platform created  
351 pursuant to paragraph (1), along with all of the following information, as applicable: (i) the name  
352 and type of consumer product or product component containing intentionally added PFAS; (ii)  
353 the universal product code, or “UPC,” of the consumer product or product component containing  
354 intentionally added PFAS; (iii) how the PFAS are, or the consumer product or product  
355 component containing intentionally added PFAS are, used by businesses or consumers; (iv) the

356 specific names of all PFAS compounds in the consumer product or product component  
357 containing intentionally added PFAS and the Chemical Abstracts Service Registry Number, also  
358 known as a “CAS Registry Number” or “CAS RN,” of each PFAS compound; (v) the amount of  
359 the consumer product or the product component or the numbers of consumer products or product  
360 components sold, delivered or imported into the state; (vi) the name and address of the  
361 manufacturer, and the name, address and phone number of the contact person for the  
362 manufacturer; and (vii) any additional information established by the department as necessary to  
363 implement the requirements of this section.

364 (3) With the approval of the department, a manufacturer may supply the information  
365 required in paragraph (2) for a category or type of consumer product rather than for each  
366 individual product.

367 (4) In a manner determined by the department, a manufacturer shall update and revise the  
368 information required under paragraph (2) whenever there is a significant change in the  
369 information or when requested to do so by the department.

370 (5) The department may establish by regulation and assess a fee payable by a  
371 manufacturer upon submission of the notification required under paragraph (2) to cover the  
372 department’s reasonable costs in developing and administering this section and to support the  
373 purposes outlined in this section collected under this paragraph shall be deposited into the PFAS  
374 Public Health Trust Fund established under section (j) to be administered by the department for  
375 the purposes outlined in this section.

376 (6) Any information submitted to, or developed by, the department in furtherance of this  
377 section, except for the specific information required to be disclosed in subsection (f)(2) of this

378 section shall not be a public record and shall be exempt from disclosure under clause twenty-  
379 sixth of section 7 of chapter 4 and section 10 of chapter 66 of the General Laws.

380 (g) (1) A manufacturer of consumer products registered under paragraph (2) of subsection  
381 (f) shall send an electronic notification to distributors and wholesalers of the consumer product  
382 that the consumer product contains PFAS.

383 (2) A distributor or wholesaler who receives a notification pursuant to paragraph (1) shall  
384 send an electronic notification to retailers of the consumer product that the consumer product  
385 contains PFAS.

386 (3) The department shall adopt regulations to implement this subsection.

387 (4) The attorney general shall have the authority to enforce the provisions of this  
388 subsection under G.L. c. 93A, § 4.

389 (h) (1) A manufacturer of any of the following consumer products that is sold, offered for  
390 sale, distributed or offered for promotional purposes in, or imported into, the state shall establish  
391 an audit program to test for the presence of unintentionally added PFAS using analytical methods  
392 approved by the department in consultation with the department of environmental protection and  
393 the Toxics Use Reduction Institute: (i) child passenger restraints; (ii) cookware; (iii) fabric  
394 treatments; (iv) personal care products; (v) rugs and carpets; (vi) textile; (vii) textile furnishings;  
395 (viii) upholstered furniture; and (vii) children's products.

396 (2) The department shall establish by regulation and assess a fee payable by a  
397 manufacturer under paragraph (1) to cover the department's reasonable costs in testing a  
398 consumer product for the presence of unintentionally added PFAS at the request of a

399 manufacturer. Fees collected under this paragraph shall be deposited into the PFAS Public  
400 Health Trust Fund established under section (j) to be administered by the department for the  
401 purposes outlined in this section.

402 (i) (1) There shall be a PFAS Public Health Trust Fund. Expenditures from the fund shall  
403 be made by the department, without further appropriation and consistent with this section, and  
404 consistent with the terms of other allocations and monies transferred to this fund, as applicable.  
405 The commissioner shall administer the fund for purposes outlined in this section, and may make  
406 expenditures from the fund to develop and implement a multilingual outreach and education  
407 campaign pursuant to section 29 of chapter 21A of the General Laws.

408 (2) The fund shall be expended to support the education of Massachusetts residents of  
409 PFAS contamination across the commonwealth and the potential health impacts of PFAS  
410 exposure, to mitigate the impacts of PFAS in consumer products in the commonwealth, and to  
411 support the development of PFAS-free alternatives by the Toxic Use Reduction Institute. The  
412 commissioner shall make necessary expenditures from this account for the shared administrative  
413 costs of the operations and programs of the department related to the fund, including but not  
414 limited to the unavoidable use exemption process under section (c) paragraph (5) and the testing  
415 a consumer product for the presence of unintentionally added PFAS. The commissioner shall  
416 further direct that monies from the fund shall be expended to provide services in an amount  
417 reasonably related to such administrative costs. No expenditure shall be made from the fund that  
418 would cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund  
419 shall not be subject to further appropriation and monies remaining in the fund at the end of the  
420 fiscal year shall not revert to the General Fund, but shall instead be available for expenditure  
421 during subsequent fiscal years. Any fiscal year-end balance in the fund shall be excluded from

422 the calculation of the consolidated net surplus pursuant to section 5C of chapter 29 of the  
423 General Laws.

424 (3) There shall be credited to the fund: (i) fees payable by a manufacturer, distributor,  
425 wholesaler or retailer upon submission of an unavoidable use exemption request under section  
426 (c) paragraph (5); (ii) transfers from other funds authorized by the general court and so  
427 designated; (iii) funds from public or private sources, including, but not limited to, gifts, grants,  
428 donations, rebates, settlements, judgments, awards, and other allocations received by the  
429 commonwealth designated to the fund; and (iv) any interest earned on such amounts.

430 SECTION 7. Chapter 111 of the General Laws is hereby amended by inserting after  
431 section 244 the following sections:-

432 Section 245. (a) The following terms shall, unless the context clearly requires otherwise,  
433 have the following meanings:-

434 “Firefighting personal protective equipment” means any clothing designed, intended or  
435 marketed to be worn by firefighting personnel in the performance of their duties, designed with  
436 the intent for the use in fire and rescue activities, including but not limited to: jackets, pants,  
437 shoes/boots, gloves, helmets and respiratory equipment.

438 “Intentionally added”, PFAS that is added to a product, or enters the product from the  
439 manufacturing or processing of that product; the addition of which is known or reasonably  
440 ascertainable by the manufacturer. “Intentionally added” PFAS also includes any degradation by-  
441 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release  
442 agent, or the creation of PFAS via chemical reactions.

443 "Known or reasonably ascertainable", all information in a person's possession or control,  
444 plus all information that a reasonable person similarly situated might be expected to possess,  
445 control, or know.

446 "Local governments" includes any county, city, town, fire district, regional fire protection  
447 authority, or special purpose district that provides firefighting services.

448 "Manufacturer", any person, firm or corporation that manufactures or distributes  
449 firefighting agents or firefighting equipment. In the case of a product imported into the United  
450 States, "manufacturer" includes the importer or first domestic distributor of the product if the  
451 person that manufactured or assembled or whose brand name is affixed to the product does not  
452 have a presence in the United States.

453 "Per- and polyfluoroalkyl substances" or "PFAS", a class of fluorinated organic  
454 chemicals containing at least one fully fluorinated carbon atom.

455 (b) (1) A manufacturer or other person that sells firefighting personal protective  
456 equipment containing PFAS to any person, local government or state agency shall provide  
457 written notice to the purchaser at the time of sale: (i) that the firefighting personal protective  
458 equipment contains PFAS; (ii) the reason PFAS are added to the equipment; and (iii) the  
459 specific PFAS within the product listed by chemical name and abbreviated name.

460 (2) The manufacturer or other person selling firefighting personal protective equipment  
461 and the purchaser of the equipment shall retain a copy of the notice required pursuant to this  
462 subsection on file for at least 3 years from the date of the purchase. Upon the request of the  
463 department, a person, manufacturer, or purchaser shall furnish the notice, or written copies, and  
464 associated sales documentation to the department within 60 days of such request.

465 SECTION 8. Said section 246 of said chapter 111 of the General Laws, is hereby  
466 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

467 (b) A manufacturer or other person that sells firefighting personal protective equipment to  
468 any person, local government, or state agency shall not manufacture, knowingly sell, offer for  
469 sale, distribute for sale, or distribute for use in the commonwealth any firefighting personal  
470 protective equipment containing intentionally added PFAS.

471 SECTION 9. Chapter 22D of the General Laws is hereby amended by inserting after  
472 section 6 the following sections:-

473 Section 7. (a) The following terms shall, unless the context clearly requires otherwise,  
474 have the following meanings:

475 "Department", department of fire services

476 "Intentionally added", PFAS that is added to a product, or enters the product from the  
477 manufacturing or processing of that product; and the addition of PFAS is known or reasonably  
478 ascertainable by the manufacturer. "Intentionally added" PFAS also includes any degradation by-  
479 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release  
480 agent, or the creation of PFAS via chemical reactions.

481 "Known or reasonably ascertainable", all information in a person's possession or control,  
482 plus all information that a reasonable person similarly situated might be expected to possess,  
483 control, or know.

484 "Per- and polyfluoroalkyl substances" or "PFAS", a class of fluorinated organic  
485 chemicals containing at least one fully fluorinated carbon atom.

486 (b) Notwithstanding any general or special law to the contrary, no person, local  
487 government or state agency shall use a Class B firefighting foam that contains intentionally  
488 added PFAS in any amount for training or testing purposes.

489 (c) Any person, unit of local government, fire department, or state agency that discharges  
490 or releases Class B firefighting foam that contains intentionally added PFAS must notify the  
491 department of environmental protection’s emergency response line as soon as possible but no  
492 later than within 24 hours of the discharge or release.

493 (d) The department shall assist the department of public health’s Occupational Health  
494 Surveillance Program in collecting data on occupational exposure to PFAS, including, but not  
495 limited to, firefighters.

496 SECTION 10. Section 12 of chapter 61A of the General Laws is hereby amended by  
497 inserting after the second paragraph the following paragraph:-

498 No conveyance tax under this section shall be assessed on land that is removed from  
499 agricultural or horticultural use due to regulatory action regarding the actual or suspected  
500 presence of PFAS in soil, water, or agricultural products derived from such land. For the  
501 purposes of this paragraph, “PFAS” shall mean a class of fluorinated organic compounds  
502 containing at least one fully fluorinated carbon atom. The commissioner of agricultural  
503 resources, in consultation with the commissioner of revenue and the commissioner of  
504 environmental protection, may promulgate regulations to enforce this paragraph.

505 SECTION 11. Section 13 of chapter 61A of the General Laws is hereby amended by  
506 adding the following subsection:-

507 (e) No roll-back tax imposed by this section shall be assessed on land that no longer  
508 meets the definition of land actively devoted to agricultural, horticultural or agricultural and  
509 horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in  
510 soil, water, or agricultural products derived from such land. For the purposes of this subsection,  
511 “PFAS” shall mean a class of fluorinated organic compounds containing at least one fully  
512 fluorinated carbon atom. The commissioner of agricultural resources, in consultation with the  
513 commissioner of revenue and the commissioner of environmental protection, may promulgate  
514 regulations to enforce this subsection.

515 SECTION 12. Subsection (c) of said section 43B of said chapter 21 shall take effect two  
516 years after United States Environmental Protection Agency Method 1633 is available to the  
517 public.

518 SECTION 13. Section 3 shall take effect January 1, 2028.

519 SECTION 14. Section 5T of said chapter 111 shall take effect January 1, 2028.

520 SECTION 15. Subsection (b) of said section 5U of said chapter 111 shall take effect  
521 January 1, 2027.

522 SECTION 16. Subsection (c) of said section 5U of said chapter 111 shall take effect  
523 January 1, 2031.

524 SECTION 17. Paragraph (1) of said subsection (g) of said section 5U of said chapter 111  
525 shall take effect June 1, 2028.

526 SECTION 18. Subsection (h) of said section 5U of said chapter 111 shall take effect  
527 January 1, 2028.

528 SECTION 19. Subsection (i) of said section 5U of said chapter 111 shall take effect  
529 January 1, 2031.

530 SECTION 20. Section 245 of said chapter 111 shall take effect on the 180th day  
531 following enactment.

532 SECTION 21. Section 246 of said chapter 111 shall take effect January 1, 2026.

533 SECTION 22. Section 3 shall take effect on the 180th day following enactment.

534 SECTION 23. Section 7 shall take effect January 1, 2027.