

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan and Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect Massachusetts public health from PFAS.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4486 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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

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

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

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

9 “Board of health”, any body politic or political subdivision of the commonwealth that
10 acts as a board of health, public health commission or a health department for a municipality,

11 region or district, including, but not limited to, municipal boards of health, regional health
12 districts established pursuant to G.L. c. 111, § 27B and boards of health that share services
13 pursuant to G.L. c. 40, § 4A or other legally constituted governmental unit within the
14 Commonwealth having the usual powers and duties of the board of health of a city or town.

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

16 “Department”, the department of environmental protection

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

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

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

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

32 develop and implement a multilingual outreach and education program pursuant to section 29 of
33 chapter 21A of the General Laws.

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

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

55 settlements, judgments, awards, and other allocations received by the commonwealth designated
56 to the fund; and (iv) any interest earned on such amounts.

57 (c) The commissioner may award and administer grants from the fund, without further
58 appropriation, consistent with the purposes of the fund described in this section. Further, subject
59 to this section, grants may be made, without limitation, to: (i) municipalities and counties for
60 municipal and county use, including, but not limited to, establishing connections to regional
61 systems and funds necessary to address the reasonable administrative costs of the municipality;
62 (ii) boards of health for use in assisting private well users; (iii) community water systems for use
63 on an existing system or to expand a system to assist additional water users; (iv) non-transient
64 non-community water systems; and (v) transient non-community water systems.

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

76 (e) If the department provides a grant related to costs for a project for which a third party
77 might otherwise be liable, the right to recover payment from such third party, excluding public
78 sector fire departments for the use of Class B firefighting foam in emergency responses, shall be
79 subrogated to the department to the extent of such grant. Any money recovered by the
80 department from such third parties shall be deposited in the fund. Notwithstanding any other
81 general or special law to the contrary, the superior court shall have jurisdiction for subrogation
82 claims brought pursuant to this chapter, and civil actions brought by the attorney general for
83 subrogated claims to recover costs pursuant to this chapter shall be commenced within five years
84 from the date the commonwealth is assigned the rights to recover all such costs or five years
85 from the date the commonwealth discovers that the person against whom the action is being
86 brought is a person liable pursuant to law, whichever is later.

87 (f)(1) The department may consult with the department of public health to provide
88 funding from the fund for boards of health to establish rebate and grant programs for the
89 reimbursement of private well users and owners for the costs of private well water sampling,
90 installation, and operation and maintenance of PFAS treatment systems. Eligible spending for
91 rebate shall include, but is not limited to, sampling of private well water for those PFAS that are
92 regulated for public water systems by the department's drinking water regulations and
93 installation of permanent treatment systems to remove PFAS from drinking water

94 (2) Boards of health may elect to receive funding from the fund pursuant to any program
95 established pursuant to paragraph (1), and may apply for and receive grants from the fund
96 necessary to cover reasonable administrative costs related to implementation of said paragraph
97 (1). Boards of health that elect to participate shall amend their codes to require private well water

98 quality testing for PFAS for property sales and new construction consistent with model bylaws
99 and ordinances provided by the department through program guidance.

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

104 (g) Annually, not later than October 1, the department shall file a report on the activity,
105 revenue and expenditures to and from the fund in the prior fiscal year with the clerks of the
106 house of representatives and the senate and the house and senate committees on ways and means,
107 and shall make the report available on the department's website. The report shall include, but not
108 be limited to: (i) revenue credited to the fund; (ii) the amount of expenditure attributable to the
109 administrative costs of the department; (iii) an itemized list of expenditures from the fund; (iv)
110 rebate and grant expenditures to private well users and owners and municipal administrative
111 expenses of boards of health opting into such rebate and grant programs; and (v) data and a
112 report of how resources have been directed to environmental justice populations.

113 SECTION 2. Chapter 21 of the General Laws is hereby amended by inserting after
114 section 43A the following section:-

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

119 (b) The department of environmental protection shall amend its surface water discharge
120 permits issued to industrial permittees and groundwater discharge permits issued to industrial
121 permittees upon renewal with requirements to implement best management practices for
122 discharges of PFAS, including, but not limited to: (i) product elimination or substitution when a
123 reasonable alternative to using PFAS is available in the industrial process; (ii) accidental
124 discharge minimization; and (iii) equipment decontamination or replacement where PFAS
125 products have historically been used. These industrial permittees shall include those that use or
126 previously used PFAS or PFAS products or those where best management practices are
127 warranted based on the department’s review of discharge monitoring unless the industrial
128 permittee can show that the PFAS in the discharge entered the facility the local water supply and
129 not the manufacturing process.

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

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

140 SECTION 4. Not later than December 31, 2030, the department of environmental
141 protection shall submit a report to the Chairs of the Joint Committee on Public Health and the
142 Joint Committee on Environment and Natural Resources regarding its progress in establishing
143 standards to monitor PFAS in ambient air. This report shall include, but not be limited to: (i) the
144 department's capacity to establish these standards; (ii) the steps the department has taken or
145 plans to take to establish these standards; and; (iii) a projected timeline detailing when the
146 department expects to finish establishing standards to monitor PFAS in ambient air.

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

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

163 (b) The educational materials shall be translated into the native languages spoken by the
164 impacted environmental justice populations based on the federal census definition of English
165 isolation. Such educational materials shall be made available to, but not be limited to: (i)
166 community centers; (ii) health care centers; (iii) schools, (iv) places of worship; (v) the
167 department of education; (vi) and the department of early education and care.

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

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

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

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

180 “Department”, the department of public health

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

184 "Fully Fluorinated Carbon Atom", a carbon atom on which all the hydrogen substituents
185 have been replaced by fluorine.

186 "Intentionally added", PFAS that is added to a product, or enters the product from the
187 manufacturing or processing of that product; the addition of which is known or reasonably
188 ascertainable by the manufacturer. "Intentionally added" PFAS also includes any degradation by-
189 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release
190 agent, or the creation of PFAS via chemical reactions.

191 "Ingredient", has the same meaning as that term is defined in subdivision (e) of Section
192 700.3 of Part 700 of Chapter 1 of Title 21 of the Code of Federal Regulations and does not
193 include any incidental ingredient as defined in subdivision (l) of Section 701.3 of Part 701 of
194 Chapter 1 of Title 21 of the Code of Federal Regulations.

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

198 "Manufacturer", a person, firm, association, partnership, government entity, organization,
199 joint venture or corporation that applies a package to a product for distribution or sale, or any
200 person whose name appears on the label of a cosmetics product pursuant to the requirements of
201 Section 701.12 of Title 21 of the Code of Federal Regulations.

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

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

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

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

213 (c) The department, in consultation with department of environmental protection and the
214 department of agricultural resources, shall procure or otherwise employ an external research
215 organization, which has the capacity to study per- and polyfluoroalkyl substances and the effect
216 PFAS has on agricultural products produced and sold in the commonwealth; provided, that the
217 research organization shall have: (1) extensive experience with a wide variety of agricultural
218 products and environmental matrices, including, but not limited to, plants and animals; (2) a
219 current QAPP ("Quality Assurance Project Plan") through the United States Environmental
220 Protection Agency; (3) current sampling and chain of custody protocols; (4) experience handling
221 complex agricultural matrices; and (5) access to state-of-the art mass spectrometers. The study
222 shall include findings on the levels of PFAS found in: (1) in agricultural products sold in
223 Massachusetts stores; (2) locally sourced agricultural products; and (3) agricultural inputs
224 including, but not limited to, feed, water, fertilizer, and pesticides. The department shall make
225 said report publicly available with the department's findings on the department's website. The
226 commissioner shall file a progress report in writing of the findings, including food and
227 agricultural sources of contamination, within 365 days of the passage of this act; provided, that

228 the report shall be filed with the house and senate committees on ways and means, the joint
229 committee on environment and natural resources, the joint committee on public health, and the
230 joint committee on agriculture on or before August 31, 2027.

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

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

234 “Children’s product”, consumer products intended, made or marketed for use by
235 children 12 years of age or under, including: (i) toys; (ii) children’s clothing; (iii) children’s
236 cosmetics and personal care products; (iv) children’s jewelry and novelty products; (v) children’s
237 school supplies; (vi) children’s arts and crafts supplies, including model making supplies (vii)
238 children’s bedding, furniture, and furnishings; (viii) child car seats; (ix) products to help a child
239 with sucking or teething, or to facilitate sleep, relaxation, or the feeding of a child; (x) artificial
240 turf fields installed on school properties, publicly owned properties, or intended for use by
241 children under the age of 18; (xi) products that meet any of the following conditions: represented
242 in its packaging, display, or advertising as appropriate for use by children, sold in conjunction
243 with, attached to, or packaged together with other products that are packaged, displayed, or
244 advertised as appropriate for use by children sold in a retail store, catalogue, or online website, in
245 which a person exclusively offers for sale products that are packaged, displayed, or advertised as
246 of 13 appropriate for use by children, or sold in a discrete portion of a retail store, catalogue, or
247 online website, in which a person offers for sale products that are packaged, displayed, or
248 advertised as appropriate for use by children; provided, however, that “children’s product” shall
249 not include: (i) batteries; (ii) slings and catapults; (iii) sets of darts with metallic points; (iv) toy

250 steam engines; (v) bicycles and tricycles; (vi) video toys that can be connected to video screen
251 and are operated at a nominal voltage exceeding twenty-four volts; (vii) chemistry sets; (viii)
252 consumer and children's electronic products, including but not limited to personal computers,
253 audio and video equipment, calculators, wireless phones, game consoles, and handheld devices
254 incorporating a video screen, used to access interactive software and their associated peripherals;
255 (ix) interactive software, intended for leisure and entertainment, including computer games and
256 their storage media, including compact disks; (x) BB guns, pellet guns and air rifles; (xi) snow
257 sporting equipment, including skis, poles, boots, snow boards, sleds and bindings; (xii) roller
258 skates; (xiii) scooters; (xiv) model rockets; (xv) athletic shoes with cleats or spikes; (xvi)
259 pocketknives and multitools; (xvii) food and beverages and food and beverage packaging
260 regulated by the United States Food and Drug Administration or the United States Department of
261 Agriculture; (xviii) pharmaceutical products and biologics; and (xix) medical devices, as defined
262 in the federal Food, Drug, and Cosmetic Act, U.S.C, 21 section 321(h)

263 “Consumer product,” any article that, to any significant extent, is distributed in
264 commerce for personal use or consumption by individuals.

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

268 “Cosmetic”, means: (a) articles intended to be rubbed, poured, sprinkled or sprayed on,
269 introduced into or otherwise applied to the human body or any part thereof for cleansing,
270 beautifying, promoting attractiveness or altering the appearance, including wigs, hairpieces and

271 postiches; (b) articles intended for use as a component of any such articles; and (c) shall not
272 include soap.

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

277 “Department”, the department of public health.

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

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

282 “Fully fluorinated carbon atom”, a carbon atom on which all the hydrogen substituents
283 have been replaced by fluorine.

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

289 “Known or reasonably ascertainable”, all information in a person's possession or control,
290 plus all information that a reasonable person similarly situated might be expected to possess,
291 control, or know.

292 “Manufacturer”, any person, firm or corporation that manufactures a product whose
293 brand name is affixed to the product. In the case of a product imported into the United States,
294 “manufacturer” includes the importer or first domestic distributor of the product if the person
295 that manufactured or assembled or whose brand name is affixed to the product does not have a
296 presence in the United States.

297 “Per- and polyfluoroalkyl substances” or “PFAS”, a class of fluorinated organic
298 chemicals containing at least one fully fluorinated carbon atom.

299 “Personal care products”, articles intended to be rubbed, poured, sprinkled, or sprayed on,
300 introduced into or otherwise applied to the human body for cleansing, beautifying, promoting
301 attractiveness or altering the appearance. Personal care products shall include products such as
302 skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations,
303 shampoos, permanent waves, hair colors, toothpastes, sunscreen, hair spray, shaving cream and
304 deodorants, as well as any material intended for use as a component of a cosmetic product.
305 Personal care products shall also include , but not be limited to, menstrual products such as
306 sanitary napkins, menstrual underwear, tampons and underwear liners. Personal care products
307 does not include a product that requires a prescription for distribution or dispensation. “Personal
308 Care Products” does not include hydrofluorocarbon or hydrofluoroolefins used as propellants in
309 personal care products.

310 “Priority product,” any child passenger restraint, children’s product, cookware, fabric
311 treatment, personal care products, rugs and carpets, textile, textile furnishings, or upholstered
312 furniture.

313 “Product component”, a component of a consumer product, including the product’s
314 ingredients or a part of the product, regardless of whether the manufacturer of the consumer
315 product is the manufacturer of the component.

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

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

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

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

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

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

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

333 (b) (1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or
334 distribute in the commonwealth any priority products to which PFAS have been intentionally
335 added on or after January 1, 2029.

336 (2) The prohibitions of this subsection shall not apply to the sale or resale of used
337 products;

338 (c) (1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell
339 or distribute in the commonwealth any consumer product that the department has identified for
340 restriction, including but not limited to priority products, to which PFAS have been intentionally
341 added, unless the department, in consultation with the department of environmental protection
342 and the Toxics Use Reduction Institute, has determined that the use of PFAS in the consumer
343 product is a currently unavoidable use and grants a temporary exemption at intervals of no more
344 than 6 years.

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

351 (3) In the event that the department makes such a determination and grants an
352 unavoidable use exemption, the department may require the manufacturer, distributor,
353 wholesaler or retailer to label the product or products in a form and manner determined by the
354 department.

355 (4) The prohibitions of this subsection shall not apply to the sale or resale of used
356 consumer products or a product used in a manner that has been approved or authorized by a
357 federal or state agency, including: (1) Drugs, medical devices, biologics or diagnostics approved
358 or authorized by the Federal Food and Drug Administration or the United States Department of
359 Agriculture or otherwise subject to regulation under the Federal Food, Drug, and Cosmetic Act,
360 as amended, 21 U.S.C. § 301 et seq; (2) Packaging for drugs, medical devices, biologics,
361 diagnostics or [non-pulp based packaging for] food approved or authorized by the Federal Food
362 and Drug Administration or the United States Department of Agriculture or is otherwise in scope
363 of the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. § 301 et seq (3) Products
364 registered or authorized for use under the Federal Insecticide, Fungicide, and Rodenticide Act, as
365 amended, 7 U.S.C. § 136 et seq. (4) Substances designated by rulemaking or otherwise as
366 acceptable substitutes in specific uses under U.S. EPA’s Significant New Alternatives Policy
367 (SNAP) program, or substitutes needed to execute the American Innovation and Manufacturing
368 (AIM) Act; and (5) Finished products certified or regulated by the Federal Aviation
369 Administration or the Department of Defense, or both, when used in a manner that was certified
370 or regulated by such agencies, including parts, materials, and processes when used to
371 manufacture or maintain such regulated or certified finished products.

372 (5) Consumer products or product categories in which the use of PFAS is a currently
373 unavoidable use, as determined by the department, may be exempted for a fee to cover the
374 department’s reasonable costs and to support the purposes outlined in this section, pursuant to a
375 process established years. Fees collected under this paragraph shall be deposited into the PFAS
376 Public Health Trust Fund established under section (j) to be administered by the department for
377 the purposes outlined in this section.

378 (6) Annually, not later than December 31, the department shall file a report on the
379 manufacturers, distributors, wholesalers or retailers submitting unavoidable use exemption
380 requests with the clerks of the house of representatives and the senate, the joint committee on
381 public health, and shall make the report available on the department's website. The report shall
382 include, but not be limited to: (i) the full name of the manufacturer, distributor, wholesaler or
383 retailer applying for an unavoidable use exemption; (ii) if the department granted the
384 manufacturer, distributor, wholesaler or retailer an exemption or not; (iii) the department's
385 reasoning for granting the exemption; and (iv) the length of the exemption.

386 (d)(1) The department shall, in consultation with the department of environmental
387 protection and the Toxics Use Reduction Institute, prepare a study of significant PFAS uses in
388 consumer products not subject to this section using publicly available information, within 4 years
389 of the passage of this law, and shall update the study within 7 years of the passage of this law.
390 The study shall consider whether: (i) safer alternatives to PFAS are reasonably available; (ii) the
391 function provided by PFAS in the product is necessary for the product to perform its primary
392 function as determined by the department; and (iii) the use of PFAS in the product is essential for
393 health or safety. The report shall recommend additional products and product categories to be
394 considered for restriction under this section.

395 (d)(2) The department may adopt regulations to implement this section. The department
396 may adopt regulations to establish additional consumer products and product components to be
397 considered priority products covered by this section. In identifying additional product categories
398 for analysis, the department shall consult with Toxics Use Reduction Institute and the department
399 of environmental protection.

400 (e) The attorney general shall have the authority to enforce the provisions of this section
401 pursuant to G.L. c. 93A, § 4.

402 (f) (1) Notwithstanding any general or special law to the contrary, the department of
403 public health shall establish, on or before June 1, 2028, a publicly accessible reporting platform
404 to collect information about per- and polyfluoroalkyl substances, or “PFAS”, and consumer
405 products or product components containing PFAS being sold, offered for sale, distributed or
406 offered for promotional purposes in, or imported into, the state. The department may consult
407 with Interstate Chemicals Clearinghouse and may collaborate with other states with prohibitions
408 on PFAS to establish such a platform.

409 (2) On or before June 1, 2028, and on or before June 1 of each year thereafter, a
410 manufacturer of PFAS or a consumer product or product component containing intentionally
411 added PFAS that is sold, offered for sale, distributed or offered for promotional purposes in, or
412 imported into, the state shall register the PFAS or the consumer product or product component
413 containing intentionally added PFAS on the publicly accessible reporting platform created
414 pursuant to paragraph (1), along with all of the following information, as applicable: (i) the name
415 and type of consumer product or product component containing intentionally added PFAS; (ii)
416 the universal product code, or “UPC,” of the consumer product or product component containing
417 intentionally added PFAS; (iii) the name and address of the manufacturer, and the name, address
418 and phone number of the contact person for the manufacturer; and (iv) any additional
419 information established by the department as necessary to implement the requirements of this
420 section.

421 (3) A manufacturer may supply the information required in paragraph (2) for a category
422 or type of consumer product rather than for each individual product.

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

426 (5) The department may establish by regulation and assess a fee payable by a
427 manufacturer upon submission of the notification required under paragraph (2) to cover the
428 department's reasonable costs in developing and administering this section and to support the
429 purposes outlined in this section collected under this paragraph shall be deposited into the PFAS
430 Public Health Trust Fund established under section (j) to be administered by the department for
431 the purposes outlined in this section.

432 (6) Any information submitted to, or developed by, the department in furtherance of this
433 section, except for the specific information required to be disclosed in subsection (f)(2) of this
434 section shall not be a public record and shall be exempt from disclosure under clause twenty-
435 sixth of section 7 of chapter 4 and section 10 of chapter 66 of the General Laws.

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

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

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

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

445 (h) (1) A manufacturer of any priority products that are sold, offered for sale,
446 distributed or offered for promotional purposes in, or imported into, the state shall establish an
447 audit program to test for the presence of unintentionally added PFAS using analytical methods
448 approved by the department in consultation with the department of environmental protection and
449 the Toxics Use Reduction Institute.

450 (2) The department shall establish by regulation and assess a fee payable by a
451 manufacturer under paragraph (1) to cover the department's reasonable costs in testing a
452 consumer product for the presence of unintentionally added PFAS at the request of a
453 manufacturer. Fees collected under this paragraph shall be deposited into the PFAS Public
454 Health Trust Fund established under section (j) to be administered by the department for the
455 purposes outlined in this section.

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

462 (2) The fund shall be expended to support the education of Massachusetts residents of
463 PFAS contamination across the commonwealth and the potential health impacts of PFAS

464 exposure, to mitigate the impacts of PFAS in consumer products in the commonwealth, and to
465 support the development of PFAS-free alternatives by the Toxic Use Reduction Institute. The
466 commissioner shall make necessary expenditures from this account for the shared administrative
467 costs of the operations and programs of the department related to the fund, including but not
468 limited to the unavoidable use exemption process under section (c) paragraph (5) and the testing
469 a consumer product for the presence of unintentionally added PFAS. The commissioner shall
470 further direct that monies from the fund shall be expended to provide services in an amount
471 reasonably related to such administrative costs. No expenditure shall be made from the fund that
472 would cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund
473 shall not be subject to further appropriation and monies remaining in the fund at the end of the
474 fiscal year shall not revert to the General Fund, but shall instead be available for expenditure
475 during subsequent fiscal years. Any fiscal year-end balance in the fund shall be excluded from
476 the calculation of the consolidated net surplus pursuant to section 5C of chapter 29 of the
477 General Laws.

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

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

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

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

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

497 “Known or reasonably ascertainable”, all information in a person's possession or control,
498 plus all information that a reasonable person similarly situated might be expected to possess,
499 control, or know.

500 “Local governments” includes any county, city, town, fire district, regional fire protection
501 authority, or special purpose district that provides firefighting services.

502 “Manufacturer”, any person, firm or corporation that manufactures or distributes
503 firefighting agents or firefighting equipment. In the case of a product imported into the United
504 States, “manufacturer” includes the importer or first domestic distributor of the product if the
505 person that manufactured or assembled or whose brand name is affixed to the product does not
506 have a presence in the United States.

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

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

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

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

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

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

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

529 “Department”, department of fire services

530 “Intentionally added”, PFAS that is added to a product, or enters the product from the
531 manufacturing or processing of that product; and the addition of PFAS is known or reasonably
532 ascertainable by the manufacturer. “Intentionally added” PFAS also includes any degradation by-
533 products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release
534 agent, or the creation of PFAS via chemical reactions.

535 “Known or reasonably ascertainable”, all information in a person's possession or control,
536 plus all information that a reasonable person similarly situated might be expected to possess,
537 control, or know.

538 “Per- and polyfluoroalkyl substances” or “PFAS”, a class of fluorinated organic
539 chemicals containing at least one fully fluorinated carbon atom.

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

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

547 (d) The department shall assist the department of public health’s Occupational Health
548 Surveillance Program in collecting data on occupational exposure to PFAS, including, but not
549 limited to, firefighters. The restrictions in subsections (b) and (c) of this section do not apply to
550 any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS
551 chemicals are required by federal law, including but not - limited to the requirements of 14
552 C.F.R. 139.317, as that section existed as of January 1, 2025. In the event that applicable federal
553 regulations change after January 1, 2025, to allow the use of alternative firefighting agents that
554 do not contain PFAS chemicals, the restrictions set forth in subsections (b) and (c) shall apply.

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

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

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

566 (e) No roll-back tax imposed by this section shall be assessed on land that no longer
567 meets the definition of land actively devoted to agricultural, horticultural or agricultural and
568 horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in

569 soil, water, or agricultural products derived from such land. For the purposes of this subsection,
570 “PFAS” shall mean a class of fluorinated organic compounds containing at least one fully
571 fluorinated carbon atom. The commissioner of agricultural resources, in consultation with the
572 commissioner of revenue and the commissioner of environmental protection, may promulgate
573 regulations to enforce this subsection.

574 SECTION 12. The department of public health, in consultation with department of
575 environmental protection and the department of agricultural resources, shall procure or otherwise
576 employ an external research organization, which has the capacity to study per- and
577 polyfluoroalkyl substances and the effect PFAS has on agricultural products produced and sold
578 in the commonwealth; provided, that the research organization shall have: (1) extensive
579 experience with a wide variety of agricultural products and environmental matrices, including, 2
580 of 2 but not limited to, plants and animals; (2) a current QAPP (“Quality Assurance Project
581 Plan”) through the United States Environmental Protection Agency; (3) current sampling and
582 chain of custody protocols; (4) experience handling complex agricultural matrices; and (5) access
583 to state of-the art mass spectrometers. The study shall include findings on the levels of PFAS
584 found in: (1) in agricultural products sold in Massachusetts stores; (2) locally sourced
585 agricultural products; and (3) agricultural inputs including, but not limited to, feed, water,
586 fertilizer, and pesticides. The department shall make said report publicly available with the
587 department’s findings on the department’s website. The commissioner shall file a progress report
588 in writing of the findings, including food and agricultural sources of contamination, within 365
589 days of the passage of this act; provided, that the report shall be filed with the house and senate
590 committees on ways and means, the joint committee on environment and natural resources, the

591 joint committee on public health, and the joint committee on agriculture on or before August 31,
592 2025.

593 SECTION 13. Subsection (c) of said section 43B of said chapter 21 shall take effect two
594 years after United States Environmental Protection Agency Method 1633 is available to the
595 public.

596 SECTION 14. Section 3 shall take effect January 1, 2030.

597 SECTION 15. Section 5T of said chapter 111 shall take effect January 1, 2030.

598 SECTION 16. Subsection (b) of said section 5U of said chapter 111 shall take effect
599 January 1, 2029.

600 SECTION 17. Subsection (c) of said section 5U of said chapter 111 shall take effect
601 January 1, 2035.

602 SECTION 18. Paragraph (1) of said subsection (g) of said section 5U of said chapter 111
603 shall take effect June 1, 2030.

604 SECTION 19. Subsection (h) of said section 5U of said chapter 111 shall take effect
605 January 1, 2030.

606 SECTION 20. Subsection (i) of said section 5U of said chapter 111 shall take effect
607 January 1, 2035.

608 SECTION 21. Section 245 of said chapter 111 shall take effect on the 180th day
609 following enactment.

610 SECTION 22. Section 246 of said chapter 111 shall take effect January 1, 2028.

611 SECTION 23. Section 3 shall take effect on the 180th day following enactment.

612 SECTION 24. Section 7 shall take effect January 1, 2029.

613 SECTION 25. Section 12 shall take effect no later than 180 days after passage of this act.