SENATE . . . . . No. 3034

The Commonwealth of Massachusetts

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

SENATE, April 2, 2026.

The committee on Public Health to whom was referred the petition (accompanied by bill, Senate, No. 1504) of Julian Cyr, Joanne M. Comerford, James B. Eldridge, John F. Keenan and others for legislation to protect Massachusetts public health from Per- and polyfluoroalkyl substances (PFAS) a group of chemicals that are used in many consumer products and industrial processes, report the accompanying bill (Senate, No. 3034).

For the committee,
William J. Driscoll, Jr.

FILED ON: 3/26/2026

SENATE . . . . . No. 3034

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:

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

Section 35TTT. PFAS Remediation Trust Fund

(a) As used in this section, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

"Ambient air", that portion of the atmosphere, external to buildings, to which the general public has access.

"Board of health", any body politic or political subdivision of the commonwealth that acts as a board of health, public health commission or a health department for a municipality, region or district, including, but not limited to, municipal boards of health, regional health districts established pursuant to G.L. c. 111, § 27B and boards of health that share services

pursuant to G.L. c. 40, § 4A or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town.

"Commissioner", the commissioner of the department of environmental protection

"Department", the department of environmental protection

"Fund", the PFAS Remediation Trust Fund established in this section.

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

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

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

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

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

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

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

(e) If the department provides a grant related to costs for a project for which a third party might otherwise be liable, the right to recover payment from such third party, excluding public sector fire departments for the use of Class B firefighting foam in emergency responses, shall be subrogated to the department to the extent of such grant. Any money recovered by the

department from such third parties shall be deposited in the fund. Notwithstanding any other general or special law to the contrary, the superior court shall have jurisdiction for subrogation claims brought pursuant to this chapter, and civil actions brought by the attorney general for subrogated claims to recover costs pursuant to this chapter shall be commenced within five years from the date the commonwealth is assigned the rights to recover all such costs or five years from the date the commonwealth discovers that the person against whom the action is being brought is a person liable pursuant to law, whichever is later.

(f)(1) The department may consult with the department of public health to provide funding from the fund for boards of health to establish rebate and grant programs for the reimbursement of private well users and owners for the costs of private well water sampling, installation, and operation and maintenance of PFAS treatment systems. Eligible spending for rebate shall include, but is not limited to, sampling of private well water for those PFAS that are regulated for public water systems by the department's drinking water regulations and installation of permanent treatment systems to remove PFAS from drinking water. Eligible spending for grants shall include, but is not limited to, payment to vendors for PFAS water testing and installation and maintenance of PFAS treatment systems, provided that such private well users and owners can establish that their income was below the state median household income rate or below 120% area median income, whichever is lower, in the year in which the costs were incurred and that such costs were incurred after the effective date of this section.

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

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

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

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

SECTION 2. Chapter 16 of the General Laws is hereby amended by adding the following 2 sections:-

Section 25. Sludge management; master plan

(a) The department shall investigate and study the sludge disposal needs of the commonwealth. In doing so, the department may incorporate the scientific research and technical findings included in, but not limited to, the following reports:

(1) “MassDEP PFAS Testing Study for NPDES POTWs (PRF77),” published on June 30, 2025, which documented PFAS contamination in influent, effluent and sewage sludge generated at every publicly owned treatment works in the commonwealth, with sludge consistently containing the highest concentrations of PFAS measured anywhere in the wastewater treatment system; and

(2) “Current and Near-Term Management of Massachusetts Wastewater Sludge,” published on June 28, 2024, which assessed sludge generation, existing treatment and hauling capacity, available disposal outlets, regional infrastructure constraints and current technological limitations that prevent wastewater treatment facilities from removing PFAS or reducing sludge toxicity under current systems.

(b) Having already established through said reports that PFAS contamination of sewage sludge is universal, persistent and technologically unavoidable with existing wastewater treatment processes, the department’s investigation under this section shall focus on the outstanding economic and operational questions related to sewage sludge management not addressed in prior studies. For the purposes of this section, toxicity shall include any and all pathogens, chemicals or other agents or molecules regulated by the commonwealth, and any substance known to cause harm to human health. Said study shall identify, to the maximum practicable extent:

(1) For each wastewater treatment plan in the commonwealth:

(i) The current arrangements for the collection, transfer, processing, treatment and disposal of sewage sludge;

(ii) The current costs for the collection, transfer, processing, treatment and disposal of sewage sludge, including, but not limited to:

(iii) The costs to the wastewater treatment plant to haul and dispose of sewage sludge from the wastewater treatment plant;

(iv) The total payments to outside vendors to haul, dispose of or process sewage sludge generated at the wastewater treatment plant; and

(v) The final location of sewage sludge, including, but not limited to, whether the sewage sludge is transported to:

(A) an in-state landfill;

(B) an out-of-state landfill;

(C) a monofill landfill;

(D) an incinerator;

(E) a composting or co-composting facility; or

(F) any other processing site; and

(G) Appropriate technologies and practices for reducing the volume and toxicity of sewage sludge and improving wastewater treatment design and operation, delineated by cost, target wastewater treatment plant size and capacity and geographic location.

(c) The department, after not less than 3 public hearings, held in geographically diverse areas of the commonwealth, and a public comment period, shall develop and maintain a

comprehensive statewide master plan for sludge processing and disposal, including any necessary provisions to meet eligibility requirements under any federal program for financial aid in sludge management. Said plan shall describe, to the maximum practicable extent, a short and long-range program for reduction and management of sludge throughout the commonwealth, and the funding for the development of such systems, infrastructure and facilities which the department finds to be reasonably necessary.

The plan shall be updated at a frequency to be determined by the commissioner, but not less frequently than every 10 years. Any amendment, alterations or changes to said master plan shall be adopted only after a public hearing.

Without limitation of the foregoing, said plan shall include, but not be limited to:

(1) A program for providing technical assistance and funding to entities that own a publicly-owned treatment works, hereafter referred to as POTWs, as defined in section 12B of chapter 132 A, to develop local sludge management plans;

(2) A template local sludge management plan which entities that own and operate a POTW shall adopt and may alter; provided that any alterations are certified by the department as being compliance with the goals of this section; and provided further that no such entity shall be required to adopt a plan without having received technical assistance or funding from the department;

(3) Goals and measurable benchmarks for the reduction, processing, toxicity and disposal of sludge in the commonwealth, as well as detailed methods and solutions to achieve said goals and benchmarks, including, but not limited to:

(i) the creation and maintenance of specialized landfills for sludge disposal;

(ii) the implementation of methods for reducing the volume and toxicity of sludge, including by, but not limited to, facilitating source reduction, remediation and gasification;

(iii) the development of new or improved technologies and methods for reducing the volume and toxicity of sludge;

(iv) the remediation of toxic chemicals and substances in wastewater and in sludge; and

(v) viable research investments the commonwealth could make to further the goals laid out in said plan;

(4) Criteria that would trigger updates to the plan, including, but not limited to, advancements in the treatment of sludge and procedures for determining if and how sludge could possibly be safely applied to land in the commonwealth; and

(5) Estimates of the expected financial resources, and any regulatory or statutory changes, needed to implement said plan.

The plan shall prioritize providing technical assistance and funding to entities that own a POTW; provided that the plan and any included funding formula or grant application criteria shall also prioritize geographic equity and environmental justice principles, as defined in section 62 of chapter 30.

The statewide master plan for sludge processing and disposal shall be posted online on the department's website. All data, comments and reporting used by the department in drafting the plan shall be made easily available to the public on the department's website.

Section 25A. Sludge management grant program

The department of environmental protection shall establish a grant program to aid owners of wastewater treatment facilities in researching practices and technologies; implementing practices, technologies and programs; and overhauling systems and infrastructure to reduce the volume of sludge and reduce the toxicity of the wastewater entering the treatment plant. The department shall prioritize providing grant funding to entities that own a publicly-owned treatment works, as defined in section 12B of chapter 132 A.

SECTION 3. Chapter 20 of the General Laws is hereby amended by inserting after section 32 the following section:-

Section 33. Sludge management

An individual or entity engaged in the practice of farming, as defined in section 1A of chapter 128, shall be immune from suit and civil liability for any damages resulting from claims based on harms caused by PFAS present in soil, water, livestock or agricultural products as a result of standard agricultural practices or source contamination outside of their control; provided that the following individuals or entities shall not be immune: (i) those engaged in the production or distribution of PFAS-containing materials, including but not limited to biosolids, as defined in section 171A of chapter 111; (ii) those engaged in the production, distribution or disposal of industrial waste; (iii) those engaged in the operation of incinerators; and (v) those who knowingly engage in the land application of biosolids after June 30, 2028. For the purposes of this section, “PFAS” shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

SECTION 4. Chapter 21 of the General Laws is hereby amended by inserting after section 43A the following section:-

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

(b) The department of environmental protection shall amend its surface water discharge permits issued to industrial permittees and groundwater discharge permits issued to industrial permittees upon renewal with requirements to implement best management practices for discharges of PFAS, including, but not limited to: (i) product elimination or substitution when a reasonable alternative to using PFAS is available in the industrial process; (ii) accidental discharge minimization; and (iii) equipment decontamination or replacement where PFAS products have historically been used. These industrial permittees shall include those that use or previously used PFAS or PFAS products or those where best management practices are warranted based on the department's review of discharge monitoring.

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

SECTION 5. Section 8 of Chapter 21A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the words "one hundred and sixty-six, inclusive" the following words:- , one hundred and seventy-one A.

SECTION 6. Chapter 21A of the General Laws is hereby amended by inserting after31 section 28 the following section:-

Section 29. PFAS awareness campaign

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

(b) The educational materials shall be translated into the native languages spoken by the impacted environmental justice populations based on the federal census definition of English isolation. Such educational materials shall be made available to: (i) community centers; (ii) health care centers; (iii) schools, (iv) places of worship; (v) the department of education; (vi) the department of early education and care; (vii) and any other locations as determined by the department.

(c) The department may contract or associate with public and private agencies and organizations for the preparation of said educational materials on PFAS exposure, other pertinent

resource information on the matter of PFAS contamination and conducting educational programs. The department may use funds from the Fund, as established in section 35TTT of chapter 10 of the general laws, for such contracts.

SECTION 7. Chapter 22D of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 7. Firefighting foam

(a) The following terms shall, unless the context clearly requires otherwise, have the following meanings:

“Department”, department of fire services

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

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

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

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

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

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

SECTION 8. Chapter 29 of the General Laws is hereby amended by inserting after section 2DDDDDD the following 2 sections:-

Section 2EEEEEE. Agricultural PFAS Relief Fund

(a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural PFAS Relief Fund, which shall be used exclusively to assist farmers in the commonwealth who have suffered losses, incurred costs or reasonably anticipate suffering losses or incurring costs resulting from the actual or suspected presence of PFAS in soil, water, livestock or agricultural products; provided, that eligibility for this fund shall not extend to: (i) individuals or entities engaged in the production or distribution of PFAS-containing materials, including but not limited to biosolids, as defined in section 171A of chapter 111; (ii) individuals or entities engaged in the production, distribution or disposal of industrial waste; (iii) individuals or entities engaged in the operation of incinerators; and (iv) individuals or entities

who knowingly engage in the land application of biosolids after June 30, 2028. For the purposes of this section, “PFAS” shall mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(b) The Agricultural PFAS Relief Fund shall be credited with money from: (i) amounts recovered by the commonwealth and credited thereto in connection with claims arising from the sources of PFAS contamination found in biosolids products applied on agricultural land; (ii) any appropriations authorized by the general court specifically designated to be credited to the fund; (iii) gifts, grants and donations from public or private sources; (iv) federal reimbursements and grants-in-aid; and (v) any interest earned from the fund.

(c) The commissioner of agricultural resources shall promulgate rules and regulations to direct the expenditure of money from this fund for purposes including, but not limited to: (i) testing of soil, water, livestock or agricultural products for PFAS; (ii) costs incurred from adapting management and business practices as a result of the disallowance of use of products containing PFAS or the disruption of business caused by the presence or suspected presence of PFAS; (iii) development and implementation of educational resources for farmers to adapt to management changes resulting from the presence of PFAS; (iv) physical and mental health needs of farm owners, farm workers and personnel resulting from exposure to PFAS; (v) remediation practices and needed infrastructure for the elimination of or protection from PFAS; and (vi) development of PFAS testing capacity at the Center for Agriculture, Food and the Environment at the University of Massachusetts at Amherst or other public institutions of higher education in the commonwealth. Regulations shall comply with the department of agricultural resources’ environmental justice policy.

(d) The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all funds under this section to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor. The department of agricultural resources may expend money in the fund without further appropriation and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year.

(e) The commissioner of agricultural resources shall report annually to the house and senate committees on ways and means and the joint committee on agriculture and fisheries on income received into the fund and sources of that income, any expenditure from the fund and the purpose of that expenditure and the fund's balance. Money in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

Section 2FFFFFF. Agricultural Fertilizer Purchasing Fund

There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Fertilizer Purchasing Fund, which shall be used to assist commercial farmers in the commonwealth who can demonstrate that they are incurring additional costs in purchasing fertilizer as a result of the disallowance of use of products containing PFAS. The fund shall be administered by the secretary of energy and environmental affairs, in consultation with the commissioner of the department of agricultural resources.

The fund shall be credited with appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund. Amounts credited to the fund shall be expended to farmers to support the purchase of fertilizer for commercial

agricultural purposes in fiscal year 2027 and thereafter. Applications shall be noncompetitive and shall be accepted or denied based only upon whether farmers have met the eligibility requirements. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall not be subject to section 5C of chapter 29.

SECTION 9. Section 12 of chapter 61A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

No conveyance tax under this section shall be assessed on land that is removed from agricultural or horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in soil, water, or agricultural products derived from such land. For the purposes of this paragraph, "PFAS" shall mean a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom as defined under section 5U of chapter 111. The commissioner of agricultural resources, in consultation with the commissioner of revenue and the commissioner of environmental protection, may promulgate regulations to enforce this paragraph.

SECTION 10. Section 13 of chapter 61A of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(e) No roll-back tax imposed by this section shall be assessed on land that no longer meets the definition of land actively devoted to agricultural, horticultural or agricultural and horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in soil, water, or agricultural products derived from such land. For the purposes of this subsection, "PFAS" shall mean a class of fluorinated organic compounds containing at least one fully

fluorinated carbon atom as defined under section 5U of chapter 111. The commissioner of agricultural resources, in consultation with the commissioner of revenue and the commissioner of environmental protection, may promulgate regulations to enforce this subsection.

SECTION 11. Chapter 111 of the General Laws is hereby amended by inserting after section 5S the following sections:-

Section 5T. Food packaging

(a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

“Department”, the department of public health.

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

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

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

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

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

"Manufacturer", a person, firm, association, partnership, government entity, organization, joint venture or corporation that applies a package to a product for distribution or sale. In the case of a multi-component product, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer shall be the importer or domestic distributor.

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

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

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

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

Section 5U. Consumer products

(a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

“Children’s product”, consumer products intended, made or marketed for use by children 12 years of age or under, including: (i) toys; (ii) children’s clothing; (iii) children's cosmetics and personal care products; (iv) children's jewelry and novelty products; (v) children’s school supplies; (vi) children’s arts and crafts supplies, including model making supplies (vii) children’s bedding, furniture, and furnishings; (viii) child car seats; (ix) products to help a child with sucking or teething, or to facilitate sleep, relaxation, or the feeding of a child; (x) products that meet any of the following conditions, as determined by the department: represented in its packaging, display, or advertising as appropriate for use by children, sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children sold in a retail store, catalogue, or online website, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children, or sold in a discrete portion of a retail store, catalogue, or online website, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; provided, however, that “children’s product” shall not include: (i) batteries; (ii) slings and catapults; (iii) sets of darts with metallic points; (iv) toy steam

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

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

"Cookware", durable houseware items that are used in homes and restaurants to prepare, heat or dispense foodstuffs or beverages, including, but not limited to, pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls and cooking utensils.

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

"Department", the department of public health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or distribute in the commonwealth any priority products to which PFAS have been intentionally added on or after January 1, 2029. The prohibitions of this subsection shall not apply to the sale or resale of used products.

(c) The department of public health shall identify additional consumer products and other products for restriction. Such identified products shall be subject to the same prohibitions under this section.

(1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or distribute in the commonwealth any consumer product that the department has identified for restriction, including but not limited to priority products, to which PFAS have been intentionally added, unless the department, in consultation with the department of environmental protection

and the Toxics Use Reduction Institute, has determined that the use of PFAS in the consumer product is a currently unavoidable use and grants a temporary exemption at intervals of no more than 4 years.

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

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

(4) The prohibitions of this subsection shall not apply to the sale or resale of used consumer products that the department has identified for restriction, including but not limited to priority products.

(5) Consumer products or product categories in which the use of PFAS is a currently unavoidable use, as determined by the department, may be exempted for a fee to cover the department's reasonable costs and to support the purposes outlined in this section, pursuant to a process established by the department..

(6) Annually, not later than December 31, the department shall file a report on the manufacturers, distributors, wholesalers or retailers submitting unavoidable use exemption

requests with the clerks of the house of representatives and the senate, the joint committee on public health, and shall make the report available on the department's website. The report shall include, but not be limited to: (i) the full name of the manufacturer, distributor, wholesaler or retailer applying for an unavoidable use exemption; (ii) if the department granted the manufacturer, distributor, wholesaler or retailer an exemption or not; (iii) the department's reasoning for granting the exemption; and (iv) the length of the exemption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The fund shall be expended to support the education of Massachusetts residents of PFAS contamination across the commonwealth and the potential health impacts of PFAS exposure, to mitigate the impacts of PFAS in consumer products in the commonwealth, and to support the development of PFAS-free alternatives by the Toxic Use Reduction Institute. The commissioner shall make necessary expenditures from this account for the shared administrative

costs of the operations and programs of the department related to the fund, including but not limited to the unavoidable use exemption process under section (c) paragraph (5) and the testing a consumer product for the presence of unintentionally added PFAS. The commissioner shall further direct that monies from the fund shall be expended to provide services in an amount reasonably related to such administrative costs. No expenditure shall be made from the fund that would cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of the fiscal year shall not revert to the General Fund, but shall instead be available for expenditure during subsequent fiscal years. Any fiscal year-end balance in the fund shall be excluded from the calculation of the consolidated net surplus pursuant to section 5C of chapter 29 of the General Laws.

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

SECTION 12. Chapter 111 of the General Laws is hereby amended by inserting after section 171 the following section:-

Section 171A. (a) For the purposes of this section, the following words shall have the following meanings:

“Biosolids”, treated or untreated sewage sludge.

“Department”, the department of environmental protection.

“Fertilizer”, shall be as defined in section 64 of chapter 128.

(b) The application of biosolids on land is prohibited.

(c) Fertilizer derived from or containing biosolids, soil amendments derived from or containing biosolids and other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains biosolids shall not be sold or distributed in the commonwealth.

(d) A manufacturer of any fertilizer or other soil amendment shall submit written notice to the department of environmental protection and the department of agricultural resources certifying that said fertilizer or other soil amendment is not derived from and does not contain biosolids. The manufacturer’s written notice shall be submitted electronically in a format to be specified by the department, in consultation with the department of agricultural resources. The department shall make information reported under this subsection available to the public via the department’s website.

SECTION 13. Section 66 of chapter 128 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following paragraph:-

The commissioner shall not issue a license to distribute any type of fertilizer, except specialty fertilizer, unless the licensee certifies that the fertilizer is not derived from and does not contain biosolids, as defined in section 171A of chapter 111. The commissioner shall not approve an application for registration of a specialty fertilizer, soil conditioner or agricultural liming material unless the applicant certifies that the specialty fertilizer, soil conditioner or

agricultural liming material is not derived from and does not contain biosolids, as defined in section 117A of chapter 111. A manufacturer's written notice delivered to the department in accordance with the provisions of subsection (d) of section 171A of chapter 111 shall satisfy the requirements of this paragraph.

SECTION 14. Notwithstanding any general or special law to the contrary, cities and towns which can demonstrate that they are incurring additional costs for sludge disposal under section 171A of chapter 111, as inserted by this act, shall annually submit to the division of local services within the department of revenue, itemized financial statements demonstrating costs for sludge disposal for the current fiscal year as well as for the 3 years preceding the effective date of this act. The division shall certify costs submitted by municipalities within 90 days of having received a submission. Any additional costs incurred by a city or town for sludge disposal under section 171A of chapter 11 of the general laws, as inserted by this act, as certified by the division, shall be reimbursed at a rate of 100 per cent not more than 30 days after the costs have been certified, provided that the reimbursement shall be discounted equal to the estimated rate of inflation. For the purposes of this section, sludge shall be defined by section 18 of chapter 16 of the general laws. The department of revenue shall promulgate regulations for the implementation and administration of this section not later than December 31, 2027.

SECTION 15. The study and comprehensive statewide master plan required by section 25 of chapter 16 of the general laws shall be completed not later than June 30, 2027 and shall be submitted to the joint committee on agriculture and fisheries, the joint committee on the environment and natural resources, the house and senate committees on ways and means and the clerks of the house of representatives and the senate.

SECTION 16. Not later than December 31, 2030, the department of environmental protection shall submit a report to the Chairs of the Joint Committee on Public Health and the Joint Committee on Environment and Natural Resources regarding its progress in establishing standards to monitor PFAS in ambient air. This report shall include, but not be limited to: (i) the department's capacity to establish these standards; (ii) the steps the department has taken or plans to take to establish these standards; and; (iii) a projected timeline detailing when the department expects to finish establishing standards to monitor PFAS in ambient air.

SECTION 17. The department of environmental protection shall promulgate regulations for the implementation of section 35TT of chapter 10, as inserted by section of this act, and sections 25 and 25A of chapter 16, as inserted by section 2 of this act,s not later than June 30, 2028.

SECTION 18. The department of agricultural resources shall promulgate rules and regulations for the implementation of section 2EEEEEE of chapter 29, as inserted by section 8 of this act, not later than December 31, 2027.

SECTION 19. The department of agricultural resources, in consultation with the department of revenue and the department of environmental protection, shall promulgate regulations to implement the provisions in sections 12 and 13 of chapter 61A, as inserted by sections 9 and 10 of this act, not later than December 31, 2027.

SECTION 20. The department of public health shall promulgate regulations to implement subsection (b) of section 5U no later than December 31, 2027. The department of public health shall promulgate regulations to implement the remaining provisions in sections 5T and 5U of chapter 111, as inserted by section 11 of this act, not later than December 31, 2028.

SECTION 21. The department of environmental protection, in consultation with the department of public health and the department of agricultural resources, shall promulgate regulations to implement section 171A of chapter 111, as inserted by section 12 of this act.

SECTION 22. Section 43B of said chapter 21, as inserted by section 4 of this act, shall take effect one year after the effective date of this act.

SECTION 23. Section 8 of Chapter 21A, as inserted by section 5 of this act, shall take effect on June 30, 2028

SECTION 24. Section 7 of Chapter 22D, as inserted by section 7, shall take effect January 1, 2029.

SECTION 25. Section 5T of said chapter 111, as inserted by section 11 of this act, shall take effect January 1, 2028. Subsection (c) of section 5T of said chapter 111 shall take effect upon enactment.

SECTION 26. Subsection (b) of said section 5U of said chapter 111, as inserted by section 11 of this act, shall take effect January 1, 2029.

SECTION 27. Subsection (c) of said section 5U of said chapter 111, as inserted by section 11 of this act, shall take effect January 1, 2030.

SECTION 28. Additional product categories added under subsection (d) of said section 5U of said chapter 111 shall take effect two years after the product category has been added for restriction by the department.

SECTION 29. Subsection (g) of said section 5U of said chapter 111, as inserted by section 11 of this act, shall take effect June 1, 2028.

SECTION 30. Subsection (h) of said section 5U of said chapter 111, as inserted by section 11 of this act, shall take effect June 1, 2028.

SECTION 31. Subsection (i) of said section 5U of said chapter 111, as inserted by section 11 of this act, shall take effect January 1, 2028.

SECTION 32. Section 171A of Chapter 111, as inserted by section 12 of this act, shall take effect on June 30, 2028.

SECTION 33. Section 66 of Chapter 128, as inserted by section 13 of this act, shall take effect on June 30, 2028.