

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

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:

Julian Cyr

DISTRICT/ADDRESS:

Cape and Islands

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

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

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

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

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

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

14 “Department”, the department of environmental protection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 SECTION 4. Not later than December 31, 2030, the department of environmental
142 protection shall submit a report to the Chairs of the Joint Committee on Public Health and the
143 Joint Committee on Environment and Natural Resources regarding its progress in establishing

144 standards to monitor PFAS in ambient air. This report shall include, but not be limited to: (i) the
145 department's capacity to establish these standards; (ii) the steps the department has taken or
146 plans to take to establish these standards; and; (iii) a projected timeline detailing when the
147 department expects to finish establishing standards to monitor PFAS in ambient air.

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

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

164 (b) The educational materials shall be translated into the native languages spoken by the
165 impacted environmental justice populations based on the federal census definition of English

166 isolation. Such educational materials shall be made available to, but not be limited to: (i)
167 community centers; (ii) health care centers; (iii) schools, (iv) places of worship; (v) the
168 department of education; (vi) and the department of early education and care.

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

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

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

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

181 “Department”, the department of public health.

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

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

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

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

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

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

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

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

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

208 (c) The department, in consultation with department of environmental protection and the
209 department of agricultural resources, shall procure or otherwise employ an external research
210 organization, which has the capacity to study per- and polyfluoroalkyl substances and the effect
211 PFAS has on agricultural products produced and sold in the commonwealth; provided, that the
212 research organization shall have: (1) extensive experience with a wide variety of agricultural
213 products and environmental matrices, including, but not limited to, plants and animals; (2) a
214 current QAPP (“Quality Assurance Project Plan”) through the United States Environmental
215 Protection Agency; (3) current sampling and chain of custody protocols; (4) experience handling
216 complex agricultural matrices; and (5) access to state-of-the art mass spectrometers. The study
217 shall include findings on the levels of PFAS found in: (1) in agricultural products sold in
218 Massachusetts stores; (2) locally sourced agricultural products; and (3) agricultural inputs
219 including, but not limited to, feed, water, fertilizer, and pesticides. The department shall make
220 said report publicly available with the department’s findings on the department’s website. The
221 commissioner shall file a progress report in writing of the findings, including food and
222 agricultural sources of contamination, within 365 days of the passage of this act; provided, that
223 the report shall be filed with the house and senate committees on ways and means, the joint
224 committee on environment and natural resources, the joint committee on public health, and the
225 joint committee on agriculture on or before August 31, 2027.

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

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

229 “Children’s product”, consumer products intended, made or marketed for use by children
230 12 years of age or under, including: (i) toys; (ii) children’s clothing; (iii) children's cosmetics and
231 personal care products; (iv) children's jewelry and novelty products; (v) children’s school
232 supplies; (vi) children’s arts and crafts supplies, including model making supplies (vii) children’s
233 bedding, furniture, and furnishings; (viii) child car seats; (ix) products to help a child with
234 sucking or teething, or to facilitate sleep, relaxation, or the feeding of a child; (x) products that
235 meet any of the following conditions: represented in its packaging, display, or advertising as
236 appropriate for use by children, sold in conjunction with, attached to, or packaged together with
237 other products that are packaged, displayed, or advertised as appropriate for use by children sold
238 in a retail store, catalogue, or online website, in which a person exclusively offers for sale
239 products that are packaged, displayed, or advertised as appropriate for use by children, or sold in
240 a discrete portion of a retail store, catalogue, or online website, in which a person offers for sale
241 products that are packaged, displayed, or advertised as appropriate for use by children; provided,
242 however, that “children’s product” shall not include: (i) batteries; (ii) slings and catapults; (iii)
243 sets of darts with metallic points; (iv) toy steam engines; (v) bicycles and tricycles; (vi) video
244 toys that can be connected to video screen and are operated at a nominal voltage exceeding
245 twenty-four volts; (vii) chemistry sets; (viii) consumer and children's electronic products,
246 including but not limited to personal computers, audio and video equipment, calculators, wireless
247 phones, game consoles, and handheld devices incorporating a video screen, used to access
248 interactive software and their associated peripherals; (ix) interactive software, intended for
249 leisure and entertainment, including computer games and their storage media, including compact
250 disks; (x) BB guns, pellet guns and air rifles; (xi) snow sporting equipment, including skis, poles,
251 boots, snow boards, sleds and bindings; (xii) roller skates; (xiii) scooters; (xiv) model rockets;

252 (xv) athletic shoes with cleats or spikes; (xvi) pocketknives and multitools; (xvii) pharmaceutical
253 products and biologics; and (xviii) medical devices, as defined in the federal Food, Drug, and
254 Cosmetic Act, U.S.C, 21 section 321(h).

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

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

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

264 “Department”, the department of public health.

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

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

269 “Fully fluorinated carbon atom”, a carbon atom on which all the hydrogen substituents
270 have been replaced by fluorine. “Intentionally added”, PFAS that is added to a product, or enters
271 the product from the manufacturing or processing of that product; the addition of which is known
272 or reasonably ascertainable by the manufacturer. “Intentionally added” PFAS also includes any

273 degradation by-products of PFAS or the use of PFAS or PFAS precursors as a processing agent,
274 mold release agent, or the creation of PFAS via chemical reactions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

321 (c) (1) No manufacturer, distributor, wholesaler or retailer shall offer for sale, sell or
322 distribute in the commonwealth any consumer product that the department has identified for
323 restriction, including but not limited to priority products, to which PFAS have been intentionally
324 added, unless the department, in consultation with the department of environmental protection
325 and the Toxics Use Reduction Institute, has determined that the use of PFAS in the consumer
326 product is a currently unavoidable use and grants a temporary exemption at intervals of no more
327 than 4 years.

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

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

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

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

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

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

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

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

371 (f) (1) Notwithstanding any general or special law to the contrary, the department of
372 public health shall establish, on or before June 1, 2028, a publicly accessible reporting platform
373 to collect information about per- and polyfluoroalkyl substances, or “PFAS”, and consumer
374 products or product components containing PFAS being sold, offered for sale, distributed or
375 offered for promotional purposes in, or imported into, the state. The department may consult

376 with Interstate Chemicals Clearinghouse and may collaborate with other states with prohibitions
377 on PFAS to establish such a platform.

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

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

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

396 (5) The department may establish by regulation and assess a fee payable by a
397 manufacturer upon submission of the notification required under paragraph (2) to cover the

398 department's reasonable costs in developing and administering this section and to support the
399 purposes outlined in this section collected under this paragraph shall be deposited into the PFAS
400 Public Health Trust Fund established under section (j) to be administered by the department for
401 the purposes outlined in this section.

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

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

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

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

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

415 (h) (1) A manufacturer of any priority products that are sold, offered for sale, distributed
416 or offered for promotional purposes in, or imported into, the state shall establish an audit
417 program to test for the presence of unintentionally added PFAS using analytical methods

418 approved by the department in consultation with the department of environmental protection and
419 the Toxics Use Reduction Institute.

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

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

432 (2) The fund shall be expended to support the education of Massachusetts residents of
433 PFAS contamination across the commonwealth and the potential health impacts of PFAS
434 exposure, to mitigate the impacts of PFAS in consumer products in the commonwealth, and to
435 support the development of PFAS-free alternatives by the Toxic Use Reduction Institute. The
436 commissioner shall make necessary expenditures from this account for the shared administrative
437 costs of the operations and programs of the department related to the fund, including but not
438 limited to the unavoidable use exemption process under section (c) paragraph (5) and the testing
439 a consumer product for the presence of unintentionally added PFAS. The commissioner shall

440 further direct that monies from the fund shall be expended to provide services in an amount
441 reasonably related to such administrative costs. No expenditure shall be made from the fund that
442 would cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund
443 shall not be subject to further appropriation and monies remaining in the fund at the end of the
444 fiscal year shall not revert to the General Fund, but shall instead be available for expenditure
445 during subsequent fiscal years. Any fiscal year-end balance in the fund shall be excluded from
446 the calculation of the consolidated net surplus pursuant to section 5C of chapter 29 of the
447 General Laws.

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

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

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

458 “Department”, department of fire services

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

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

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

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

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

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

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

479 SECTION 8. Section 12 of chapter 61A of the General Laws is hereby amended by
480 inserting after the second paragraph the following paragraph:-

481 No conveyance tax under this section shall be assessed on land that is removed from
482 agricultural or horticultural use due to regulatory action regarding the actual or suspected

483 presence of PFAS in soil, water, or agricultural products derived from such land. For the
484 purposes of this paragraph, “PFAS” shall mean a class of fluorinated organic compounds
485 containing at least one fully fluorinated carbon atom as defined under section 5U of chapter 111.
486 The commissioner of agricultural resources, in consultation with the commissioner of revenue
487 and the commissioner of environmental protection, may promulgate regulations to enforce this
488 paragraph.

489 SECTION 9. Section 13 of chapter 61A of the General Laws is hereby amended by
490 adding the following subsection:-

491 (e) No roll-back tax imposed by this section shall be assessed on land that no longer
492 meets the definition of land actively devoted to agricultural, horticultural or agricultural and
493 horticultural use due to regulatory action regarding the actual or suspected presence of PFAS in
494 soil, water, or agricultural products derived from such land. For the purposes of this subsection,
495 “PFAS” shall mean a class of fluorinated organic compounds containing at least one fully
496 fluorinated carbon atom as defined under section 5U of chapter 111. The commissioner of
497 agricultural resources, in consultation with the commissioner of revenue and the commissioner
498 of environmental protection, may promulgate regulations to enforce this subsection.

499 SECTION 10. The department of public health, in consultation with department of
500 environmental protection and the department of agricultural resources, shall procure or otherwise
501 employ an external research organization, which has the capacity to study per- and
502 polyfluoroalkyl substances and the effect PFAS has on agricultural products produced and sold
503 in the commonwealth; provided, that the research organization shall have: (1) extensive
504 experience with a wide variety of agricultural products and environmental matrices, including, 2

505 of 2 but not limited to, plants and animals; (2) a current QAPP (“Quality Assurance Project
506 Plan”) through the United States Environmental Protection Agency; (3) current sampling and
507 chain of custody protocols; (4) experience handling complex agricultural matrices; and (5) access
508 to state of-the art mass spectrometers. The study shall include findings on the levels of PFAS
509 found in: (1) in agricultural products sold in Massachusetts stores; (2) locally sourced
510 agricultural products; and (3) agricultural inputs including, but not limited to, feed, water,
511 fertilizer, and pesticides. The department shall make said report publicly available with the
512 department’s findings on the department’s website. The commissioner shall file a progress report
513 in writing of the findings, including food and agricultural sources of contamination, within 365
514 days of the passage of this act; provided, that the report shall be filed with the house and senate
515 committees on ways and means, the joint committee on environment and natural resources, the
516 joint committee on public health, and the joint committee on agriculture on or before August 31,
517 2027.

518 SECTION 11. Subsection (c) of said section 43B of said chapter 21 shall take effect two
519 years after United States Environmental Protection Agency Method 1633 is available to the
520 public.

521 SECTION 12. Section 3 shall take effect January 1, 2030.

522 SECTION 13. Subsection (b) of section 5T of said chapter 111 shall take effect January
523 1, 2028. Subsection (c) of section 5T of said chapter 111 shall take effect upon enactment.

524 SECTION 14. Subsection (b) of said section 5U of said chapter 111 shall take effect
525 January 1, 2029.

526 SECTION 15. Subsection (c) of said section 5U of said chapter 111 shall take effect
527 January 1, 2035.

528 SECTION 16. Additional product categories added under subsection (d) of said section
529 5U of said chapter 111 shall take effect three years after the product category has been added for
530 restriction by the department.

531 SECTION 17. Paragraph (1) of said subsection (g) of said section 5U of said chapter 111
532 shall take effect June 1, 2030.

533 SECTION 18. Subsection (h) of said section 5U of said chapter 111 shall take effect June
534 1, 2028.

535 SECTION 19. Subsection (i) of said section 5U of said chapter 111 shall take effect
536 January 1, 2035.

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

539 SECTION 21. Section 246 of said chapter 111 shall take effect January 1, 2028.

540 SECTION 22. Section 7 shall take effect January 1, 2029.