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March 21, 2024

The Honorable David A. Bennett, Chair  
House Committee on Environment and Natural Resources  
State House  
82 Smith St.  
Providence, RI 02903

**RE: H 7439 -- An Act Relating to Waters and Navigation -- PFAS in Drinking Water, Groundwater, and Surface Water**

Dear Chair Bennett,

Please accept this letter of support for H 7439 that would, in part, delay from June 1, 2024, until June 1, 2025, the necessity to conduct monitoring for the maximum levels of per-and poly-fluoroalkyl (PFAS) substances) in drinking water and would amend the type of water systems to which the requirement applies. This legislation, which was introduced at the request of the Rhode Island Department of Health (RIDOH), would take effect upon passage.

The proposed amendments to the *PFAS in Drinking Water, Groundwater, and Surface Waters Act*, RIGL 46-32-1 *et seq.* (*PFAS Act*) do not make significant changes to the intent of the originally enacted legislation. Rather, RIDOH is proposing to clarify the existing provisions and extend the date to complete the work by one year. Specifically, H 7439 would accomplish the following:

- Exempt transient, non-community water systems from PFAS monitoring which would align with the requirements for initial PFAS monitoring in the *PFAS Act*.
- Clarify testing of raw water rather than treated water, as the goal of this section is to identify potential sources of PFAS contamination.
- Clarify that “total PFAS” means “the maximum number of PFAS detectable from standard laboratory methods” since “Total PFAS” is not defined elsewhere.
- Extend the date to complete the work by a year.

The amendments, if adopted, would match the intent of the existing statute to sample systems for the maximum number of PFAS detectable from standard laboratory methods. It would also limit the water systems that are sampled – because people served by a transient, non-community water system are not likely to be affected by PFAS given the transient nature of the customers it serves. This change aligns with the water systems that are required to be sampled in Section 46-32-2 of the *PFAS Act*. RIDOH is conducting all the sampling to remove the financial burden from the public water systems. The funding RIDOH received to conduct the sampling was awarded in October 2023, which does not give RIDOH enough time to do all the sampling by June 1, 2024. RIDOH is proposing to extend the sampling deadline set in (b) by one year.

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RIDOH also proposes to clarify the type of sampling contemplated by (a) and (b) -- currently, there is a reference to "total PFAS" in (a) and, "the maximum number of PFAS detectable from standard laboratory methods" in (b). However, "total PFAS" was not defined. The language in (b), "the maximum number of PFAS detectable from standard laboratory methods," is clearer and allows RIDOH to use an approved method. The approved method RIDOH plans to use is draft EPA Method 1633, which the Rhode Island Department of Environmental Management (DEM) is requiring all Rhode Island Pollutant Discharge Elimination System (RIPDES)-permitted facilities to use until a 40 CFR Part 136 approved test method is made available to the public. RIPDES is a system that restricts what goes out of drains into surface waters. Lastly, in (b), RIDOH clarifies the type of water to be sampled given the intent of this provision to understand the occurrence and distribution of the different types of PFAS present in Rhode Island.

Note that these changes are only to Section 46-21-7 regarding the investigation of potential sources of PFAS contamination. The testing requirements in Section 46-32-2 for drinking water supplied by the water systems, which were due by July 1, 2023, for the six PFAS comprising the interim standard, have already been met. In addition, the consent agreements required by Section 46-21-7 are in progress. The changes in this bill, H 7439, do not affect those requirements.

For these reasons, I encourage the Committee's favorable consideration of these amendments. Thank you for the opportunity to comment on this important legislation.

Sincerely,



Utpala Bandy, MD, MPH  
Interim Director

CC: The Honorable Members of the House Committee on Environment and Natural Resources  
The Honorable June Speakman  
Nicole McCarty, Chief Legal Counsel  
Lynne Urbani, Director of House Policy

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