
OLR Bill Analysis

sHB 5518

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE ENVIRONMENTAL HEALTH AND DRINKING WATER STATUTES.

SUMMARY

This bill makes various unrelated changes to statutory provisions on the regulation of public drinking water and environmental laboratories that test water sources, oversight of asbestos professionals, and crematories. Principally, it:

1. makes changes to the Department of Public Health's (DPH) oversight of bottled water and water sources, such as specifically (a) requiring the commissioner to annually issue a schedule of perfluoroalkyl substances (PFAS) and unregulated contaminants in drinking water and (b) allowing DPH to set conditions on its approval of bottled water sources (§§ 1-6);
2. (a) requires certain out-of-state environmental laboratories to get the department's approval before operating service centers (collection sites) in the state, (b) allows DPH to implement policies and procedures on environmental laboratory regulation while in the process of adopting regulations, and (c) makes other changes affecting these laboratories (§§ 7 & 20);
3. makes various changes to laws on asbestos professional credentialing, including certain changes to conform to existing practice or regulation (§§ 8-16, 19, & 21);
4. exempts crematories that perform only alkaline hydrolysis at funeral homes from the law's general restrictions on crematories being near residential properties (§§ 17 & 18); and
5. allows DPH to adopt policies and procedures and regulations on

crematories, including on alkaline hydrolysis and other chemical cremation processes (§ 17).

The bill also makes several minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2026, except the alkaline hydrolysis and crematory provisions are effective upon passage.

§§ 1-6 — BOTTLED WATER AND WATER SOURCES

Conditions on Source Approval (§ 2)

By law, sellers or distributors of bottled water from in-state sources must get DPH approval after an inspection of the water source. The bill specifically allows DPH to set terms or conditions on its approval as the commissioner deems necessary to address quality and safety issues. Under existing law, the approval is good for three years.

DPH Schedule of PFAS and Unregulated Contaminants and Required Testing (§ 3)

By law, bottlers must annually collect water samples from each DPH-approved source and get them tested (before any water treatment) through an environmental laboratory for PFAS and other unregulated contaminants.

The bill specifically requires the DPH commissioner, at least annually, to issue a schedule that lists PFAS and unregulated contaminants and the acceptable levels or standards for each in drinking water. She must update the schedule as she deems necessary. (Currently, DPH issues an action level list setting contaminant levels for drinking water, above which DPH or the Department of Energy and Environmental Protection may take certain actions.)

Correspondingly, starting by January 1, 2027, the bill requires that bottlers' testing of water sources tests for (1) compliance with the levels or standards set in DPH's schedule and (2) physical, chemical, radiological, and microbiological standards set in DPH regulations.

For these purposes, the bill defines PFAS as any of five specific

substances (for example, perfluorooctanoic acid or perfluoronoanoic acid) or any other perfluoroalkyl substances that the commissioner determines require an action level to protect public health, safety, or welfare.

The bill also revises the definition of “unregulated contaminant.” Current law defines this term as a contaminant for which DPH, under existing law, has set a level at which it creates, or can be reasonably expected to create, an unacceptable risk to health or safety. The bill instead defines it as any chemical, physical, biological, or radiological substance in a bottled water source (other than PFAS) for which there is no state or federal statutory or regulatory drinking water health standard.

(Existing law also requires water bottlers to collect samples from each approved source at least once a year to test for regulated contaminants and at least once every three years for unregulated contaminants for which allowable levels have not been established.)

Bottler Reporting (§ 5)

By law, bottlers must report the testing results to DPH and the Department of Consumer Protection. The bill specifies that they must do so in a way the DPH commissioner sets.

Under current law, if the testing results exceed DPH’s set level for PFAS or unregulated contaminants, the department may require the bottler to stop using that water source until the problem is resolved. The bill instead grants DPH this authority if the testing results fail to meet the (1) PFAS or unregulated contaminant levels or standards in DPH’s schedule or (2) physical, chemical, radiological, and microbiological standards in DPH regulations.

Property Owner Notification to Tenants (§ 6)

Existing law requires commercial and residential property owners to notify tenants and lessees whenever the property’s water supply is tested and exceeds certain thresholds. Currently, this requirement applies if the water exceeds any maximum contaminant level in state

regulations or DPH's state drinking water action level list. The bill makes a conforming change by requiring this notice when the water exceeds the level in regulations or in the DPH schedule for PFAS or unregulated contaminants.

§§ 7 & 20 — ENVIRONMENTAL LABORATORIES

Certification Requirement

By law, DPH regulates environmental laboratories that test drinking water, sewage, soil, and other environmental samples for contaminants.

Under current law, DPH must determine whether it is necessary for the protection of the public health or the environment to require an environmental laboratory to register with DPH and obtain certification to conduct analyte testing in a matrix; if so, the laboratory must obtain DPH certification to do these tests. The bill eliminates this determination and instead requires environmental laboratories to be certified, rather than registered, with DPH. The certification must set forth the specific analytes that may be tested and the acceptable testing methods (see below).

The bill specifies that the certification requirement applies to owning a laboratory, as well as managing or controlling one as under current law, that tests for analytes on DPH's list (see below).

Current law allows DPH to revoke or otherwise limit a laboratory's credential if it fails to comply with applicable law or regulations. The bill instead specifically prohibits DPH from certifying an environmental laboratory until the laboratory shows its compliance with applicable laws and regulations.

The bill exempts state-owned or -operated laboratories from the existing \$1,250 certification application fee other applicants must pay.

Regulations and Policies and Procedures

Existing law requires DPH to adopt regulations setting standards on various issues related to environmental laboratories. The bill requires the regulations to include standards for service centers (in-state collection sites operated solely to collect samples to be tested at a

certified environmental laboratory or out-of-state one). It eliminates the requirement for the regulations to set a civil penalty schedule (existing law sets a maximum \$5,000 per day penalty for violations of the law or regulations).

The bill also allows the commissioner to adopt implementing policies and procedures while in the process of adopting regulations, as long as DPH posts them on the eRegulations System within 20 days after they are implemented. The policies and procedures are valid until the final regulations are adopted.

Acceptable Testing Methods

By law, DPH must annually publish a list of analytes and matrices that require certification for testing. The bill requires the list to include the specific acceptable testing methods.

By law, an “analyte” is a microbiological, chemical, radiological, or other matrix component being measured by an analytical test. Similar to current law, a “matrix” is the substance or medium in which an analyte may be contained, including drinking water or wastewater.

Exemption

Currently, an environmental laboratory is exempt from these laws if it only provides laboratory services or information for its owner or operator. The bill specifies that for the exemption to apply, the laboratory must use laboratory results solely for the owner’s or operator’s own information. It also prohibits anyone from using these results to show compliance with statutory or regulatory requirements.

Enforcement

Existing law requires the commissioner to give an opportunity for a hearing if she imposes a civil penalty on an environmental laboratory. The bill also specifically requires this when she issues other orders connected with a violation.

Under the bill, if an environmental laboratory fails to comply with the law or regulations, DPH may take a range of other disciplinary actions, such as revoking or suspending the laboratory’s certification,

placing the certificate holder on probationary status, or imposing a corrective action plan (as under existing law for health care institutions). DPH must also summarily suspend a laboratory's certification before the final adjudication or during the appeals process if the laboratory presents a clear and present danger to public health and safety if it continues to operate.

The bill explicitly allows DPH to impose a \$5,000 daily civil fine on an environmental laboratory that operates without the required certification. (It does not specifically give them the right to a hearing.)

Out-of-State Laboratories

Under the bill, if an out-of-state laboratory is not DPH-certified but seeks to operate an in-state service center (collection site), it must apply to DPH for approval. This applies only if the lab's testing results are used to show Connecticut statutory or regulatory compliance. (Existing regulations require out-of-state laboratories to get DPH's approval to test samples that originate in the state (Conn. Agencies Regs., § 19a-36-A33(c).)

The commissioner may approve the application if the laboratory shows that (1) it is certified in its home state to test for analytes using a method on the DPH list and (2) the service center's policies and procedures suffice to protect the integrity of the tested samples. The approval is good for two years and is renewable.

The bill allows DPH to inspect these service centers at any time and revoke an approval if needed to protect public health. The commissioner may also issue civil fines of up to \$5,000 per day if the out-of-state laboratory violated the law or regulations. In assessing the penalty, she must consider the same factors as under existing law when deciding the fine amount for in-state laboratories (the degree of the threat, amount needed to achieve compliance, and laboratory's compliance history). The commissioner must give the laboratory the opportunity for a hearing, and any penalty or approval revocation may be appealed to Superior Court.

§§ 8-16, 19 & 21 — ASBESTOS PROFESSIONALS

Asbestos Contractors (§ 10)

The bill prohibits anyone who provides services as an asbestos contractor from performing any duties associated with those of asbestos abatement site supervisors unless the person is certified as a site supervisor. It also requires individuals applying for an asbestos contractor license to give proof of this certification.

Asbestos Consultants (§ 11)

Under existing law, applications for an asbestos consultant license must contain information, as DPH may require in regulations, on the applicant's relevant experience. The bill specifies that this includes supervised field experience. It also allows applicants, before getting their license, to complete this supervised field experience as required by regulations.

The bill conforms to existing regulations by allowing asbestos consultant licensure applicants to apply in one or more disciplines, including as an inspector, management planner, project designer, or project monitor.

The bill also makes minor and clarifying changes to licensure qualifications, such as eliminating a separate exam requirement (in practice, the training program includes an examination).

Asbestos Training Providers (§ 14)

The bill specifically requires, as part of the eligibility criteria to become a certified asbestos training provider, that the applicant have complied with requirements in DPH regulations, including standards for instructor qualifications, record keeping, and course completion documentation.

Existing law subjects training programs to DPH's approval. Under the bill, these programs and courses must comply with the U.S. Environmental Protection Agency's (EPA) model accreditation plan, as well as DPH regulations as under current law. The bill also requires training providers to submit programs to DPH for reapproval every

three years.

The bill specifies that when asbestos training providers issue a certification of training completion (for abatement workers, site supervisors, or consultants), this must be done in line with requirements under the EPA's model accreditation plan or equivalent DPH-recognized standards.

Regulations (§§ 15 & 21)

Existing law requires DPH to adopt regulations on specified matters related to asbestos professionals. The bill generally conforms to existing practice by requiring the regulations to set:

1. licensure standards in each of the four consultant disciplines;
2. certification standards for asbestos abatement workers and site supervisors; and
3. approval standards for training providers.

The bill repeals and replaces a provision on permissive regulations on training, specifying that the regulations may address (1) training, not just retraining and (2) retraining requirements for contractors' employees.

As is already the case for the mandatory regulations, the bill allows the commissioner to implement policies and procedures while adopting the permissive regulations, as long as she posts her intent to adopt regulations on the eRegulations system within 20 days after the policies and procedures are implemented. The policies and procedures are valid until regulations are adopted.

Application Denials or Disciplinary Action (§ 16)

The bill makes various clarifying changes to DPH's disciplinary authority regarding asbestos professionals. These include specifying that:

1. DPH's authority to deny applications for specified misconduct applies to entities, not just individuals (for example, a company

applying for a contractor license) and

2. DPH may deny an application or take other disciplinary action for violations of separate laws on asbestos abatement, not just the laws on professional credentialing.

Professionals Credentialed Elsewhere (§ 8)

The bill removes asbestos professionals from a law that generally requires DPH to issue a credential to someone credentialed in another state who meets specified experience and background requirements (for example, practiced under their current credential for at least four years and has no disciplinary history).

It retains separate existing provisions on DPH’s authority to issue certain licenses or certifications by endorsement to applicants credentialed in states whose standards are the same as, or higher than, Connecticut’s.

§§ 17 & 18 — ALKALINE HYDROLYSIS AND CREMATORIES

PA 24-68 added alkaline hydrolysis to the statutory definition of cremation, and allows a crematory to perform alkaline hydrolysis only if it is located on the grounds of a licensed funeral home. Generally, “alkaline hydrolysis” is a flameless cremation method that uses water, chemicals, heat, and pressure to accelerate a body’s natural decomposition.

The bill exempts crematories that perform only alkaline hydrolysis at funeral homes from the law’s prohibition on crematories being within 500 feet of residential structures or residential-zoned land not owned by the crematory’s owner.

The bill also allows the DPH commissioner to adopt regulations on crematories, including to set technical standards for alkaline hydrolysis and other chemical cremation processes and the disposal of products or by-products used in these processes. The commissioner may adopt policies and procedures while in the process of adopting regulations, as long as they are posted on the eRegulations system within 20 days after they are implemented. Any such policies and procedures are valid until

the regulations are adopted.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 21 Nay 11 (03/23/2026)