

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-142—sHB 5518
Public Health Committee

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING SUBSURFACE SEWAGE
ENFORCEMENT OFFICERS, WATER OPERATOR APPRENTICES AND
VARIOUS REVISIONS TO THE ENVIRONMENTAL HEALTH AND
DRINKING WATER STATUTES**

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SUMMARY: This act makes various changes to the Department of Public Health's (DPH) regulation of bottled water and water sources, environmental laboratories, asbestos professionals, crematories, subsurface sewage enforcement officers, and apprentice water system operators.

EFFECTIVE DATE: Various; see below.

§§ 1-6 — BOTTLED WATER AND WATER SOURCES

Makes changes to DPH's oversight of bottled water and water sources, such as specifically (1) requiring the commissioner to issue a schedule of PFAS and unregulated contaminants and acceptable levels for each, based on EPA regulations, and (2) allowing DPH to set conditions on its approval of bottled 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 act 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.

(By law, sellers or distributors of bottled water from out-of-state sources must, at specified times, submit to the Department of Consumer Protection (DCP) a copy of its current license or approval for that source from the other jurisdiction.)

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 perfluoroalkyl substances (PFAS) and unregulated contaminants.

The act specifically requires the DPH commissioner to issue a schedule that lists PFAS and unregulated contaminants and the acceptable levels for each, based on levels in specified federal Environmental Protection Agency (EPA) regulations. (In practice, DPH currently 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 act 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 act defines PFAS as any of five specific substances (for example, perfluorooctanoic acid or perfluorononanoic acid) or any other perfluoroalkyl substances listed in specified EPA or DPH regulations.

The act also revises the definition of an "unregulated contaminant" subject to the law. Under prior law, an unregulated contaminant was one 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 for people drinking from the water

source. Under the act, it is instead 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 and that is listed in specified EPA regulations.

(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 monitoring is required but allowable levels have not been established.)

Bottler Reporting (§ 5)

By law, bottlers must report the testing results for PFAS and unregulated contaminants to DPH and DCP. The act specifies that they must do so in a way the DPH commissioner sets.

Under prior law, if the testing results exceeded DPH's set level for PFAS or unregulated contaminants, the department could require the bottler to stop using that water source until the problem was resolved. The act makes a conforming change by instead granting 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. Previously, this requirement applied if the water exceeded any maximum contaminant level in state regulations or DPH's state drinking water action level list. The act makes a conforming change by instead requiring this notice when the water exceeds the level in state regulations or in the DPH schedule for PFAS or unregulated contaminants.

EFFECTIVE DATE: October 1, 2026

§§ 7 & 20 — ENVIRONMENTAL LABORATORIES

Makes various changes to laws on environmental laboratories, such as requiring certain out-of-state laboratories to get DPH's approval before operating service centers (collection sites) in the state and expanding the range of disciplinary actions that DPH may take against in-state laboratories

Certification Requirement (§ 7(b), (c) & (e))

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

Under prior law, DPH had to determine whether it was necessary for the protection of the public health or the environment to require an environmental laboratory to register with DPH and get certified to conduct analyte testing in a matrix. If so, the laboratory had to get DPH certification to do these tests. The act

conforms to practice by eliminating this determination and instead requires environmental laboratories to be certified, rather than registered, with DPH. The certification must identify the specific analytes that may be tested and the acceptable testing methods (see below).

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

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

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

Regulations (§ 7(b))

Existing law requires DPH to adopt regulations setting standards on various issues related to environmental laboratories. The act 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).

Acceptable Testing Methods (§ 7(d))

By law, DPH must annually publish a list of analytes and matrices that require certification for testing. The act 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 prior law, a "matrix" is the substance or medium in which an analyte may be contained, including drinking water or wastewater.

Exemption (§ 7(g))

Prior law exempted an environmental laboratory from these laws if it only provided laboratory services or information for its owner or operator. The act 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. But when allowed by law, results from analyses done by certified water operators (or people they supervise) at drinking water treatment facilities may be used to confirm treatment effectiveness and for regulatory reporting.

Enforcement (§ 7(h) & (j))

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

Under prior law, DPH could revoke or otherwise limit the credential of any environmental laboratory that failed to comply with the law or regulations. The act instead specifies that DPH may take a range of disciplinary actions, such as revoking or suspending the certificate, placing the certificate holder on probationary status, or imposing a corrective action plan. 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 act explicitly allows DPH to impose a \$5,000 daily civil fine on an environmental laboratory that operates without the required certification.

Out-of-State Laboratories (§ 7(l))

Under the act, 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 an analyte 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 act 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.

EFFECTIVE DATE: October 1, 2026

§§ 8-16, 19 & 27 — ASBESTOS PROFESSIONALS

Makes various changes to laws on asbestos professional credentialing, including certain changes to conform to existing practice or regulation

Asbestos Contractors (§ 10)

The act 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 submit 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 act specifies that this includes supervised field experience. It also specifically allows applicants, before getting their license, to complete this supervised field experience as required by regulations.

The act 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 act 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)

As part of the eligibility criteria to become a certified asbestos training provider, the act specifically requires the applicant to 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 act, these programs and courses must comply with EPA's model accreditation plan, as well as DPH regulations as under prior law. The act also requires training providers to submit programs to DPH for reapproval every three years.

The act 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 EPA's model accreditation plan or equivalent DPH-recognized standards.

Regulations (§§ 15 & 27)

Existing law requires DPH to adopt regulations on specified matters related to asbestos professionals. The act 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 act 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 act 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 act 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 act 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, having practiced under their current credential for at least four years and having no disciplinary history).

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

EFFECTIVE DATE: October 1, 2026

§§ 17 & 18 — ALKALINE HYDROLYSIS AND CREMATORIES

Exempts crematories that perform only alkaline hydrolysis at funeral homes from the law's general restrictions on crematories being near residential properties and allows DPH to adopt regulations on crematories, including on alkaline hydrolysis and other chemical cremation processes

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 act 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 act 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.

EFFECTIVE DATE: Upon passage

§§ 21-25 — SUBSURFACE SEWAGE ENFORCEMENT OFFICER CERTIFICATION

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Creates a three-phase DPH certification program for subsurface sewage enforcement officers who review plans, conduct inspections, investigate complaints, and perform similar work related to subsurface sewage disposal systems

The act creates a three-phase certification program for subsurface sewage enforcement officers who perform inspections and similar work related to subsurface sewage disposal systems (septic systems). Starting on October 1, 2026, it generally requires anyone performing the duties of a subsurface sewage enforcement officer to (1) become certified by DPH and (2) be appointed by a local health director as the local department's or district's employee or contractor. It provides a grace period for people approved before October 1, 2026, under existing regulations to serve in a similar role.

EFFECTIVE DATE: Upon passage, except conforming changes are effective July 1, 2026.

Certification Requirement and Exceptions (§ 21(b) & (c))

Starting October 1, 2026, the act generally requires anyone (including a licensed environmental health specialist) working as a subsurface sewage enforcement officer to be (1) certified by DPH and (2) appointed by a local health director to perform these duties as the local health department's or district's employee or contractor. It requires the local health director to keep records of these appointments and give DPH, upon request, a copy of the records or access to them.

But under the act, if a local health director's agent is approved by DPH before October 1, 2026, under existing regulations to investigate, inspect, and approve plans for subsurface sewage disposal systems, the agent may work as a subsurface sewage enforcement officer before getting certified. To continue working in this role, these agents must apply for the appropriate certification by October 1, 2027. Once the commissioner begins granting certifications under the act, she can no longer issue approvals under existing regulations.

The act allows applicants, before getting certified, to work as subsurface sewage enforcement officers as part of a DPH-developed training course taught by department staff or an approved training provider holding the appropriate certification level (see below).

Also, the act allows DPH employees or contractors, without getting certified, to perform regulatory inspections and investigate complaints about subsurface sewage disposal systems.

Scope of Duties (§ 21(a) & (g))

Under the act, a subsurface sewage enforcement officer can do the following tasks relating to subsurface sewage disposal systems within the local health director's jurisdiction: (1) review and approve plans, (2) conduct regulatory inspections, (3) investigate complaints, and (4) perform other related duties the commissioner requires.

The act creates a three-phase certification program, with the phases corresponding to different systems as shown in the table below.

Certification Phases

Certification	System Type and Maximum Size (Based on Building Design Flow)
Phase I	Subsurface sewage disposal system (up to 2,000 gallons per day), but not these systems designed by a state-licensed professional engineer
Phase II	Subsurface sewage disposal system (up to 10,000 gallons per day)
Phase III	Alternative on-site sewage treatment system (up to 10,000 gallons per day)

The act allows someone to hold only one phase of certification at a time, and each phase allows the holder to perform activities at that phase or lower phases (for example, a Phase II enforcement officer can perform activities associated with Phase I or II).

Application Process (§§ 21(c)-(e) & (g)-(h), 24 & 25)

The act requires DPH to develop applications for:

1. initial certification as a Phase I, II, or III subsurface sewage enforcement officer;
2. initial certification as a Phase I or II enforcement officer for agents approved under existing regulations before October 1, 2026 (and the application must attest to that approval);
3. renewal certification; and
4. training providers (see below).

The act prohibits anyone from applying for Phase II certification unless the person was previously certified at Phase I or served as an approved agent before October 1, 2026. It bars anyone from applying for Phase III certification (1) unless the person was previously certified at Phase II and (2) until DPH sets the minimum requirements for alternative on-site sewage treatment systems, as existing law requires.

Under the act, an agent approved under the existing regulations must seek initial certification at Phase I or II, depending on the specifics of their prior approval. After initially becoming certified, these agents must renew their certification in the same way as other certificate holders. There is no fee for an initial or renewal certification, and certifications must be renewed every three years.

Before applying for initial certification, a person (other than an agent approved under the existing regulations) must first complete a training course and pass an exam at the appropriate phase, with DPH setting the course and exam.

Conferences, Training Courses, and Examinations (§ 21(f) & (i))

Under the act, the DPH commissioner may require subsurface sewage enforcement officers to attend conferences providing information and updates on on-site sewage treatment systems, such as a review of the department's technical standards for the siting, design, and installation of subsurface sewage disposal systems. The act allows the commissioner to hold up to two of these conferences

per calendar year and specifies that they may be in-person or online (live or pre-recorded).

The act requires the commissioner to develop training courses (which may include a practical component, plan reviews, and homework) and corresponding exams for the three enforcement officer phases. She may approve training providers to teach the courses, with approval expiring after three years. To be approved, a training provider must show that the course and its materials are consistent with the department's technical standards for subsurface sewage disposal systems.

The commissioner may administer training courses or certification exams or contract with a testing center to do so.

Regulations; Policies and Procedures (§§ 21(j), 22, & 23)

The act allows the commissioner to adopt regulations on the certification of subsurface sewage enforcement officers. If adopted, the regulations must include:

1. the scope of duties performed with each enforcement officer certification,
2. requirements and procedures for initial and renewal certifications,
3. exam standards and procedures,
4. required training standards for initial and renewal certification, and
5. standards and procedures for approving training providers and courses.

The commissioner may adopt implementing policies and procedures while in the process of adopting the regulations, as long as she posts her intent to adopt regulations on the eRegulations System within 20 days after adopting the policies and procedures. The policies and procedures are valid until the final regulations are adopted.

The act specifies that no new regulatory board is created for subsurface sewage enforcement officers.

Disciplinary Actions (§ 21(k))

The act allows the commissioner to take disciplinary actions available to her (other than assessing a civil penalty) against a subsurface sewage enforcement officer for:

1. fraud or material deception in obtaining initial, renewal, or reinstated certification;
2. fraudulent practices, including accepting bribes in performing professional activities;
3. incompetent, negligent, or illegal performance of duties;
4. a felony conviction; or
5. failure to complete mandatory training or attend mandatory conferences.

The act also allows the commissioner to take disciplinary action (other than assessing a civil penalty) against a training provider if she determines that (1) a training course's hours or materials were inconsistent with DPH's technical standards for subsurface sewage disposal systems or (2) the provider engaged in incompetent, negligent, or illegal activities in providing training courses.

By law, disciplinary actions available to DPH include, among other things, (1)

revoking or suspending a credential, (2) censuring the violator, (3) issuing a letter of reprimand, or (4) placing the violator on probationary status.

§ 26 — WATER SYSTEM OPERATORS AND APPRENTICESHIPS

Creates a specific pathway for water treatment plant, water distribution system, or small water system operator certification after the applicant completes an apprenticeship; sets related supervision requirements for these apprenticeships

The act allows DPH, as an exception to existing certification requirements, to certify individuals as water treatment plant, water distribution system, or small water system operators after the applicant completes an applicable apprenticeship.

Specifically, to qualify for certification under the act, an applicant must (1) be a state Department of Labor (DOL)-registered apprentice who completed a DOL-approved apprenticeship for the applicable system type and (2) have passed a written exam (set in state regulations) after completing the apprenticeship. Unlike the standard certification process, there is no application fee.

Under the act, the apprentice must notify DPH in writing, in a way the commissioner sets, at least 10 days before participating in the apprenticeship program. The notification must include information on the entity providing the program and the certified water operator or operators directly supervising it. The apprentice must (1) be directly supervised by a certified water operator of the system type for which the apprentice is seeking certification and (2) not make any process or system integrity decisions about water quality or quantity that affect public health. If the certified operator fails to provide the apprentice with the required supervision, the operator may be subject to disciplinary action (such as suspension of their certificate).

EFFECTIVE DATE: July 1, 2026