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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3686

02/21/2022

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act  
1.2 relating to environment; prohibiting the use of certain firefighting foam; allowing  
1.3 certain exemptions; amending Minnesota Statutes 2020, section 325F.072,  
1.4 subdivisions 1, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 325F.072, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
1.8 the meanings given.

1.9 (b) "Class B firefighting foam" means foam designed ~~for flammable liquid fires to~~  
1.10 prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases,  
1.11 tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

1.12 (c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, ~~for~~  
1.13 ~~the purposes of firefighting agents,~~ a class of fluorinated organic chemicals containing at  
1.14 least one fully fluorinated carbon atom ~~and designed to be fully functional in class B~~  
1.15 ~~firefighting foam formulations.~~

1.16 (d) "Political subdivision" means a county, city, town, or a metropolitan airports  
1.17 commission organized and existing under sections 473.601 to 473.679.

1.18 (e) "State agency" means an agency as defined in section 16B.01, subdivision 2.

1.19 (f) "Testing" means calibration testing, conformance testing, and fixed system testing.

2.1 Sec. 2. Minnesota Statutes 2020, section 325F.072, subdivision 3, is amended to read:

2.2 Subd. 3. **Prohibition of testing and training.** (a) ~~Beginning July 1, 2020,~~ No person,  
2.3 political subdivision, or state agency shall ~~discharge class B firefighting foam that contains~~  
2.4 intentionally added manufacture or knowingly sell, offer for sale, distribute for sale, or  
2.5 distribute for use in this state, and no person shall use in this state, class B firefighting foam  
2.6 containing PFAS chemicals;

2.7 (1) ~~for testing purposes, unless the testing facility has implemented appropriate~~  
2.8 ~~containment, treatment, and disposal measures to prevent releases of foam to the environment;~~  
2.9 ~~or~~

2.10 (2) ~~for training purposes, unless otherwise required by law, and with the condition that~~  
2.11 ~~the training event has implemented appropriate containment, treatment, and disposal measures~~  
2.12 ~~to prevent releases of foam to the environment. For training purposes, class B foam that~~  
2.13 ~~contains intentionally added PFAS chemicals shall not be used.~~

2.14 (b) ~~This section does not restrict:~~

2.15 (1) ~~the manufacture, sale, or distribution of class B firefighting foam that contains~~  
2.16 ~~intentionally added PFAS chemicals; or~~

2.17 (2) ~~the discharge or other use of class B firefighting foams that contain intentionally~~  
2.18 ~~added PFAS chemicals in emergency firefighting or fire prevention operations.~~

2.19 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class  
2.20 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,  
2.21 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a  
2.22 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after  
2.23 January 1, 2023, class B firefighting foam subject to the revoked requirements is no longer  
2.24 exempt under this paragraph effective one year following the day of revocation.

2.25 **EFFECTIVE DATE.** This section is effective January 1, 2023.