

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1541 Session of
2023

INTRODUCED BY HARKINS, MERSKI, RABB, HILL-EVANS, SCHLOSSBERG,
MADDEN, McNEILL, KHAN, BRENNAN, SANCHEZ, DELLOSO, D. WILLIAMS
AND MALAGARI, JUNE 29, 2023

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 29, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for firefighting personal protective equipment; and imposing
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7390. Firefighting personal protective equipment.

10 (a) Prohibition.--Except as provided in subsection (b),
11 beginning January 1, 2028, a person may not distribute,
12 manufacture, offer for sale, produce or sell in this
13 Commonwealth, or for use in this Commonwealth, firefighting
14 personal protective equipment that contains an intentionally
15 added PFAS chemical.

16 (b) Exception.--The prohibition under subsection (a) shall
17 not apply to the distribution, manufacture, offer, production or
18 sale of firefighting personal protective equipment if the State

1 Fire Commissioner has determined that the use of a PFAS chemical
2 in the firefighting personal protective equipment is unavoidable
3 and has issued guidance to that effect. The State Fire
4 Commissioner shall transmit notice of the determination and
5 guidance to the Legislative Reference Bureau for publication in
6 the next available issue of the Pennsylvania Bulletin.

7 (c) Enforcement.--The Attorney General shall enforce the
8 provisions of this section.

9 (d) Violations.--

10 (1) For a first violation of this section, a person
11 shall be subject to a civil penalty not to exceed \$5,000.

12 (2) For a second or subsequent violation of this
13 section, a person shall be subject to a civil penalty not to
14 exceed \$10,000 for each violation.

15 (3) All fines or penalties collected under this section
16 shall be transferred as follows:

17 (i) 50% to the Fire Company Grant Program
18 established under section 7811 (relating to
19 establishment).

20 (ii) 50% to the Emergency Medical Services Grant
21 Program established under section 7821 (relating to
22 establishment).

23 (e) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Firefighting personal protective equipment." Any items or
27 clothing designed, intended or marketed to be worn by
28 firefighting personnel in the performance of their duties during
29 fire and rescue activities, including jackets, pants, shoes,
30 gloves, helmets and respiratory equipment.

1 "PFAS chemical." A fluorinated organic chemical that
2 contains any member of the class of fluorinated organic
3 chemicals containing at least one fully fluorinated carbon atom,
4 including perfluoroalkyl and polyfluoroalkyl substances.

5 Section 2. This act shall take effect immediately.