

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 144 Session of 2023

INTRODUCED BY YAW, COLLETT, MARTIN, COMMITTA AND FARRY, JANUARY 19, 2023

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for ~~firefighting foam management~~ PROTECTION AGAINST PFAS <--
4 CHEMICALS.

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 foam management.~~ <--

10 ~~(a) Prohibited conduct.~~

11 ~~(1) Beginning January 1, 2024, no person, firefighting
12 entity, the Commonwealth nor a municipality may discharge or
13 otherwise use a class B firefighting foam that contains an
14 intentionally added PFAS chemical for:~~

15 ~~(i) testing purposes at a facility, unless:~~

16 ~~(A) otherwise required by law or the~~

17 ~~governmental entity having jurisdiction over the~~

1 ~~testing facility; and~~

2 ~~(B) the facility has implemented appropriate~~
3 ~~containment, treatment and disposal measures to~~
4 ~~prevent the uncontrolled release of the class B~~
5 ~~firefighting foam into the environment; or~~

6 ~~(ii) training purposes, unless the training involves~~
7 ~~replacing the class B firefighting foam that contains an~~
8 ~~intentionally added PFAS chemical with nonfluorinated~~
9 ~~training foam.~~

10 § 7390. PROTECTION AGAINST PFAS CHEMICALS. <--

11 (A) FIREFIGHTING FOAM MANAGEMENT.--

12 (1) BEGINNING JANUARY, 1, 2027, NO PERSON, FIREFIGHTING
13 ENTITY, THE COMMONWEALTH OR A MUNICIPALITY MAY POSSESS,
14 DISCHARGE OR OTHERWISE USE A CLASS B FIREFIGHTING FOAM THAT
15 CONTAINS AN INTENTIONALLY ADDED PFAS CHEMICAL.

16 (1.1) BEGINNING JANUARY 1, 2026, NO PERSON, FIREFIGHTING
17 ENTITY, THE COMMONWEALTH NOR MUNICIPALITY MAY PURCHASE, SELL
18 OR OTHERWISE DISTRIBUTE A CLASS B FIREFIGHTING FOAM THAT
19 CONTAINS AN INTENTIONALLY ADDED PFAS CHEMICAL.

20 (2) The State Fire Commissioner shall assist
21 firefighting entities with evaluating and determining how to
22 transition to the use of class B firefighting foam that does
23 not contain an intentionally added PFAS chemical for testing <--
24 purposes.

25 (3) (i) An individual or fire department who
26 administers a training program in violation of VIOLATES <--
27 this section shall be subject to a civil penalty not to
28 exceed \$5,000 for a first offense.

29 (ii) An individual or fire department who
30 administers a training program in violation of VIOLATES <--

1 this section for a second or subsequent offense shall be
2 subject to a civil penalty not to exceed \$10,000.

3 (iii) Penalties collected under this section shall
4 be deposited into the Online Training Educator and
5 Training Reimbursement Account.

6 (b) Warning labels.--A manufacturer of personal protective
7 equipment used in fire prevention, firefighting or fire control
8 activities shall affix a warning label to such product sold for
9 use in this Commonwealth that indicates if the product contains
10 a ~~perfluorooctane (PFOS) or perfluorooctanoic acid (PFOA)~~. PFAS <--
11 CHEMICAL. THE FOLLOWING SHALL APPLY:

12 (1) A MANUFACTURER OF PERSONAL PROTECTIVE EQUIPMENT USED
13 IN FIRE PREVENTION, FIREFIGHTING OR FIRE CONTROL ACTIVITIES
14 SHALL PROVIDE A WRITTEN NOTICE TO THE PURCHASER AT THE TIME
15 OF THE SALE THAT INCLUDES THE FOLLOWING:

16 (I) A STATEMENT OF WHETHER THE PERSONAL PROTECTIVE
17 EQUIPMENT CONTAINS PFAS CHEMICALS.

18 (II) THE REASON THAT THE PERSONAL PROTECTIVE
19 EQUIPMENT CONTAINS PFAS CHEMICALS, IF APPLICABLE.

20 (2) A MANUFACTURER OR INDIVIDUAL IS NOT PRECLUDED FROM
21 PROVIDING FURTHER GUIDANCE ON THE LIMITATIONS OR RESTRICTIONS
22 ON PFAS CHEMICALS IN PERSONAL PROTECTIVE EQUIPMENT IN
23 ADDITION TO THE WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1).

24 (3) THE MANUFACTURER AND PURCHASER OF THE PERSONAL
25 PROTECTIVE EQUIPMENT CONTAINING A PFAS CHEMICAL SHALL RETAIN
26 THE WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1) FOR AT LEAST
27 THREE YEARS FROM THE DATE OF PURCHASE.

28 (4) VIOLATIONS ARE AS FOLLOWS:

29 (I) A MANUFACTURER OR INDIVIDUAL WHO VIOLATES THIS
30 SUBSECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO

1 EXCEED \$5,000 FOR A FIRST OFFENSE.

2 (II) A MANUFACTURER OR INDIVIDUAL WHO VIOLATES THIS
3 SUBSECTION FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE
4 SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$10,000.

5 (c) Enforcement.--The Office of the State Fire Commissioner
6 shall enforce the provisions of this section.

7 ~~(d) Construction. Nothing in this section shall be~~ <--
8 ~~construed to restrict:~~

9 ~~(1) the manufacture, sale or distribution of class B~~
10 ~~firefighting foam that contains an intentionally added PFAS~~
11 ~~chemical; or~~

12 ~~(2) the discharge or other use of class B firefighting~~
13 ~~foam that contains an intentionally added PFAS chemical in~~
14 ~~emergency firefighting or fire suppression operations.~~

15 ~~(e) (D) Definitions.--The following words and phrases when~~ <--
16 ~~used in this section shall have the meanings given to them in~~
17 ~~this subsection unless the context clearly indicates otherwise:~~

18 ~~"Class B firefighting foam." A foam designed for~~
19 ~~extinguishing flammable-liquid fires.~~

20 ~~"Firefighting entity." An entity that engages in fire~~
21 ~~prevention or control activities in this Commonwealth. The term~~
22 ~~shall include municipal fire departments and volunteer fire~~
23 ~~companies.~~

24 ~~"Manufacturer." A person that manufactures, imports or~~
25 ~~distributes domestically personal protective equipment for~~
26 ~~firefighting entities.~~

27 ~~"Personal protective equipment." Items designed, intended or~~
28 ~~marketed to be worn by firefighting entity personnel in the~~
29 ~~performance of their fire and rescue activities, including~~
30 ~~jackets, pants, shoes, gloves, helmets and respiratory~~

1 equipment.

2 ~~"PFAS chemical." A fluorinated organic chemical that~~ <--
3 ~~contains at least one fully fluorinated carbon atom and is~~
4 ~~designed to be fully functional in formulations of class B~~
5 ~~firefighting foam.~~

6 ~~"Testing." The term shall include testing related to~~
7 ~~calibration, conformance and fixed system.~~

8 ~~"PFAS CHEMICAL." A FLUORINATED ORGANIC CHEMICAL THAT~~ <--
9 ~~CONTAINS AT LEAST ONE FULLY FLUORINATED CARBON ATOM.~~

10 Section 2. This act shall take effect immediately.