

Subject PFAS in Firefighting Foam

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Overview

This bill would ban the manufacture, distribution, sale, and use of certain firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances (PFAS) beginning January 1, 2024, with certain exceptions. It would also require a report on firefighter turnout gear and appropriate money for the development and implementation of PFAS biomonitoring of firefighters.

Summary

Section	Description
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1	Definitions.
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Modifies the definitions for “class B firefighting foam” and “PFAS chemicals” used in existing law regulating the discharge of certain firefighting foams and for purposes of a new ban on the manufacture, distribution, sale, and use of class B firefighting foam containing PFAS chemicals.

2	Prohibition.
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Prohibits the manufacture, sale, distribution, or use of class B firefighting foam containing PFAS. States that the restriction does not apply for purposes of use at airports until the state fire marshal makes certain determinations or when the inclusion of PFAS is required by federal law. If federal requirements to include PFAS are revoked after January 1, 2024, the prohibition applies to those foams one year following the day of the revocation.

States that this section is effective January 1, 2024.

3	Temporary exemption for terminals and oil refineries.
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States that the new PFAS firefighting foam ban in section 2 does not apply to the manufacture, sale, distribution, or use for purposes of use at a terminal or oil refinery until January 1, 2026. Allows the state fire marshal to grant a waiver extending the exemption if an applicant provides certain information. Requires the opportunity for public comment during the waiver process. Requires all extensions to expire by

Section	Description
	January 1, 2028. Establishes requirements for using PFAS firefighting foam under a waiver.
4	Firefighter turnout gear; report. Requires the commissioner of the Pollution Control Agency (PCA), in consultation with the commissioner of health, to submit a report to the legislature regarding PFAS in firefighter turnout gear by January 15, 2024, and specifies the contents of the report, including recommendations for protocols for PFAS biomonitoring in firefighters.
5	Appropriation; biomonitoring. Appropriates \$500,000 in fiscal year 2024 for the commissioner of the PCA to develop and implement firefighter biomonitoring protocols. Allows up to \$250,000 to be transferred to the commissioner of health for the biomonitoring.



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