

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 302 Session of 2021

INTRODUCED BY YAW, BARTOLOTTA, MARTIN, BAKER, COLLETT, COMITTA AND CAPPELLETTI, MARCH 10, 2021

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, JUNE 15, 2021

AN ACT

1 Prohibiting the use of certain class B firefighting foams under
2 certain circumstances AND PROVIDING FOR WARNING LABELS; and <--
3 imposing powers and duties on the Pennsylvania Emergency
4 Management Agency and the State Fire Commissioner.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Firefighting
9 Foam Management Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Class B firefighting foam." A foam designed for suppressing <--
15 or extinguishing flammable-liquid fires.

16 "Firefighting entity." An entity that engages in fire
17 prevention or control activities in this Commonwealth. The term
18 includes a volunteer fire company.

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

5 "Testing." The term includes calibration testing,  
6 conformance testing and fixed system testing.

7 Section 3. Prohibited conduct.

8 (a) General rule.--Beginning July 1, 2022, no person or  
9 firefighting entity and neither the Commonwealth nor a  
10 municipality may discharge or otherwise ~~intentionally~~ use a <--  
11 class B firefighting foam that contains ~~a~~ AN INTENTIONALLY ADDED <--  
12 PFAS chemical for:

13 (1) testing purposes at a ~~testing~~ facility, unless: <--

14 (i) otherwise required by law or the governmental  
15 entity having jurisdiction over the testing facility; and

16 (ii) the ~~testing~~ facility has implemented <--  
17 appropriate containment, treatment and disposal measures  
18 to prevent the uncontrolled release of the class B  
19 firefighting foam into the environment; or

20 (2) training purposes, unless the training involves  
21 replacing the class B firefighting foam that contains ~~a~~ AN <--  
22 INTENTIONALLY ADDED PFAS chemical with nonfluorinated  
23 training foam.

24 (b) Transitional provision.--The Pennsylvania Emergency  
25 Management Agency, in consultation with the State Fire  
26 Commissioner, shall assist firefighting entities with evaluating  
27 and determining how to transition to the use of class B  
28 firefighting foam that does not contain ~~a~~ AN INTENTIONALLY ADDED <--  
29 PFAS chemical FOR TESTING PURPOSES. <--

30 (c) Penalty.--

1 (1) A person or fire department who administers a  
2 training program in violation of this section is subject to a  
3 civil penalty not to exceed \$5,000 for a first offense.

4 (2) A person or fire department who administers a  
5 training program in violation of this section for a second or  
6 subsequent offense is subject to a civil penalty not to  
7 exceed \$10,000.

8 (3) Penalties collected under this section shall be  
9 deposited into the Online Training Educator and Training  
10 Reimbursement Account for the purposes of developing,  
11 delivering and sustaining training programs for volunteer and  
12 career firefighters in this Commonwealth.

13 SECTION 4. WARNING LABELS. <--

14 A MANUFACTURER OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRE  
15 PREVENTION OR CONTROL ACTIVITIES IN THIS COMMONWEALTH SHALL  
16 AFFIX A WARNING LABEL TO THE PRODUCT IF THE PRODUCT CONTAINS A  
17 PERFLUOROOCTANE (PFOS) AND PERFLUOROOCTANOIC ACID (PFOA).

18 Section 4 5. Enforcement. <--

19 The Pennsylvania Emergency Management Agency shall enforce  
20 the provisions of this act.

21 Section 5 6. Construction. <--

22 Nothing in this act shall be construed to restrict:

23 (1) the manufacture, sale or distribution of class B  
24 firefighting foam that contains ~~a~~ AN INTENTIONALLY ADDED PFAS <--  
25 chemical; or

26 (2) the discharge or other use of class B firefighting  
27 foam that contains ~~a~~ AN INTENTIONALLY ADDED PFAS chemical <--  
28 ~~purchased prior to July 1, 2022,~~ in emergency firefighting or <--  
29 fire prevention operations.

30 Section 6 7. Effective date. <--

1 This act shall take effect immediately.