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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 302 Session of  
2021

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

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 10, 2021

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AN ACT

1 Prohibiting the use of certain class B firefighting foams under  
2 certain circumstances; and imposing powers and duties on the  
3 Pennsylvania Emergency Management Agency and the State Fire  
4 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.

19 "PFAS chemical." A fluorinated organic chemical that

1 contains at least one fully fluorinated carbon atom and is  
2 designed to be fully functional in formulations of class B  
3 firefighting foam.

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

6 Section 3. Prohibited conduct.

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

11 (1) testing purposes at a testing facility, unless:

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

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

18 (2) training purposes, unless the training involves  
19 replacing the class B firefighting foam that contains a PFAS  
20 chemical with nonfluorinated training foam.

21 (b) Transitional provision.--The Pennsylvania Emergency  
22 Management Agency, in consultation with the State Fire  
23 Commissioner, shall assist firefighting entities with evaluating  
24 and determining how to transition to the use of class B  
25 firefighting foam that does not contain a PFAS chemical.

26 (c) Penalty.--

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

30 (2) A person or fire department who administers a

1 training program in violation of this section for a second or  
2 subsequent offense is subject to a civil penalty not to  
3 exceed \$10,000.

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

9 Section 4. Enforcement.

10 The Pennsylvania Emergency Management Agency shall enforce  
11 the provisions of this act.

12 Section 5. Construction.

13 Nothing in this act shall be construed to restrict:

14 (1) the manufacture, sale or distribution of class B  
15 firefighting foam that contains a PFAS chemical; or

16 (2) the discharge or other use of class B firefighting  
17 foam that contains a PFAS chemical purchased prior to July 1,  
18 2022, in emergency firefighting or fire prevention  
19 operations.

20 Section 6. Effective date.

21 This act shall take effect immediately.