

DRAFT PFAS BILL LANGUAGE



SECTION 1: DEFINITIONS

- (a.) “Class B firefighting foam or foam” means a foam designed for a flammable liquid fire.
- (b.) “PFAS chemicals” means a class of fluorinated chemicals that contain at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances.
- (c.) “Personal protective equipment (PPE)” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties designed with the intent for use in fire and rescue activities including but not limited to jackets, pants, shoes, gloves, socks, helmets, and respiratory equipment.
- (d.) “Distributor” means any person that sells firefighting foam or personal protective equipment to a retailer, consumer, or promotional purposes
- (e.) “Manufacturer” means any person that manufactures firefighting foam or personal protective equipment including a person that sells firefighting foam or personal professional equipment to a distributor.

SECTION 2: RELATING TO THE USE, MANUFACTURE, SALE, AND DISTRIBUTION OF PFAS FOAMS AND LABELING OF PFAS IN PERSONAL PROTECTIVE EQUIPMENT

- (a.) Beginning [DATE], a person may not manufacture, knowingly sell, offer for sale, or distribute for sale class B firefighting foam that contains PFAS chemicals in [STATE].
 - 1. The restrictions in this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals is required by federal law.
 - 2. In the event that applicable federal regulations change after [DATE] to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the [STATE] may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.
- (b.) Beginning [DATE], no person, political subdivision, or state agency shall discharge class B firefighting foam that contains PFAS chemicals
 - 1. For testing purposes
 - 2. For training purposes, unless otherwise required by law
- (c.) Beginning on [DATE], a manufacturer or distributor that sells personal protective equipment to any person, political subdivision, or state agency must provide written notice to the purchaser at the time of sale if such personal protective equipment contains PFAS chemicals.
 - 1. The written notice must include a statement that the personal protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the equipment.
 - 2. The manufacturer or distributor and the purchaser of the personal protective equipment must retain the notice on file for at least three years from the date of the transaction. Upon request, a person, manufacturer, or purchaser must furnish the notice, or written copies, and associated sales documentation within 60 days to the requesting party.

SECTION 3: EFFECTIVE DATE

- (a.) Be it further enacted that this Act shall take effect on [DATE]