

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 144 Session of 2023

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

AS AMENDED ON THIRD CONSIDERATION, MARCH 6, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for firefighting foam management.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7390. Firefighting foam management.

9 (a) Prohibited conduct.--

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

14 (i) testing purposes at a facility, unless:

15 (A) otherwise required by law or the
16 governmental entity having jurisdiction over the
17 testing facility; and

18 (B) the facility has implemented appropriate

1 containment, treatment and disposal measures to
2 prevent the uncontrolled release of the class B
3 firefighting foam into the environment; or
4 (ii) training purposes, unless the training involves
5 replacing the class B firefighting foam that contains an
6 intentionally added PFAS chemical with nonfluorinated
7 training foam.

8 (2) The State Fire Commissioner shall assist
9 firefighting entities with evaluating and determining how to
10 transition to the use of class B firefighting foam that does
11 not contain an intentionally added PFAS chemical for testing
12 purposes.

13 (3) (i) An individual or fire department who
14 administers a training program in violation of this
15 section shall be subject to a civil penalty not to exceed
16 \$5,000 for a first offense.

17 (ii) An individual or fire department who
18 administers a training program in violation of this
19 section for a second or subsequent offense shall be
20 subject to a civil penalty not to exceed \$10,000.

21 (iii) Penalties collected under this section shall
22 be deposited into the Online Training Educator and
23 Training Reimbursement Account.

24 (b) Warning labels.--A manufacturer of personal protective
25 equipment ~~for~~ USED IN fire prevention, FIREFIGHTING or FIRE <--
26 control activities ~~in this Commonwealth~~ shall affix a warning <--
27 label to the SUCH product SOLD FOR USE IN THIS COMMONWEALTH THAT <--
28 INDICATES if the product contains a perfluorooctane (PFOS) or
29 perfluorooctanoic acid (PFOA).

30 (c) Enforcement.--The Office of the State Fire Commissioner

1 shall enforce the provisions of this section.

2 (d) Construction.--Nothing in this section shall be
3 construed to restrict:

4 (1) the manufacture, sale or distribution of class B
5 firefighting foam that contains an intentionally added PFAS
6 chemical; or

7 (2) the discharge or other use of class B firefighting
8 foam that contains an intentionally added PFAS chemical in
9 emergency firefighting or fire suppression operations.

10 (e) Definitions.--The following words and phrases when used
11 in this section shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Class B firefighting foam." A foam designed for
14 extinguishing flammable-liquid fires.

15 "Firefighting entity." An entity that engages in fire
16 prevention or control activities in this Commonwealth. The term
17 shall include municipal fire departments and volunteer fire
18 companies.

19 "MANUFACTURER." A PERSON THAT MANUFACTURES, IMPORTS OR
20 DISTRIBUTES DOMESTICALLY PERSONAL PROTECTIVE EQUIPMENT FOR
21 FIREFIGHTING ENTITIES.

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22 "PERSONAL PROTECTIVE EQUIPMENT." ITEMS DESIGNED, INTENDED OR
23 MARKETED TO BE WORN BY FIREFIGHTING ENTITY PERSONNEL IN THE
24 PERFORMANCE OF THEIR FIRE AND RESCUE ACTIVITIES, INCLUDING
25 JACKETS, PANTS, SHOES, GLOVES, HELMETS AND RESPIRATORY
26 EQUIPMENT.

27 "PFAS chemical." A fluorinated organic chemical that
28 contains at least one fully fluorinated carbon atom and is
29 designed to be fully functional in formulations of class B
30 firefighting foam.

1 "Testing." The term shall include testing related to
2 calibration, conformance and fixed system.

3 Section 2. This act shall take effect immediately.