

## AMENDMENTS TO SENATE BILL NO. 302

Sponsor: REPRESENTATIVE GILLEN

Printer's No. 905

1 Amend Bill, page 1, lines 1 through 4, by striking out all of  
2 said lines and inserting

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

6 Amend Bill, page 1, lines 7 through 18; pages 2 and 3, lines  
7 1 through 30; page 4, line 1; by striking out all of said lines  
8 on said pages and inserting

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

11 § 7389. Firefighting foam management.

12 (a) Prohibited conduct.--The following shall apply:

13 (1) Beginning January 1, 2023, no person, firefighting  
14 entity, the Commonwealth nor a municipality may discharge or  
15 otherwise use a class B firefighting foam that contains an  
16 intentionally added PFAS chemical for:

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

18 (A) otherwise required by law or the  
19 governmental entity having jurisdiction over the  
20 testing facility; and

21 (B) the facility has implemented appropriate  
22 containment, treatment and disposal measures to  
23 prevent the uncontrolled release of the class B  
24 firefighting foam into the environment; or

25 (ii) training purposes, unless the training involves  
26 replacing the class B firefighting foam that contains an  
27 intentionally added PFAS chemical with nonflourinated  
28 training foam.

29 (2) The State Fire Commissioner shall assist  
30 firefighting entities with evaluating and determining how to  
31 transition to the use of class B firefighting foam that does  
32 not contain an intentionally added PFAS chemical for testing  
33 purposes.

34 (3) (i) An individual or fire department who  
35 administers a training program in violation of this

section shall be subject to a civil penalty not to exceed \$5,000 for a first offense.

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

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

(b) Warning labels.--A manufacturer of personal protective equipment for fire prevention or control activities in this Commonwealth shall affix a warning label to the product if the product contains a perflourooctane (PFOS) or Perflourooctanoic Acid (PFOA).

(c) Enforcement.--The Office of the State Fire Commissioner shall enforce the provisions of this section.

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

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

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

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

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

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

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

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

Section 2. This act shall take effect immediately.