

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

1 section shall be subject to a civil penalty not to exceed
2 \$5,000 for a first offense.

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

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

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

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

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

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

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

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

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

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

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

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

40 Section 2. This act shall take effect immediately.