AN ACT

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

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

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

§ 7390. Firefighting foam management.

(a) Prohibited conduct.--

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

(i) testing purposes at a facility, unless:

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

(B) the facility has implemented appropriate...
containment, treatment and disposal measures to
prevent the uncontrolled release of the class B
 firefighting foam into the environment; or
(ii) training purposes, unless the training involves
 replacing the class B firefighting foam that contains an
 intentionally added PFAS chemical with nonfluorinated
 training foam.
(2) The State Fire Commissioner shall assist
 firefighting entities with evaluating and determining how to
 transition to the use of class B firefighting foam that does
 not contain an intentionally added PFAS chemical for testing
 purposes.
(3) (i) An individual or fire department who
 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 shall be
 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 USED IN fire prevention, FIREFIGHTING or FIRE
 control activities in this Commonwealth shall affix a warning
 label to the SUCH product SOLD FOR USE IN THIS COMMONWEALTH THAT
 INDICATES if the product contains a perfluorooctane (PFOS) or
 perfluorooctanoic 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.

"MANUFACTURER." A person that manufactures, imports or distributes domestically personal protective equipment for firefighting entities.

"PERSONAL PROTECTIVE EQUIPMENT." Items designed, intended or marketed to be worn by firefighting entity personnel in the performance of their fire and rescue activities, including jackets, pants, shoes, gloves, helmets and respiratory equipment.

"PFAS chemical." A fluorinated organic chemical that contains at least one fully fluorinated 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.