

SHB 2793 - H AMD 820

By Representative Taylor

1 Beginning on page 2, line 7, after "(1)" strike all material
2 through "70.105D.070." on page 3, line 36 and insert "The state fire
3 marshal must coordinate with local governments and federal agencies
4 that provide firefighting services to identify current uses of class
5 B firefighting foam, including current uses of class B firefighting
6 foam containing intentionally added PFAS chemicals. Furthermore, in
7 consultation with local governments, federal and state agencies that
8 provide firefighting services, and manufacturers of class B
9 firefighting foam, the state fire marshal must identify a list of
10 class B firefighting foams that are safe, readily available, cost
11 competitive, and achieve comparable performance specifications to
12 class B firefighting foam that contains intentionally added PFAS
13 chemicals.

14 (2) The state fire marshal must prepare recommendations, based on
15 peer-reviewed science, that balance the need to use class B
16 firefighting foam in order to protect community health and safety
17 from fires against concerns about the impacts to community health and
18 safety that may be associated with the use of certain class B
19 firefighting foams. These recommendations must be prepared with
20 assistance from the department of ecology, the department of health,
21 a local fire chief, preferably from a jurisdiction that uses class B
22 firefighting foam, and a representative of a statewide organization
23 representing firefighters who has knowledge of and experience using
24 class B firefighting foam.

25 (3) The state fire marshal must submit a report to the
26 legislature consistent with RCW 43.01.036 by December 1, 2019. The
27 report must include a summary of:

28 (a) The current uses of class B firefighting foam and alternative
29 products identified in subsection (1) of this section;

30 (b) The recommendations in subsection (2) of this section;

31 (c) The steps taken by state agencies, local governments, and
32 federal agencies that provide firefighting services to identify safer
33 alternatives to class B firefighting foam that contains PFAS

1 chemicals, and to reduce the use of firefighting foam containing PFAS
2 chemicals and to reduce environmental and firefighter exposure to
3 PFAS chemicals; and

4 (d) Recommendations for additional legislative or policy changes
5 to be implemented by the state.

6 NEW SECTION. **Sec. 3.** (1) The state fire marshal, in
7 consultation with the department of ecology, department of health,
8 and manufacturers of class B firefighting foam, must provide
9 assistance to local governments and other entities that perform
10 firefighting functions with the goal to:

11 (a) Reduce the use of class B firefighting foams that contain
12 intentionally added PFAS chemicals and for which safer, readily
13 available, and cost competitive alternatives exist that achieve
14 comparable performance specifications;

15 (b) Adopt practices that reduce the exposure of firefighters and
16 releases into the environment of class B firefighting foams.

17 (2) When planning for organizational fire response capabilities
18 or responding to a fire, the local government, federal or state
19 agency, or other entity providing firefighting services retains the
20 discretion to determine, based on organizational plans or emergent
21 circumstances, whether the use of class B firefighting foam is
22 appropriate, and what type of class B firefighting foam will be most
23 effective or practical to use.

24 (3) Nothing in this chapter provides the authority for the state
25 fire marshal or any other state agency to restrict the use of
26 particular types of class B firefighting foam."

27 Renumber the remaining section consecutively, correct any
28 internal references accordingly, and correct the title.

29 On page 4, line 1, after "through" strike "6" and insert "3"

EFFECT: Eliminates the restrictions on the sale of class B
firefighting foam containing PFAS chemicals. Eliminates the
restriction on the use of PFAS containing class B firefighting foam
for training purposes. Eliminates the disclosure requirements
associated with the sale of firefighting personal protective
equipment containing PFAS chemicals. Eliminates the direction to the
department of ecology to work with local governments and state
agencies to avoid purchasing firefighting foam and personal
protective equipment that do not contain PFAS chemicals. Directs the
state fire marshal to identify current uses of class B firefighting
foam that contains intentionally added PFAS chemicals, and to

identify readily available, safe alternatives that achieve comparable performance specifications. Directs the state fire marshal, in consultation with certain state agencies and other entities, to develop recommendations to balance the protection of communities from fire with health impact concerns. Requires the state fire marshal to submit a report to the legislature by December 1, 2019, summarizing its work in identifying class B firefighting foam uses and alternatives, alongside recommendations for additional policy changes. Directs the state fire marshal to provide assistance to state agencies and local governments to avoid using PFAS containing firefighting foams where readily available, safer alternatives that meet performance specifications exist. Prohibits the state fire marshal or other state agencies from restricting the allowable types of firefighting foam, and authorizes federal, state, and local governments and other entities providing firefighting services to determine whether and which type of class B firefighting foam is appropriate for use organizationally or in response to a particular fire.

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