
Environment Committee

ESSB 6413

Brief Description: Reducing the use of certain toxic chemicals in firefighting activities.

Sponsors: Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase).

Brief Summary of Engrossed Substitute Bill

- Requires the presence of perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals in firefighting personal protective equipment (firefighting PPE) to be disclosed at the time of sale, beginning July 1, 2018.
- Restricts the manufacture, distribution, and sale of foam designed for flammable liquid fires that contains PFAS chemicals, beginning July 1, 2020.
- Directs the Department of Ecology to help other state agencies and local governments to avoid the purchase of firefighting agents that contain PFAS chemicals and to give priority and preference to the purchase of firefighting PPE that does not contain PFAS chemicals.

Hearing Date: 2/15/18

Staff: Jacob Lipson (786-7196).

Background:

Perfluoroalkyl and Polyfluoroalkyl Chemical Action Plan.

According to the Department of Ecology (ECY), perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals are characterized by their resistance to oil, stains, grease, and water, as well as their durability, heat resistance, and anti-corrosive properties. The ECY has also identified PFAS chemicals as persistent, bioaccumulative, and toxic (PBT) substances. In 2016, under the ECY's PBT substances rule, the ECY began developing a chemical action plan (CAP) in conjunction with the Department of Health for PFAS chemicals to evaluate the chemical's uses, releases, impacts, and management. As of January 14, 2018, the ECY has published and solicited public

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feedback on a draft CAP, but has not yet published a final CAP.

Federal Firefighting Foam Requirements.

The United States Federal Aviation Administration (FAA) is responsible for a variety of safety regulations related to flight operations, including operations of aircraft and airports. Among the regulations applicable to airport operations that have been adopted by the FAA are requirements for airport operators to maintain on-site firefighting equipment and agents, including firefighting foams. Under this FAA rule, the type and amount of required firefighting agents and equipment depend on the size and frequency of aircraft departures from the airport.

Summary of Bill:

Firefighting Personal Protective Equipment.

Beginning July 1, 2018, manufacturers, importers, distributors, and other persons selling firefighting personal protective equipment (firefighting PPE) must provide written notice at the time of sale to purchasers of firefighting PPE that it contains PFAS chemicals, and the reasons that PFAS chemicals are added to the firefighting PPE. Firefighting PPE is clothing designed or intended to be worn by firefighting personnel, including jackets, pants, shoes, gloves, helmets, and respiratory equipment. Purchasers, manufacturers, and other persons selling PFAS-containing firefighting PPE must retain this written notice for three years, and furnish it to the ECY upon request.

Firefighting Foam.

Beginning July 1, 2020, manufacturers, importers, and distributors may not manufacture, sell, or distribute firefighting foams designed for liquid flammable fires to which PFAS chemicals have been intentionally added. This restriction does not apply where the inclusion of PFAS chemicals in firefighting foam is for liquid flammable fires required by federal law, including where currently required by the FAA. In the event that the FAA rule or other federal rules change after January 1, 2018, the ECY is authorized to adopt rules for the sales and uses of PFAS chemicals in firefighting foams that restrict the use addressed by the federal rule.

Manufacturers, importers, and distributors of firefighting foam that contains PFAS chemicals must notify persons that sell their product in Washington by July 1, 2019. Persons that manufacture, sell, or distribute restricted firefighting foam that contains PFAS chemicals must recall the product and reimburse the purchaser of the product.

Administrative Provisions Related to Firefighting Foam and Personal Protective Equipment.

The ECY may require certificates of compliance from manufacturers, importers, or distributors of firefighting foam designed for liquid flammable fires and of firefighting PPE.

The ECY must help other state agencies, fire districts, and local governments to avoid purchasing firefighting agents that contain PFAS chemicals, and to give preference to the purchase of firefighting PPE that does not contain PFAS chemicals.

Violations of firefighting PPE PFAS disclosure requirements and firefighting foam PFAS restrictions are subject to civil penalties of up to \$5,000 per violation for initial offenses, and up to \$10,000 for repeat offenses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.