

SHB 2265 (Corrected Copy) - H AMD TO H AMD (H-4929.1/20) **1390**
By Representative Dent

ADOPTED 02/16/2020

1 On page 1, beginning on line 27, after "agent." strike all
2 material through "regulations" on line 32 and insert "Two years after
3 publication in the Washington State Register, the restrictions of
4 subsection (1) of this section apply to the manufacture, sale, and
5 distribution of class B firefighting foam that contains intentionally
6 added PFAS chemicals for the uses specified in 14 C.F.R. Sec. 139.317
7 or other applicable federal regulations. However, the restrictions of
8 subsection (1) of this section do not take effect for an additional
9 year if all of the airports in Washington certificated under 14
10 C.F.R. Sec. 139 have not been able to secure alternative firefighting
11 agents and any necessary infrastructure to apply the agent in order
12 to meet certification requirements, as determined by the department.
13 Eighteen months after the department's original publication in the
14 Washington State Register, each section 139 licensed airport shall
15 report to the department on the airport's status with respect to
16 obtaining alternative firefighting agents approved by the federal
17 aviation administration and any necessary infrastructure. The
18 department must publish a second notice delaying the restrictions
19 under subsection (1) of this section for an additional year if the
20 department has determined that any section 139 airport is unable to
21 secure alternative firefighting agents without intentionally added
22 PFAS chemicals or infrastructure to meet certification requirements
23 because the agents or infrastructure are not commercially available"

EFFECT: Delays the effective date of restrictions on the manufacture, sale, and distribution of PFAS firefighting foam for uses restricted by federal law until two years after the Department of Ecology (Ecology) publishes a notice in the Washington State Register that federal regulations have been modified to allow the use of PFAS-free firefighting foam. Establishes a process whereby eighteen months after Ecology's register notice publication, Federal Aviation Administration (FAA)-certificated airports report to Ecology regarding the airports' status with respect to obtaining alternative firefighting foam and infrastructure needed to meet FAA certification requirements, and if Ecology determines that any airport is unable to secure alternative foam and infrastructure because they are not

commercially available, Ecology must delay the effective date of PFAS foam restrictions by an additional year.

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