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## Environment & Energy Committee

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### HB 2265

**Brief Description:** Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.

**Sponsors:** Representative Doglio.

#### Brief Summary of Bill

- Eliminates exceptions from restrictions on the manufacture, sale, or distribution of firefighting foam containing intentionally added per- and poly- fluoroalkyl (PFAS) chemicals for use in chemical plants, oil refineries, and where the inclusion of PFAS chemicals is required by federal law, beginning January 1, 2022.

**Hearing Date:** 1/13/20

**Staff:** Jacob Lipson (786-7196).

#### Background:

According to the Department of Ecology (Ecology), 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. Ecology has also identified PFAS chemicals as persistent bioaccumulative toxins (PBTs).

In 2018, the Legislature enacted restrictions on firefighting foam, designed for flammable liquid fires, that contains intentionally added PFAS chemicals (PFAS foam). Starting July 1, 2018, PFAS foam may not be used or discharged for training purposes. In addition, beginning July 1, 2020, manufacturers, importers, and distributors may not manufacture, sell, or distribute PFAS foam. The 2020 restriction on manufacture, sale, and distribution of PFAS foam does not apply:

- to the manufacture, sale, and distribution of firefighting foam to persons operating oil terminals, refineries, or certain chemical plants that use or produce flammable liquids, for the use of PFAS foam by those persons at those facilities; or

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- where the inclusion of PFAS chemicals in firefighting foam for liquid flammable fires is required by federal law, including where required under Federal Aviation Administration rules (FAA). In the event that the FAA rule or other federal rules change after January 1, 2018, Ecology is authorized to adopt rules for the manufacture, sale, and distribution of PFAS chemicals in firefighting foams for uses that are addressed by the federal rule. In October 2018, as part of the FAA Reauthorization Act of 2018, the United States Congress directed the FAA to revise its rules by 2021 to no longer require the use of fluorinated chemicals to meet performance standards for firefighting foam at airports.

Violations of these manufacture, sale, distribution, and use restrictions are subject to civil penalties of up to \$5,000 per violation for initial offenses, and up to \$10,000 for repeat offenses.

**Summary of Bill:**

Beginning January 1, 2022, the exceptions are terminated that apply to the manufacture, sale, and distribution of PFAS foam for use in chemical plants, oil refineries, and where PFAS foam is required by federal law.

**Appropriation:** None.

**Fiscal Note:** Requested on January 7, 2020.

**Effective Date:** The bill takes effect on January 1, 2022.