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HOUSE BILL 2265

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson, and Pollet

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1 AN ACT Relating to eliminating exemptions from restrictions on  
2 the use of perfluoroalkyl and polyfluoroalkyl substances in  
3 firefighting foam; amending RCW 70.75A.020; reenacting and amending  
4 RCW 70.75A.005; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.75A.005 and 2018 c 286 s 1 are each reenacted and  
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) (~~"Chemical plant" has the same meaning as in WAC~~  
11 ~~296-24-33001, as that section existed as of January 1, 2018.~~

12 ~~(2))~~ "Class B firefighting foam" means foams designed for  
13 flammable liquid fires.

14 ~~((3))~~ (2) "Department" means the department of ecology.

15 ~~((4))~~ (3) "Firefighting personal protective equipment" means  
16 any clothing designed, intended, or marketed to be worn by  
17 firefighting personnel in the performance of their duties, designed  
18 with the intent for the use in fire and rescue activities, including  
19 jackets, pants, shoes, gloves, helmets, and respiratory equipment.

1       ~~((5))~~ (4) "Local governments" includes any county, city, town,  
2 fire district, regional fire protection authority, or other special  
3 purpose district that provides firefighting services.

4       ~~((6))~~ (5)(a) "Manufacturer" includes any person, firm,  
5 association, partnership, corporation, organization, joint venture,  
6 importer, or domestic distributor of firefighting agents or  
7 firefighting equipment.

8       (b) For the purposes of this subsection, "importer" means the  
9 owner of the product.

10       ~~((7))~~ (6) "Perfluoroalkyl and polyfluoroalkyl substances" or  
11 "PFAS chemicals" means, for the purposes of firefighting agents and  
12 firefighting equipment, a class of fluorinated organic chemicals  
13 containing at least one fully fluorinated carbon atom.

14       **Sec. 2.** RCW 70.75A.020 and 2018 c 286 s 3 are each amended to  
15 read as follows:

16       ~~((1))~~ Beginning July 1, 2020, a manufacturer of class B  
17 firefighting foam may not manufacture, knowingly sell, offer for  
18 sale, distribute for sale, or distribute for use in this state class  
19 B firefighting foam to which PFAS chemicals have been intentionally  
20 added.

21       ~~((2) The restrictions in subsection (1) of this section do not  
22 apply to any manufacture, sale, or distribution of class B  
23 firefighting foam where the inclusion of PFAS chemicals are required  
24 by federal law, including but not limited to the requirements of 14  
25 C.F.R. 139.317, as that section existed as of January 1, 2018. In the  
26 event that applicable federal regulations change after January 1,  
27 2018, to allow the use of alternative firefighting agents that do not  
28 contain PFAS chemicals, then the department may adopt rules that  
29 restrict PFAS chemicals for the manufacture, sale, and distribution  
30 of firefighting foam for uses that are addressed by the federal  
31 regulation.~~

32       ~~(3) The restrictions in subsection (1) of this section do not  
33 apply to any manufacture, sale, or distribution of class B  
34 firefighting foam to a person for use at a terminal, as defined in  
35 RCW 82.23A.010, operated by the person or an oil refinery operated by  
36 the person.~~

37       ~~(4) The restrictions in subsection (1) of this section do not  
38 apply to any manufacture, sale, or distribution of class B~~

1 ~~firefighting foam to a person for use at a chemical plant operated by~~  
2 ~~the person.))~~

3 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2022.

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