



House of Representatives

General Assembly

File No. 677

January Session, 2019

Substitute House Bill No. 5910

House of Representatives, April 17, 2019

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT LIMITING THE USE OF PERFLUOROALKYL OR
POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING
FOAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section:
- 2 (1) "Perfluoroalkyl or polyfluoroalkyl substance" means a class of
3 fluorinated organic chemicals containing at least one fully fluorinated
4 carbon atom;
- 5 (2) "Class B firefighting foam" means a foam used for the purpose of
6 extinguishing flammable liquid fires; and
- 7 (3) "Testing" includes calibration testing, conformance testing and
8 fixed system testing as required by state or municipal law or policy.
- 9 (b) On and after July 1, 2020, no person, local government or state
10 agency may use a class B firefighting foam that contains an
11 intentionally added perfluoroalkyl or polyfluoroalkyl substance in any

12 amount (1) for training purposes, or (2) for testing purposes unless the
 13 person, local government or state agency has implemented
 14 containment, treatment and disposal measures at the testing facility to
 15 prevent the release of such foam into the environment.

16 (c) On or after July 1, 2019, the Department of Public Health shall
 17 assist any person, local government or state agency in evaluating and
 18 transitioning to the use of class B firefighting foam that does not
 19 contain an intentionally added perfluoroalkyl or polyfluoroalkyl
 20 substance.

21 (d) The provisions of this section may be enforced, within available
 22 appropriations, by the Commissioner of Consumer Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Public Health, Dept.	GF - Potential Cost	See Below	See Below
Consumer Protection, Dept.	GF - Potential Cost	65,717	67,409
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	12,672	13,369

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which requires the Department of Public Health (DPH) to assist any entity in transitioning to the use of firefighting foams, for training or testing purposes, that do not contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS),² results in a potential consultant cost to the agency to evaluate alternatives for adverse health effects. This cost will depend on the number of alternatives it must evaluate and the complexity of the evaluations. The bill also allows the Department of Consumer Protection (DCP) to enforce the provisions of the bill. This is anticipated to result in a potential State cost of \$78,389 in FY 20 and \$80,778 in FY 21. To the extent that DCP decides to enforce this bill and receives complaints,

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

²Effective 7/1/20, this bill prohibits any entity from using a class B firefighting foam that contains PFAS in any amount for training or testing purposes, unless the entity implemented cost containment, treatment, and disposal measures to prevent the foam's release into the environment.

the Department will have to hire a part-time inspector to test firefighting foams and investigate complaints, resulting in a potential State cost of \$78,389 in FY 20 and \$80,778 in FY 21.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of alternatives proposed to DPH, the complexity of evaluations, and DCP's enforcement of the bill.

OLR Bill Analysis**sHB 5910*****AN ACT LIMITING THE USE OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM.*****SUMMARY**

Starting July 1, 2020, this bill prohibits a person, local government, or state agency from using a class B firefighting foam that contains an intentionally added perfluoroalkyl or polyfluoroalkyl substance ("PFAS") in any amount for (1) training purposes or (2) testing purposes (i.e., calibration, conformance, and fixed system testing), unless the person or entity implemented cost containment, treatment, and disposal measures at the facility to prevent the foam's release into the environment.

The bill also requires the Department of Public Health, starting July 1, 2019, to assist any person, local government, or state agency in evaluating and transitioning to the use of class B firefighting foam that does not contain intentionally added PFAS. Under the bill, PFAS means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Lastly, the bill authorizes the Department of Consumer Protection to enforce the bill's provisions, within available appropriations.

EFFECTIVE DATE: July 1, 2019

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 0 (04/01/2019)