

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-837

AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR

Title: POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM.

Vote Date: 2/26/2021

Vote Action: Joint Favorable Substitute

PH Date: February 10, 2021

File No.:

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SPONSORS OF BILL:

Rep. David Michel, 146th Dist.

Rep. John "Jack" F. Hennessy, 127th Dist.

Rep. Bobby G. Gibson, 15th Dist.

Sen. Catherine A. Osten, 19th Dist.

REASONS FOR BILL:

Perfluoroalkyl or Polyfluoroalkyl Substances A (PFAS) in Class B Firefighting Foam has been used in training and response in the fire service. In June of 2019, the use of the foam at Bradley International Airport caused the release of 40,000 gallons of PFAS to travel through municipal draining systems into the Farmington River. PFAS substances are considered emerging contaminants with potential human health and environmental risks.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Katie S. Dykes, Department of Energy and Environmental Protection

The Department of Energy and Environmental Protection (DEEP) supports SB837 to minimize the use of Perfluoroalkyl or Polyfluoroalkyl Substances (PFAS) in Class B Firefighting Foam. DEEP recognizes the benefit of removing PFAS due to potential health and environmental risks.

DEEP recommends the following modifications to the bill to accelerate the timeline and avoid duplicate efforts in process with the Department of Emergency Services and Public Protection with respect to the following provisions:

(b) which prohibits the use of PFAS-containing firefighting foams for firefighting training, take effect immediately upon passage rather than on July 1, 2022.

(c) which prohibits the use of PFAS-containing firefighting foams, DEEP also suggests that the bill cover such application for vapor suppression. Exception to provision (c) is the those entities operated by the Connecticut Airport Authority and Connecticut Military Department, until such Federal mandates that require use of AFFF in certain situations, such as aviation incidents, expire.

Provision (c) take effect on July 1, 2022, rather than July 1, 2023. An effective PFAS-free alternative to PFAS-containing firefighting foam has been identified by DESPP after extensive efficacy testing coordinated by DESPP and chemical analysis coordinated by DEEP.

(d), establishing a take-back program for “municipal sources of PFAS-containing substances” is duplicative of efforts already being carried out by DESPP in coordination with DEEP.

Commissioner Deidre S. Gifford, MD, MPH, Department of Public Health

The Department of Public Health supports SB837 due to the potential human health and environmental hazard.

"The existing body of scientific literature on PFAS, which has so far focused on a limited number of PFAS compounds, indicates that these compounds bioaccumulate in humans and animals and links them to human health effects ranging from developmental effects in fetuses and infants to certain forms of cancer."

Provisions (d) does not specify class B firefighting foam specific to the municipal sources. PFAS is used in many industrial processes and consumer products and suggest provision (d) specify class B firefighting foam.

Kevin A. Dillon, Executive Director, Connecticut Airport Authority

The Connecticut Airport Authority (CAA) supports the effort to ban PFAS in testing and training situations. The CAA requests a change to provision (c) to exempt the CAA. The Federal Aviation Administration requires PFAS use on CAA firetrucks per Part 139 airport regulations.

Peter Hearn, Executive Director, Council on Environmental Quality

The Council on Environmental Quality support SB837.

The response to the class B firefighting foam (PFAS) release accident at Bradley International Airport on June 9,2019 increased public awareness of environmental and human health risks.

PFAS is known to accumulate in organisms and present a risk to the health and welfare of humans and animals.

Class B firefighting foam use should be restricted to the necessity to protect life and property.

NATURE AND SOURCES OF SUPPORT:

Mike Urgo, First Selectman, North Stonington

Class B firefighting foam contains PFAS and accumulation of the chemicals lead to health issues and accumulate in the body over time.

CT Senate Democratic Caucus

June 8, 2019 a malfunction at Bradley International Airport caused the release of 40,000 gallons of PFAS class B firefighting foam traveling through the municipal drainage systems and into the Farmington River.

The Center for Disease Control (CDC) Toxic Substance and Disease Registry reports that more than 95% of the U.S. Population has been exposed to PFAS. PFAS chemicals bioaccumulate in an organization possibly leading to environmental, human and wildlife risks.

There are twelve states, including New York and New Hampshire, have taken step to address class B Firefighting foam risk.

Betsy Gara, Executive Director, Connecticut Council of Small Towns

The Connecticut Council of Small Towns (COST) supports SB837. COST requests Provision (c) is adequately funded to prevent costs being passed on to municipalities and property taxpayers.

Donna Hamzy, Advocacy Manager, Connecticut Conference of Municipalities

The Connecticut Conference of Municipalities (CCM) support SB837.

"CCM recommends SB837 go further by providing municipalities with a fire suppression alternative, as part of the takeback program, for fighting certain flammable vapor and liquid fires that cannot be extinguished with traditional fire suppression methods. To the extent possible, CCM requests that it be done in a way that is not financially burdensome for municipalities."

Lori Brown, Executive Director, CT League of Conservation Voters

The CT League of Conservation Voters (CTLCV) support SB837. Class B firefighting foam is difficult to clean up or remediate water sources. Prohibition of class B firefighting foam and consumer products contain PFAS is a better solution by removal of these products.

Patrick M. Comins, Executive Director, Connecticut Audubon Society

PFAS accumulates in fish, birds and animals. The consumption of animals that have ingested PFAS builds further up the food chain. The accumulation of these chemicals have been shown to cause cancer and mutations. This is a problem for the ecology and environment.

Louise Washer, President, Norwalk River Watershed Association

The Norwalk River Watershed Association (NRWA) support SB837. Norwalk had a drinking well closed due to the presence of PFAS. NRWA requests PFAS be banned immediately for training.

Deepika Saksena

Protect the lives of firefighters and first responders. Reduce the toxic contamination of the environment and ban these products immediately.

Ten plus additional testimonies in support of SB837.

NATURE AND SOURCES OF OPPOSITION:

Shawn Swearingen, Director, Alliance for Telomer Chemistry Stewardship

The Alliance for Telomer Chemistry Stewardship (ATCS) emphasizes the characteristics fluorotelomers contains beneficial usages for many uses and products.

"ATCS respectfully request that, with respect to SB 837, a bill that seeks to regulate class B firefighting foam, you: (i) expand the exemption for petroleum fires to include fires at chemical plants and some fixed foam systems; (ii) definition addition; and, iii) removal of take back provision pending additional input on structure."

Fluorine free foams are capable to be used under certain conditions, but is not able to provide the same level of fire suppression, range of usage and efficiency.

Reported by: [Type Report By]

Date: [Type Date]