



General Assembly

Amendment

January Session, 2021

LCO No. 7502



Offered by:

SEN. COHEN, 12th Dist.

REP. GRESKO, 121st Dist.

To: Subst. Senate Bill No. 837

File No. 126

Cal. No. 126

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

4 (1) "Perfluoroalkyl or polyfluoroalkyl substance" means a class of
5 fluorinated organic chemicals containing at least one fully fluorinated
6 carbon atom;

7 (2) "Class B firefighting foam" means a foam used for the purpose of
8 extinguishing flammable liquid fires; and

9 (3) "Testing" includes calibration testing, conformance testing and
10 fixed system testing as required by state or municipal law or policy.

11 (b) (1) Except as provided in subdivisions (2) to (4), inclusive, of this

12 subsection, on and after October 1, 2021, no person shall use a class B
13 firefighting foam that contains an intentionally added perfluoroalkyl or
14 polyfluoroalkyl substance for any vapor suppression or firefighting
15 purpose unless such fire is a flammable liquid-based fire and the
16 Commissioner of Energy and Environmental Protection fails to identify
17 an alternative to such use on or before July 1, 2021.

18 (2) For any airport-related entity with a facility that utilizes a fire
19 suppression system containing class B firefighting foam that contains an
20 intentionally added perfluoroalkyl or polyfluoroalkyl substance, on or
21 before the effective date of this section, mitigation measures shall be
22 employed to prevent releases of such foam into the environment,
23 including the implementation of plans and physical features that are
24 designed to prevent releases of such foam into the environment through
25 the use of containment, treatment, and disposal of such foam, even
26 when such foam is deployed in its intended manner. Not later than
27 October 1, 2023, any such system shall be removed or repurposed to
28 remove such firefighting foam.

29 (3) No person required by federal law to use a class B firefighting
30 foam that contains an intentionally added perfluoroalkyl or
31 polyfluoroalkyl substance in any amount shall use such foam upon the
32 earlier of the following: (A) A change in federal law prohibiting the use
33 of such foam, or (B) one year after a change in federal law to no longer
34 require the use of such foam.

35 (4) Any person who operates a chemical plant, oil refinery, or
36 terminal, storage or distribution facility for flammable liquids may
37 request an extension of time for compliance with the requirements of
38 subdivision (1) of this subsection by applying to the Commissioner of
39 Energy and Environmental Protection for such an extension. Any such
40 request shall specify why such extension is necessary and what
41 containment, treatment, and disposal measures will be employed to
42 prevent releases of such class B firefighting foam that contains an
43 intentionally added perfluoroalkyl or polyfluoroalkyl substance into the
44 environment until compliance with subdivision (1) of this subsection

45 can be achieved. The Commissioner of Energy and Environmental
 46 Protection may grant such an extension if the commissioner determines
 47 that such extension is necessary to remove or repurpose a fire
 48 suppression system containing such foam. Any such extension that is
 49 granted by the commissioner pursuant to this subdivision shall be
 50 limited to not longer than two years.

51 (c) Not later than October 1, 2021, the Commissioner of Energy and
 52 Environmental Protection shall develop or identify a take-back program
 53 for municipally owned class B firefighting foam containing
 54 perfluoroalkyl and polyfluoroalkyl substances that results in the
 55 application of best management practices for the disposal of such
 56 substances.

57 (d) The provisions of this section may be enforced, within available
 58 appropriations, by the Commissioner of Energy and Environmental
 59 Protection."

| | | |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | New section |