**6413-S.E AMH TAYL H4975.1 - NOT FOR FLOOR USE**

**ESSB 6413** - H AMD TO ENVI COMM AMD (H-4848.1/18) **1203**

By Representative Taylor

**WITHDRAWN 02/27/2018**

Beginning on page 1, line 26 of the amendment, after "(1)" strike all material through "70.105D.070." on page 3, line 25 and insert "The state fire marshal must coordinate with local governments and federal agencies that provide firefighting services to identify current uses of class B firefighting foam, including current uses of class B firefighting foam containing intentionally added PFAS chemicals. Furthermore, in consultation with local governments, federal and state agencies that provide firefighting services, and manufacturers of class B firefighting foam, the state fire marshal must identify a list of class B firefighting foams that are safe, readily available, cost competitive, and achieve comparable performance specifications to class B firefighting foam that contains intentionally added PFAS chemicals.

(2) The state fire marshal must prepare recommendations, based on peer-reviewed science, that balance the need to use class B firefighting foam in order to protect community health and safety from fires against concerns about the impacts to community health and safety that may be associated with the use of certain class B firefighting foams. These recommendations must be prepared with assistance from the department, the department of health, a local fire chief, preferably from a jurisdiction that uses class B firefighting foam, and a representative of a statewide organization representing firefighters who has knowledge of and experience using class B firefighting foam.

(3) The state fire marshal must submit a report to the legislature consistent with RCW 43.01.036 by December 1, 2019. The report must include a summary of:

(a) The current uses of class B firefighting foam and alternative products identified in subsection (1) of this section;

(b) The recommendations in subsection (2) of this section;

(c) The steps taken by state agencies, local governments, and federal agencies that provide firefighting services to identify safer alternatives to class B firefighting foam that contains PFAS chemicals, and to reduce the use of firefighting foam containing PFAS chemicals and to reduce environmental and firefighter exposure to PFAS chemicals; and

(d) Recommendations for additional legislative or policy changes to be implemented by the state.

NEW SECTION. **Sec.**  (1) The state fire marshal, in consultation with the department, department of health, and manufacturers of class B firefighting foam, must provide assistance to local governments and other entities that perform firefighting functions with the goal to:

(a) Reduce the use of class B firefighting foams that contain intentionally added PFAS chemicals and for which safer, readily available, and cost competitive alternatives exist that achieve comparable performance specifications; and

(b) Adopt practices that reduce the exposure of firefighters and releases into the environment of class B firefighting foams.

(2) When planning for organizational fire response capabilities or responding to a fire, the local government, federal or state agency, or other entity providing firefighting services retains the discretion to determine, based on organizational plans or emergent circumstances, whether the use of class B firefighting foam is appropriate, and what type of class B firefighting foam will be most effective or practical to use.

(3) Nothing in this chapter provides the authority for the state fire marshal or any other state agency to restrict the use of particular types of class B firefighting foam."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

On page 3, line 26 of the amendment, after "through" strike "6" and insert "3"

EFFECT: Eliminates the restrictions on the sale of class B firefighting foam containing PFAS chemicals. Eliminates the disclosure requirements associated with the sale of firefighting personal protective equipment containing PFAS chemicals. Eliminates the direction to the department of ecology to work with local governments and state agencies to avoid purchasing firefighting foam and personal protective equipment that do not contain PFAS chemicals. Directs the state fire marshal to identify current uses of class B firefighting foam that contains intentionally added PFAS chemicals, and to identify readily available, safe alternatives that achieve comparable performance specifications. Directs the state fire marshal, in consultation with certain state agencies and other entities, to develop recommendations to balance the protection of communities from fire with health impact concerns. Requires the state fire marshal to submit a report to the legislature by December 1, 2019, summarizing its work in identifying class B firefighting foam uses and alternatives, alongside recommendations for additional policy changes. Directs the state fire marshal to provide assistance to state agencies and local governments to avoid using PFAS containing firefighting foams if there exist readily available, safer alternatives that meet performance specifications. Prohibits the state fire marshal or other state agencies from restricting the allowable types of firefighting foam that may be used, and authorizes entities providing firefighting services to determine whether and which type of class B firefighting foam is appropriate for use organizationally or in response to a particular fire.