

FINAL BILL REPORT

ESSB 6413

C 286 L 18
Synopsis as Enacted

Brief Description: Reducing the use of certain toxic chemicals in firefighting activities.

Sponsors: Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase).

Senate Committee on Energy, Environment & Technology
Senate Committee on Ways & Means
House Committee on Environment

Background: PFAS are a class of man-made chemicals that are not found naturally in the environment. Molecules in all PFAS chemicals contain carbon and fluorine atoms and some also include oxygen, hydrogen, sulfur, or nitrogen atoms. PFAS chemical molecules are differentiated from each other by chain length, or the number of carbon atoms, in the molecule.

PFAS chemicals have been widely used to make products stain-resistant, waterproof and nonstick. PFAS chemicals have been used in products that:

- keep food from sticking to cookware;
- make upholstered furniture, carpets, and clothing resistant to soil, stains, and water;
- make shoes, clothes, and mattresses more waterproof;
- keep food packaging from sticking to food; and
- help fight fires at airfields and other places where petroleum-product-based fires are a risk.

According to the U.S. Environmental Protection Agency, PFAS chemicals are very persistent in the environment and in the human body.

The Department of Ecology (Ecology) states that the toxicity of PFAS compounds varies. Studies in animals show that exposure to some PFAS can affect liver function, reproductive hormones, development of offspring, and mortality. However, PFAS toxicity in humans is less understood and exposure may be linked to high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer, and pregnancy-induced hypertension.

PFAS-based class B firefighting foams have been used since the 1970s for vapor suppression, firefighting, and firefighting training at airports, refineries, bulk storage terminals, and other facilities handling large volumes of flammable liquid petroleum or natural gas. PFAS

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chemicals are used in fire foam products because of their ability to produce a fast spreading foam. Potential sources of PFAS contamination related to fire-fighting foam use are found in Washington State airports, military sites, fire training centers, and where foam has been used to extinguish petroleum fires.

Summary: The manufacture, sale and distribution of Class B firefighting foam that has PFAS chemical intentionally added is prohibited beginning July 1, 2020. The prohibition does not apply to the sale, manufacture, or use of Class B firefighting foam for: aircraft rescue and firefighting required by federal law, as it existed on January 1, 2018; an oil refinery; oil terminal; or chemical plant. Ecology may adopt rules for the sale and use of firefighting foam, if the federal regulations are revised to allow the use of alternative firefighting agents that do not contain PFAS chemicals.

By July 1, 2018, a person or manufacturer selling firefighting personal protective equipment (PPE) that contains PFAS chemicals, must notify purchasers that the equipment contains PFAS chemicals and the reasons for the chemicals. The person or manufacturer selling firefighting PPE and the purchaser must keep the notice on file for at least three years. The notice must be provided to Ecology upon request.

A manufacturer of Class B firefighting foam must provide written notice to persons selling the manufacturer's products no less than one year prior to the prohibition. A manufacturer of Class B firefighting foam must recall and reimburse the retailer or any purchaser for the product.

Ecology may request a certificate of compliance from a manufacturer of Class B firefighting foam or firefighting PPE. Through the certificate of compliance, the manufacturer attests that the products meet the requirements of this act. Beginning July 1, 2018. Ecology must assist the Department of Enterprise Services, other state agencies, fire protection districts, and other local governments to avoid purchasing or using firefighting agents containing PFAS chemicals as well as give priority and preference to purchasing firefighting PPE that does not contain PFAS chemicals.

A manufacturer in violation of this act is subject to a civil penalty not to exceed \$5,000 for each first offense. Manufacturers are subject to a \$10,000 civil penalty for subsequent violations.

Votes on Final Passage:

Senate	39	8	
House	72	26	(House amended)
Senate	48	1	(Senate concurred)

Effective: June 7, 2018