
HOUSE BILL 1143

State of Washington

66th Legislature

2019 Regular Session

By Representatives Reeves, Gregerson, Appleton, Fitzgibbon, Ormsby, and Stanford

Read first time 01/15/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to requiring notification of the discharge or use
2 of firefighting foam containing certain chemicals; amending RCW
3 70.75A.060; adding a new section to chapter 70.75A RCW; adding a new
4 section to chapter 90.48 RCW; prescribing penalties; and declaring an
5 emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.75A
8 RCW to read as follows:

9 (1) A person discharging or using class B firefighting foam
10 containing intentionally added PFAS chemicals for any purpose must:

11 (a) Notify the department within twenty-four hours; and

12 (b) Immediately notify the division of emergency management
13 within the state military department, using the division of emergency
14 management's twenty-four hour statewide toll-free number established
15 for reporting emergencies.

16 (2) The notification to the department under subsection (1) of
17 this section must include the time, date, location, and estimated
18 amount of class B firefighting foam used or discharged.

19 (3) Nothing in this section authorizes the manufacture, sale,
20 distribution, discharge, or use of class B firefighting foam that is
21 restricted under RCW 70.75A.010 or 70.75A.020.

1 (4) The failure to provide notification of a discharge or use of
2 class B firefighting foam under this section is subject to the
3 penalties provided in RCW 70.75A.060, unless the discharge or use is
4 covered by section 2 of this act, in which case the penalties of RCW
5 90.48.144 apply.

6 (5) Any person not subject to the requirements of this section,
7 if any such person exists, is nevertheless encouraged to provide
8 notification to the department that is consistent with subsections
9 (1) and (2) of this section.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48
11 RCW to read as follows:

12 (1) A person discharging any class B firefighting foam containing
13 intentionally added PFAS chemicals for any purpose to state waters,
14 or in a location where a rain event would lead to a discharge of
15 unrecovered foam to state waters, must:

16 (a) Notify the department within twenty-four hours; and

17 (b) Immediately notify the division of emergency management
18 within the state military department, using the division's twenty-
19 four hour statewide toll-free number established for reporting
20 emergencies.

21 (2) The notification to the department under subsection (1) of
22 this section must include the time, date, location, and estimated
23 amount of class B firefighting foam used or discharged.

24 (3) The failure to provide notification of a discharge to state
25 waters of class B firefighting foam under this section is subject to
26 the penalties provided in RCW 90.48.144.

27 (4) For purposes of this section, "class B firefighting foam" and
28 "PFAS chemicals" have the same meaning as in RCW 70.75A.005.

29 **Sec. 3.** RCW 70.75A.060 and 2018 c 286 s 7 are each amended to
30 read as follows:

31 A manufacturer of class B firefighting foam in violation of RCW
32 70.75A.020 or 70.75A.040 or a person in violation of RCW 70.75A.010
33 (~~(e)~~), 70.75A.030, or section 1 of this act is subject to a civil
34 penalty not to exceed five thousand dollars for each violation in the
35 case of a first offense. Manufacturers, local governments, or persons
36 that are repeat violators are subject to a civil penalty not to
37 exceed ten thousand dollars for each repeat offense. Penalties

1 collected under this section must be deposited in the state toxics
2 control account created in RCW 70.105D.070.

3 NEW SECTION. **Sec. 4.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately.

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