

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

By Representative Taylor

WITHDRAWN 02/27/2018

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

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

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

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

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

31 (c) The steps taken by state agencies, local governments, and  
32 federal agencies that provide firefighting services to identify safer  
33 alternatives to class B firefighting foam that contains PFAS

1 chemicals, and to reduce the use of firefighting foam containing PFAS  
2 chemicals and to reduce environmental and firefighter exposure to  
3 PFAS chemicals; and

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

6 NEW SECTION. **Sec. 3.** (1) The state fire marshal, in  
7 consultation with the department, department of health, and  
8 manufacturers of class B firefighting foam, must provide assistance  
9 to local governments and other entities that perform firefighting  
10 functions with the goal to:

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

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

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

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

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

29 On page 3, line 26 of the amendment, after "through" strike "6"  
30 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.

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