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**HOUSE BILL 2265**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson, and Pollet

AN ACT Relating to eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam; amending RCW 70.75A.020; reenacting and amending RCW 70.75A.005; and providing an effective date.

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

**Sec.**  RCW 70.75A.005 and 2018 c 286 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ((~~"Chemical plant" has the same meaning as in WAC 296-24-33001, as that section existed as of January 1, 2018.~~

~~(2)~~)) "Class B firefighting foam" means foams designed for flammable liquid fires.

((~~(3)~~)) (2) "Department" means the department of ecology.

((~~(4)~~)) (3) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

((~~(5)~~)) (4) "Local governments" includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

((~~(6)~~)) (5)(a) "Manufacturer" includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or firefighting equipment.

(b) For the purposes of this subsection, "importer" means the owner of the product.

((~~(7)~~)) (6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

**Sec.**  RCW 70.75A.020 and 2018 c 286 s 3 are each amended to read as follows:

((~~(1)~~)) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

((~~(2) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.~~

~~(3) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.~~

~~(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person.~~))

NEW SECTION. **Sec.**  This act takes effect January 1, 2022.

**--- END ---**