

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6413**

65th Legislature  
2018 Regular Session

Passed by the Senate March 5, 2018  
Yeas 48 Nays 1

---

**President of the Senate**

Passed by the House February 27, 2018  
Yeas 72 Nays 26

---

**Speaker of the House of Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6413** as passed by Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE SENATE BILL 6413

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

**State of Washington**                      **65th Legislature**                      **2018 Regular Session**

**By** Senate Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña, and Chase)

READ FIRST TIME 02/01/18.

1            AN ACT Relating to reducing the use of certain toxic chemicals in  
2 firefighting activities; adding a new chapter to Title 70 RCW; and  
3 prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8            (1) "Class B firefighting foam" means foams designed for  
9 flammable liquid fires.

10           (2) "Department" means the department of ecology.

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

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

19           (5) "Manufacturer" includes any person, firm, association,  
20 partnership, corporation, organization, joint venture, importer, or  
21 domestic distributor of firefighting agents or firefighting

1 equipment. For the purposes of this subsection, "importer" means the  
2 owner of the product.

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

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

9 NEW SECTION. **Sec. 2.** Beginning July 1, 2018, a person, local  
10 government, or state agency may not discharge or otherwise use for  
11 training purposes class B firefighting foam that contains  
12 intentionally added PFAS chemicals.

13 NEW SECTION. **Sec. 3.** (1) Beginning July 1, 2020, a manufacturer  
14 of class B firefighting foam may not manufacture, knowingly sell,  
15 offer for sale, distribute for sale, or distribute for use in this  
16 state class B firefighting foam to which PFAS chemicals have been  
17 intentionally added.

18 (2) The restrictions in subsection (1) of this section do not  
19 apply to any manufacture, sale, or distribution of class B  
20 firefighting foam where the inclusion of PFAS chemicals are required  
21 by federal law, including but not limited to the requirements of 14  
22 C.F.R. 139.317, as that section existed as of January 1, 2018. In the  
23 event that applicable federal regulations change after January 1,  
24 2018, to allow the use of alternative firefighting agents that do not  
25 contain PFAS chemicals, then the department may adopt rules that  
26 restrict PFAS chemicals for the manufacture, sale, and distribution  
27 of firefighting foam for uses that are addressed by the federal  
28 regulation.

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

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

1        NEW SECTION.    **Sec. 4.**    (1) Beginning July 1, 2018, a manufacturer  
2 or other person that sells firefighting personal protective equipment  
3 to any person, local government, or state agency must provide written  
4 notice to the purchaser at the time of sale if the firefighting  
5 personal protective equipment contains PFAS chemicals. The written  
6 notice must include a statement that the firefighting personal  
7 protective equipment contains PFAS chemicals and the reason PFAS  
8 chemicals are added to the equipment.

9        (2) The manufacturer or person selling firefighting personal  
10 protective equipment and the purchaser of the equipment must retain  
11 the notice on file for at least three years from the date of the  
12 transaction. Upon the request of the department, a person,  
13 manufacturer, or purchaser must furnish the notice, or written  
14 copies, and associated sales documentation to the department within  
15 sixty days.

16        NEW SECTION.    **Sec. 5.**    (1) A manufacturer of class B firefighting  
17 foam restricted under section 3 of this act must notify, in writing,  
18 persons that sell the manufacturer's products in this state about the  
19 provisions of this chapter no less than one year prior to the  
20 effective date of the restrictions.

21        (2) A manufacturer that produces, sells, or distributes a class B  
22 firefighting foam prohibited under section 3 of this act shall recall  
23 the product and reimburse the retailer or any other purchaser for the  
24 product.

25        NEW SECTION.    **Sec. 6.**    (1) The department may request a  
26 certificate of compliance from a manufacturer of class B firefighting  
27 foam or firefighting personal protective equipment. A certificate of  
28 compliance attests that a manufacturer's product or products meets  
29 the requirements of this chapter.

30        (2) Beginning July 1, 2018, the department shall assist the  
31 department of enterprise services, other state agencies, fire  
32 protection districts, and other local governments to avoid purchasing  
33 or using class B firefighting foams to which PFAS chemicals have been  
34 intentionally added. The department shall assist the department of  
35 enterprise services, other state agencies, fire protection districts,  
36 and other local governments to give priority and preference to the  
37 purchase of firefighting personal protective equipment that does not  
38 contain PFAS chemicals.

1        NEW SECTION.    **Sec. 7.**    A manufacturer of class B firefighting  
2 foam in violation of section 3 or 5 of this act or a person in  
3 violation of section 2 or 4 of this act is subject to a civil penalty  
4 not to exceed five thousand dollars for each violation in the case of  
5 a first offense. Manufacturers, local governments, or persons that  
6 are repeat violators are subject to a civil penalty not to exceed ten  
7 thousand dollars for each repeat offense. Penalties collected under  
8 this section must be deposited in the state toxics control account  
9 created in RCW 70.105D.070.

10       NEW SECTION.    **Sec. 8.**    Sections 1 through 7 of this act  
11 constitute a new chapter in Title 70 RCW.

--- END ---