

HOUSE BILL 619

M3

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By: Delegates P. Young, Love, Pena–Melnyk, Bagnall, Barron, Bhandari, Charles, Chisholm, Cullison, Johnson, Kelly, Kerr, Kipke, Krebs, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Sample–Hughes, Szeliga, K. Young, Brooks, Cardin, Ebersole, Feldmark, Forbes, Guyton, Hettleman, Hill, C. Jackson, Metzgar, and Stein

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Environment – Use of Fire-Fighting Foam ~~Containing Perfluoroalkyl and~~**
3 **~~Polyfluoroalkyl Substances – Prohibition~~ and PFAS Chemicals**

4 FOR the purpose of prohibiting, on or after a certain date, the use of certain fire-fighting
5 foam ~~containing perfluoroalkyl and polyfluoroalkyl substances~~ for firefighter certain
6 testing or training purposes; providing that this Act does not restrict the
7 manufacture, sale, or distribution of certain fire-fighting foam or the discharge or
8 other use of certain fire-fighting foam in certain operations; requiring the use of
9 certain foam for fire-fighting training; establishing certain penalties for a violation
10 of this Act; defining a certain ~~term~~ terms; providing for the application of this Act;
11 and generally relating to ~~perfluoroalkyl and polyfluoroalkyl substances~~ fire-fighting
12 foam and PFAS chemicals.

13 BY adding to

14 Article – Environment

15 Section 6–1601 through ~~6–1604~~ 6–1605 to be under the new subtitle “Subtitle 16.
16 ~~Perfluoroalkyl and Polyfluoroalkyl Substances~~ PFAS Chemicals”

17 Annotated Code of Maryland

18 (2013 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Environment**

4 **SUBTITLE 16. ~~PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES~~ PFAS**
5 **CHEMICALS.**

6 **6–1601.**

7 **(A) IN THIS SUBTITLE, “PERFLUOROALKYL AND POLYFLUOROALKYL**
8 **SUBSTANCES” MEANS MANUFACTURED CHEMICALS USED IN A WIDE VARIETY OF**
9 **CONSUMER AND INDUSTRY PRODUCTS, INCLUDING:**

10 **(1) STAIN RESISTANT AND WATER RESISTANT FABRICS;**

11 **(2) CLEANING PRODUCTS;**

12 **(3) PAINT; AND**

13 **(4) FIRE-FIGHTING FOAMS. THE FOLLOWING WORDS HAVE THE**
14 **MEANINGS INDICATED.**

15 **(B) “CLASS B FIRE-FIGHTING FOAM” MEANS A FOAM DESIGNED FOR**
16 **FLAMMABLE LIQUID FIRE.**

17 **(C) “PFAS CHEMICALS” MEANS A CLASS OF FLUORINATED ORGANIC**
18 **CHEMICALS THAT:**

19 **(1) CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM,**
20 **INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; AND**

21 **(2) ARE DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B**
22 **FIRE-FIGHTING FOAM FORMULATIONS.**

23 **6–1602.**

24 **~~THIS~~ (A) THIS SUBTITLE DOES NOT APPLY TO FIRE-FIGHTING FOAMS USED**
25 **AT THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL**
26 **AIRPORT.**

27 **(B) THIS SUBTITLE DOES NOT RESTRICT:**

1 (1) THE MANUFACTURE, SALE, OR DISTRIBUTION OF CLASS B
2 FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS;
3 OR

4 (2) THE DISCHARGE OR OTHER USE OF CLASS B FIRE-FIGHTING
5 FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS IN EMERGENCY
6 FIRE-FIGHTING OR FIRE PREVENTION OPERATIONS.

7 **6-1603.**

8 ON OR AFTER OCTOBER 1, 2021, ~~FIRE-FIGHTING FOAM CONTAINING~~
9 ~~PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES MAY NOT BE USED FOR~~
10 ~~FIREFIGHTER TRAINING PURPOSES~~ CLASS B FIRE-FIGHTING FOAM THAT CONTAINS
11 INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED FOR:

12 (1) TESTING PURPOSES, INCLUDING CALIBRATION TESTING,
13 CONFORMANCE TESTING, AND FIXED-SYSTEM TESTING UNLESS:

14 (i) THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING
15 JURISDICTION OVER THE TESTING FACILITY; AND

16 (ii) THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE
17 CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT RELEASES OF
18 FOAM INTO THE ENVIRONMENT; OR

19 (2) TRAINING PURPOSES.

20 **6-1604.**

21 NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF
22 FIRE-FIGHTING TRAINING.

23 **6-1605.**

24 A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

25 (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;
26 AND

27 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY
28 NOT EXCEEDING \$1,000.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2020.