

# SENATE BILL 420

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CF HB 581

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By: **Senators Elfreth, Augustine, Beidle, Kagan, Lam, Peters, Pinsky, and Waldstreicher**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Public Safety – Fire Fighting~~ **Environment – Use of Fire-Fighting Foam and**  
3 **PFAS Chemicals**

4 FOR the purpose of prohibiting, on or after a certain date, the use of certain ~~fire fighting~~  
5 fire-fighting foam for certain testing or training purposes; requiring the use of  
6 certain foam for ~~fire fighting~~ fire-fighting training; ~~providing that this Act does not~~  
7 ~~restrict the manufacture, sale, or distribution of certain fire fighting foam or the~~  
8 ~~discharge or other use of certain fire fighting foam in certain operations; establishing~~  
9 certain penalties for a violation of this Act; requiring the Department of the  
10 Environment to conduct a certain study and report the findings to the General  
11 Assembly on or before a certain date; defining certain terms; ~~providing for a delayed~~  
12 ~~effective date~~; and generally relating to ~~fire fighting~~ fire-fighting foam and PFAS  
13 chemicals.

14 ~~BY adding to~~  
15 ~~Article – Public Safety~~  
16 ~~Section 9-1002~~  
17 ~~Annotated Code of Maryland~~  
18 ~~(2018 Replacement Volume and 2019 Supplement)~~

19 BY adding to  
20 Article – Environment  
21 Section 6-1601 through 6-1604 to be under the new subtitle “Subtitle 16. PFAS  
22 Chemicals”

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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 Annotated Code of Maryland  
 2 (2013 Replacement Volume and 2019 Supplement)

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

5 Article – ~~Public Safety~~ Environment

6 SUBTITLE 16. PFAS CHEMICALS.

7 ~~9-1002.~~ 6-1601.

8 (A) ~~(1)~~ IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE  
 9 MEANINGS INDICATED.

10 ~~(2)~~ (B) “CLASS B ~~FIRE-FIGHTING~~ FIRE-FIGHTING FOAM” MEANS A  
 11 FOAM DESIGNED FOR FLAMMABLE LIQUID ~~FIRES~~ FIRE.

12 ~~(3)~~ ~~(1)~~ (C) “PFAS CHEMICALS” MEANS A CLASS OF  
 13 FLUORINATED ORGANIC CHEMICALS CONTAINING AT LEAST ONE FULLY  
 14 FLUORINATED CARBON ATOM ~~AND DESIGNED TO BE FULLY FUNCTIONAL IN CLASS~~  
 15 ~~B FIRE-FIGHTING FOAM FORMULATIONS, INCLUDING PERFLUOROALKYL AND~~  
 16 POLYFLUOROALKYL SUBSTANCES.

17 ~~(1)~~ “~~PFAS CHEMICALS~~” ~~INCLUDES PERFLUOROALKYL AND~~  
 18 ~~POLYFLUOROALKYL SUBSTANCES.~~

19 ~~(4)~~ “~~TESTING~~” ~~INCLUDES CALIBRATION TESTING, CONFORMANCE~~  
 20 ~~TESTING, AND FIXED-SYSTEM TESTING.~~

21 ~~(B)~~ 6-1602.

22 ON OR AFTER OCTOBER 1, 2021, CLASS B ~~FIRE-FIGHTING~~ FIRE-FIGHTING  
 23 FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED  
 24 FOR:

25 (1) ~~TESTING~~ TESTING PURPOSES, INCLUDING CALIBRATION  
 26 TESTING, CONFORMANCE TESTING, AND FIXED-SYSTEM TESTING, UNLESS:

27 ~~(1)~~ THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING  
 28 JURISDICTION OVER THE TESTING FACILITY; ~~AND OR~~

29 ~~(1)~~ ~~THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE~~  
 30 ~~CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT~~  
 31 ~~UNCONTROLLED RELEASES OF FOAM TO THE ENVIRONMENT; OR~~

1           (2) ~~TRAINING~~ TRAINING PURPOSES.

2 6-1603.

3           ~~(c)~~ NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF  
4 ~~FIRE-FIGHTING~~ FIRE-FIGHTING TRAINING.

5           ~~(d)~~ ~~THIS SECTION DOES NOT RESTRICT:~~

6           ~~(1)~~ ~~THE MANUFACTURE, SALE, OR DISTRIBUTION OF CLASS B FIRE~~  
7 ~~FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS; OR~~

8           ~~(2)~~ ~~THE DISCHARGE OR OTHER USE OF CLASS B FIRE-FIGHTING FOAM~~  
9 ~~THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS IN EMERGENCY FIRE~~  
10 ~~FIGHTING OR FIRE PREVENTION OPERATIONS.~~

11 6-1604.

12           A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

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

14 AND

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

17           SECTION 2. AND BE IT FURTHER ENACTED, That, ~~on:~~

18           (a) In this section, "PFAS chemicals" means a class of fluorinated organic  
19 chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl  
20 and polyfluoroalkyl substances.

21           (b) On or before January 1, 2023, the Department of the Environment shall:

22           (1) conduct a study to:

23           (i) assess each application of a PFAS ~~chemical~~ chemicals in food  
24 packaging ~~and~~ that is made of, in substantial part, paper, paperboard, or other materials  
25 originally derived from plant fibers; and

26           (ii) determine whether a safer alternative to ~~the chemical~~ PFAS  
27 chemicals is available for each assessed application; and

28           (2) submit a report to the Governor ~~and~~ and, in accordance with § 2-1257  
29 of the State Government Article, the General Assembly, ~~in accordance with § 2-1257 of the~~

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1 ~~State Government Article,~~ on the findings of the study required under item (1) of this  
2 ~~section~~ subsection.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~  
4 ~~1, 2021~~ October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.