

Chapter 277

(Senate Bill 420)

AN ACT concerning

Public Safety – Fire Fighting Environment – Use of Fire-Fighting Foam and PFAS Chemicals

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

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

BY adding to
Article – Environment
Section 6-1601 through ~~6-1604~~ 6-1605 to be under the new subtitle “Subtitle 16. PFAS Chemicals”
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

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

Article – ~~Public Safety~~ Environment

SUBTITLE 16. PFAS CHEMICALS.

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

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

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

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

~~(H)~~ “~~PFAS CHEMICALS~~” INCLUDES PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

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

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

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

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

6-1602.

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

(B) THIS SUBTITLE DOES NOT RESTRICT:

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

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

~~(B)~~ ~~6-1602.~~ 6-1603.

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

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

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

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

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

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

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

(2) TRAINING TRAINING PURPOSES.

~~6-1603.~~ 6-1604.

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

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

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

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

~~6-1604.~~ 6-1605.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

- (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;**
AND
(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000.

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

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

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

~~(1) conduct a study to:~~

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

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

~~(2) submit a report to the Governor and and, in accordance with § 2-1257 of the State Government Article, the General Assembly, in accordance with § 2-1257 of the State Government Article, on the findings of the study required under item (1) of this section subsection.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021 October 1, 2020.~~

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.