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ACC Testimony on SB 420

Introduction

The chemical industry supports a comprehensive approach to managing per- and polyfluoroalkyl substances (PFAS) that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

Support of SB 420 with amendments

SB 420, as drafted, seeks to codify best practices regarding the use of firefighting foams containing intentionally added PFAS, also known as aqueous film forming foams (AFFF). We thank the sponsors and committee for considering this important bill, and are supportive of SB 420 with amendments that would clarify the definition of PFAS and align it with legislative language from other states that have promulgated similar bills, as well as ensure that releases during testing are prevented, whether uncontrolled or controlled.

AFFFs remain the most effective foams currently available to fight high-hazard flammable liquid fires (Class B) in aviation, fuel depot/storage, industrial, chemical, military, and other applications.

- AFFF have proven effectiveness in large scale tank fires, fuel-in-depth fires and other high hazard Class B fires. Their unique film-forming and fuel repellency properties provide rapid extinguishment, critical burnback resistance and protection against vapor release, which help to prevent re-ignition and protect fire fighters working as part of rescue and recovery operations.
- Fluorine-free foams can and do provide an alternative to fluorinated foams in some applications such as spill fires and smaller tank fires. However, they are not currently able to provide the same level of fire suppression capability, efficiency, flexibility, and scope of usage.
- Fire test results presented at international fire protection conferences in 2011, 2013, 2015 and 2016, including some performed by the Naval Research Labs (NRL), all show that fluorinated foams are significantly more effective at extinguishing flammable liquid fires than fluorine-free foams. In a recent trade publication (Jan'19), an NRL scientist said fluorinated foams "outperform fluorine-free foams by a factor of four to five" by containing the fire and suppressing vapors that can reignite. Similar conclusions were reached by a National Fire Protection Association report that was published this year.

AFFF helps to protect life and property in large scale high hazard class B fires and should be used responsibly.

- Current best practice calls for the containment and treatment of foam discharges and the use of non-fluorinated fluids and methods for testing, training and calibration. This bill would create statutory requirements for these best practices.
- As large scale high hazard Class B fires are actually rare, requiring best management practices for all foam users has the potential to significantly reduce discharges of PFAS to the environment from foam. Similar legislation has been passed in other states, banning the release of PFAS-based foams to the environment except in the case of

emergencies. We believe that this a responsible and sound approach that protects society from catastrophic fires while at the same minimizing the environmental impact from foam use.

- This bill allows for the use of PFAS-based foams in high-hazard fire emergencies, ensuring important facilities in Maryland have adequate life and property safety and fire protection.

Conclusion

- In conclusion, we ask you to support SB 420 with amendments.