

# 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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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Fire Fighting Foam and PFAS Chemicals**

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

11 BY adding to  
12 Article – Public Safety  
13 Section 9–1002  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2019 Supplement)

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

18 **Article – Public Safety**

19 **9–1002.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

22 **(2) “CLASS B FIRE FIGHTING FOAM” MEANS A FOAM DESIGNED FOR**  
23 **FLAMMABLE LIQUID FIRES.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 **~~(II) “PFAS CHEMICALS” INCLUDES PERFLUOROALKYL AND~~**  
6 **~~POLYFLUOROALKYL SUBSTANCES.~~**

7           **(4) “TESTING” INCLUDES CALIBRATION TESTING, CONFORMANCE**  
8 **TESTING, AND FIXED-SYSTEM TESTING.**

9           **(B) CLASS B FIRE FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED**  
10 **PFAS CHEMICALS MAY NOT BE USED FOR:**

11           **(1) TESTING PURPOSES, UNLESS:**

12                   **(I) THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING**  
13 **JURISDICTION OVER THE TESTING FACILITY; AND**

14                   **(II) THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE**  
15 **CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT**  
16 **UNCONTROLLED RELEASES OF FOAM TO THE ENVIRONMENT; OR**

17           **(2) TRAINING PURPOSES.**

18           **(C) NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF**  
19 **FIRE FIGHTING TRAINING.**

20           **(D) THIS SECTION DOES NOT RESTRICT:**

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

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

26           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023,  
27 the Department of the Environment shall:

28                   (1) conduct a study to assess each application of a PFAS chemical in food  
29 packaging and determine whether a safer alternative to the chemical is available for each  
30 assessed application; and

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

For the purposes of this section, the following words have the meanings indicated:

"Food packaging" means a package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

"PFAS chemicals" means, for the purposes of food packaging, the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

4                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2021.