

# HOUSE BILL 619

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By: Delegates P. 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

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Use of Fire-Fighting Foam and PFAS Chemicals**

3 FOR the purpose of prohibiting, on or after a certain date, the use of certain fire-  
4 fighting foam

5 for certain testing or training

6 purposes providing this Act does not restrict the manufacture, sale, or distribution  
7 of certain fire-fighting foam or the discharge or other use of certain fire-fighting  
8 foam in certain operations; requiring the use of certain foam for fire-fighting  
9 training; establishing certain penalties for a violation of this Act requiring the  
10 Department of the Environment to conduct a certain study and report the findings  
11 to the General Assembly on or before a certain date; defining certain

12 terms; providing for the application of this Act; and generally relating to

13 fire-fighting foam and PFAS chemicals.

14 BY adding to

15 Article – Environment

16 Section 6–1601 through 6–1605 to be under the new subtitle “Subtitle 16.

17 PFAS Chemicals”

18 Annotated Code of Maryland

19 (2013 Replacement Volume and 2019 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

**Article – Environment**

**SUBTITLE 16. PFAS CHEMICALS.**

**6–1601.**

**IN THIS SUBTITLE the following words have the meanings indicated.**

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

(C) (1) "PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC CHEMICALS CONTAINING AT LEAST ONE FULLY FLUORINATED CARBON ATOM, INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES, AND DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B FIRE-FIGHTING FOAM FORMULATIONS.

~~(2) "PFAS CHEMICALS" INCLUDES PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.~~

5 6-1602.

6 (A) THIS SUBTITLE DOES NOT APPLY TO FIRE-FIGHTING FOAMS USED AT  
7 THE  
7 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.

8 6-1603.

1 9 ON OR AFTER OCTOBER 1, 2021, CLASS B FIRE FIGHTING FOAM THAT  
CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED FOR:

(1) TESTING PURPOSES, INCLUDING CALIBRATION TESTING <  
CONFIRMANCE 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 UNCONTROLLED RELEASES OF FOAM TO THE ENVIRONMENT; OR

(2) TRAINING PURPOSES.

12 6-1604.

NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF

**FIRE-FIGHTING TRAINING.**

**6-1605.**

13           **A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:**

14                   **(1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;**  
15 **AND**

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

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

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

(2) submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly with the findings of the study required under 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.**

18           **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
19 **October 1, 2020.**