



Fire Fighting Foam Coalition

2 February 2021

Subject: Testimony in Opposition to Maryland House Bill HB0022

Honorable Chair Pendergrass and Members of the Committee:

My name is Mitch Hubert. Thank you for the opportunity to address your committee today.

I hold degrees in both Biology and Chemistry and have been working in the firefighting foam industry for more than 40 years as a formulation chemist and fire fighter.

I am here today representing the Fire Fighting Foam Coalition (FFFC) to urge you to reconsider House Bill 0022. Our coalition is made up of foam manufacturers from throughout the world who fully support efforts to reduce the use of PFAS foams and are working feverishly to develop and improve non-fluorinated alternatives.

Unfortunately, there are still fire scenarios and industry segments where the current technology utilized in fluorine-free foams falls short of providing the type of performance that can assure that large catastrophic fires can be successfully fought and extinguished, and which provide a measure of safety for firefighters and other first responders. As such the proposed legislation could hamper and possibly prevent firefighting efforts in these high hazard applications.

Sadly, we are faced with legacy issues of fluorinated surfactants that were released to the environment from firefighting foams largely through testing and fire training, much of which was mandated through laws and standards. If we could turn back the hands of time on those practices, we would surely do so. What is important at this juncture is to minimize any additional discharges.

While we continue to make advances in fluorine-free foam technology, we are still not at the point where those products can be considered as drop-in replacements. This is substantiated by a recent study conducted by the National Fire Protection Association Research Foundation in a rather extensive testing program on the effectiveness of fluorine-free foams. The conclusion of that report, which is published and can be made available, is that there is more work to do with these products in some fire scenarios.

The technological problem that we face as formulators is that these types of foam tend to pick up fuel and become contaminated to the point where the foam itself will actually burn when there is a chance for them to be submerged in the fuel. This can occur when fighting large fuel storage tank fires or dike fires where there is a chance for, what we in the industry call, a “Fuel In Depth Fire”. These large catastrophic fires can very quickly get out of control and grow to immense conflagrations. We recently saw this with the ITC (International Terminal Company) fire in Deer park Texas. While these types of fires are rare, they do happen. In that particular case, a single fuel storage tank grew from one tank to a total of 11 tanks that burned for 4 days before it was successfully extinguished. During and immediately after the fire, levels of Benzene were elevated and caused schools and business to shut down and some residents to have to shelter in place. In addition, the Houston Ship Channel was shut down with estimates of about a billion dollars of business interruption.

The proposed legislation would require most foam users in the state to have transitioned to fluorine-free foams by the end of this year, which we believe to be unachievable. Recently proposed foam regulations in the European Union and New Zealand provide for a 5-year transition period. In addition, the proposed legislation includes a retroactive recall provision that is likely to have the impact of an immediate sales ban.

We urge you to reconsider this bill and allow the continued use and sale of fluorinated firefighting foams for areas where we simply do not have drop-in replacements. These would include refineries, chemical facilities, bulk fuel loading terminals and some fixed fire suppression systems. Meanwhile we in the foam industry and within government research grants will continue the task of improving the performance of firefighting foams that do not contain PFAS chemicals.

Respectfully submitted,

Mitch Hubert
Technical Director
Fire Fighting Foam Coalition (FFFC)