



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3635

Introduced 2/22/2021, by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Firefighting Foam Act. Provides that, after June 30, 2021, a person, unit of local government, or State agency: (1) shall not use for training purposes a Class B firefighting foam that contains an intentionally added PFAS chemical and may use only training foam that does not contain such chemicals; and (2) shall not use for testing purposes a Class B firefighting foam that contains intentionally added PFAS chemicals unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the Class B firefighting foam to the environment. Provides that the Act's prohibitions apply regardless of whether the testing is required by law or by a unit of local government or State agency having authority concerning testing by firefighters. Provides that the Act does not prohibit or restrict the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or the use of Class B firefighting foam that contains intentionally added PFAS chemicals in an emergency firefighting operation or an emergency fire prevention operation. Effective immediately.

LRB102 14795 CPF 20148 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Firefighting Foam Act.

6 Section 5. Definitions. In this Act:

7 "Class B firefighting foam" means a foam intended for use
8 in extinguishing flammable liquid fires.

9 "Person" means an individual, corporation, limited
10 liability company, partnership, or another legal entity.

11 "PFAS chemical" means any perfluoroalkyl substance or
12 polyfluoroalkyl substance that contains at least one fully
13 fluorinated carbon atom and is used in firefighting agents.

14 "State agency" means any agency, board, commission,
15 department, bureau, or other entity of the State government.

16 "Testing" includes, but is not limited to:

- 17 (1) calibration testing;
18 (2) conformance testing; and
19 (3) fixed system testing.

20 Section 10. Class B firefighting foam.

21 (a) After June 30, 2021, a person, unit of local
22 government, or State agency:

1 (1) shall not use for training purposes a Class B
2 firefighting foam that contains an intentionally added
3 PFAS chemical; and

4 (2) for the purposes of training firefighters in the
5 use of firefighting foam, may use only training foam that
6 does not contain intentionally added PFAS chemicals.

7 (b) After June 30, 2021, a person, unit of local
8 government, or State agency shall not use for testing purposes
9 a Class B firefighting foam that contains intentionally added
10 PFAS chemicals unless the testing facility has implemented
11 appropriate containment, treatment, and disposal measures to
12 prevent releases of the Class B firefighting foam to the
13 environment.

14 (c) Subsection (a) applies regardless of whether the
15 testing is required by law or by a unit of local of local
16 government or State agency having authority concerning testing
17 by firefighters.

18 Section 15. Exceptions. This Act does not prohibit or
19 restrict:

20 (1) the manufacture, sale, or distribution of Class B
21 firefighting foam that contains intentionally added PFAS
22 chemicals; or

23 (2) the use of Class B firefighting foam that contains
24 intentionally added PFAS chemicals in:

25 (A) an emergency firefighting operation; or

1 (B) an emergency fire prevention operation.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.