

Chapter 276

(House Bill 619)

AN ACT concerning

Environment – Use of Fire-Fighting Foam ~~Containing Perfluoroalkyl and Polyfluoroalkyl Substances – Prohibition~~ and PFAS Chemicals

FOR the purpose of prohibiting, on or after a certain date, the use of certain fire-fighting foam containing perfluoroalkyl and polyfluoroalkyl substances for firefighter testing or training purposes; providing that this Act does not restrict the manufacture, sale, or distribution of certain fire-fighting foam or the discharge or other use of certain fire-fighting foam in certain operations; requiring the use of certain foam for fire-fighting training; establishing certain penalties for a violation of this Act; defining a certain term terms; providing for the application of this Act; and generally relating to perfluoroalkyl and polyfluoroalkyl substances fire-fighting foam and PFAS chemicals.

BY adding to

Article – Environment

Section 6-1601 through ~~6-1604~~ 6-1605 to be under the new subtitle “Subtitle 16. Perfluoroalkyl and Polyfluoroalkyl Substances PFAS Chemicals”

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

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

Article – Environment

SUBTITLE 16. ~~PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES~~ PFAS CHEMICALS.

6-1601.

(A) IN THIS SUBTITLE, ~~“PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES” MEANS MANUFACTURED CHEMICALS USED IN A WIDE VARIETY OF CONSUMER AND INDUSTRY PRODUCTS, INCLUDING:~~

- (1) ~~STAIN RESISTANT AND WATER RESISTANT FABRICS;~~**
- (2) ~~CLEANING PRODUCTS;~~**
- (3) ~~PAINT; AND~~**

(4) ~~FIRE-FIGHTING FOAMS.~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

(C) “PFAS CHEMICALS” MEANS A CLASS OF FLUORINATED ORGANIC CHEMICALS THAT:

(1) CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM, INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; AND

(2) ARE DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B FIRE-FIGHTING FOAM FORMULATIONS.

6-1602.

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

6-1603.

ON OR AFTER OCTOBER 1, 2021, ~~FIRE-FIGHTING FOAM CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES MAY NOT BE USED FOR FIREFIGHTER TRAINING PURPOSES~~ CLASS B FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED FOR:

(1) TESTING PURPOSES, INCLUDING CALIBRATION TESTING, CONFORMANCE 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 RELEASES OF FOAM INTO THE ENVIRONMENT; OR

(2) TRAINING PURPOSES.

6-1604.

NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF FIRE-FIGHTING TRAINING.

6-1605.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.