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HOUSE BILL NO. 2762

Offered January 17, 2019

A *BILL* to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of a section numbered 62.1-44.34:29, relating to firefighting foam management.

Patrons—Bulova, Wilt, Bloxom, Carr, Lopez and Murphy

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of a section numbered 62.1-44.34:29, as follows:

Article 13.

Firefighting Foam Management.

§ 62.1-44.34:29. Firefighting foam management.

A. For purposes of this section, unless the context requires a different meaning:

"Class B firefighting foam" means a foam designed for flammable liquid fires.

"Local government" includes any locality, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

"PFAS chemicals," "perfluoroalkyl," or "polyfluoroalkyl substances" means, for the purposes of firefighting agents, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam formulations.

"Testing" includes calibration testing, conformance testing, and fixed system testing.

B. The Virginia Department of Fire Programs, including the Virginia Fire Services Board, shall, before January 1, 2020, begin assisting local municipal fire departments to evaluate and, when appropriate, transition to the use of class B firefighting foams that are free of fluorine.

C. Beginning July 1, 2020, no person, local government, or agency of the Commonwealth shall discharge or otherwise use class B firefighting foam that contains intentionally added PFAS chemicals (i) for testing purposes, unless otherwise required by law or by the agency having jurisdiction over the testing facility, and with the condition that the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent uncontrolled releases of foam to the environment or (ii) for training purposes, where such foam shall be replaced by nonfluorinated training foams.

D. No provision of this section shall restrict (i) the manufacture, sale, or distribution of class B firefighting foam that contains intentionally added PFAS chemicals or (ii) the discharge or other use of such foams in emergency firefighting or fire prevention operations.

INTRODUCED

HB2762