HOUSE BILL DRH40235-MH-38C

Short Title:	Firefighting Foam Registry.	(Public)
Sponsors:	Representative Davis.	
Referred to:		

1   A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MANDATORY REPORTING OF AQUEOUS FILM-FORMING
3   FOAM USAGE AND INVENTORY BY NORTH CAROLINA FIRE DEPARTMENTS
4   AND THE CREATION OF AN ONLINE PORTAL TO TRACK FOAM USAGE.
5 The General Assembly of North Carolina enacts:
6   **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new Article
7 to read:
8   "Article 82B.
9   "Management of Aqueous Film-Forming Foams.
10 "**§ 58-82B-1. Findings.**
11   The General Assembly finds that certain firefighting foams used to fight Class B fires, often
12 referred to as Aqueous Film-Forming Foams (AFFF), are critical for fire suppression and public
13 safety. However, because many AFFF could contain per- and poly-fluoroalkyl substances,
14 certain foams may require additional research, oversight, and management. The General
15 Assembly further finds that accurate and comprehensive reporting of the use of AFFF by fire
16 departments throughout the State is essential in order to appropriately manage the potential
17 impacts of AFFF on the environment and public health.
18 "**§ 58-82B-5. Reporting requirement.**
19   Fire departments operated, regulated, or managed by one or more units of State and local
20 government, including those located at or serving public airports, in partnership with the Office
21 of the State Fire Marshal (OSFM), shall, no later than July 1, 2022, and annually thereafter, do
22 all of the following:
23   (1)   Provide an inventory of all AFFF at each department.
24   (2)   Identify all AFFF no longer utilized at each department that should be
25   properly disposed of.
26   (3)   Report annually in summary form and within 15 days individually every
27   incident where AFFF were deployed. Both the annual summary report and the
28   individual incident reports shall utilize the online portal created as directed by
29   G.S. 58-82B-10.
30 "**§ 58-82B-10. Duties of Office of the State Fire Marshal.**
31   The Office of the State Fire Marshal (OSFM) shall do all of the following:
32   (1)   Educate and inform every fire department it regulates of the reporting
33   requirements imposed by this Article.
34   (2)   Assist the North Carolina Policy Collaboratory at the University of North
35   Carolina at Chapel Hill in the development of an online reporting portal for
36   fire departments operated, regulated, or managed by one or more units of State

1   and local government, including those located at or serving public airports,
2   with the requirements of this act.
3   (3)   Adopt rules to implement the requirements of this Article. OSFM may adopt
4   temporary rules and shall adopt permanent rules no later than July 1, 2022.
5 **"§ 58-82B-15. Report.**
6   The Office of the State Fire Marshal (OSFM) shall report annually to the Environmental
7 Review Commission no later than September 1 of each year on the utilization and inventory of
8 AFFF by fire departments across the State during the previous fiscal year based on the reporting
9 requirements of this Article."
10   **SECTION 2.** The North Carolina Policy Collaboratory at the University of North
11 Carolina at Chapel Hill (Collaboratory), in collaboration with the Office of the State Fire Marshal
12 and any unit of State and local government deemed relevant by the Collaboratory, shall develop
13 and maintain the online reporting portal required by G.S. 58-82B-10, as enacted by Section 1 of
14 this act. The portal shall consist of an online reporting tool and related database that captures the
15 storage and deployment of Aqueous Film-Forming Foams (AFFF) by fire departments in the
16 State that are operated, managed, or overseen by units of local government, including those
17 located at or serving public airports. This reporting tool shall be easily accessible to firefighters
18 and fire department personnel to upload the data required by this act. The required inventory data
19 shall include, at a minimum, the following:
20   (1)   The number of trucks at each department that carry AFFF and the volume,
21   trade name, and CAS number of the AFFF on each truck.
22   (2)   The fire station (including street address) where each truck is located.
23   (3)   The volume, trade name, and CAS number of AFFF stored by each fire
24   department or unit of local government at a station or other location, as well
25   as the address of each location where AFFF are stored.
26   (4)   The volume, trade name, and CAS number of AFFF products that are no
27   longer utilized and could be removed from inventory for disposal.
28   (5)   The volume of AFFF used by each fire department annually, including all of
29   the following:
30   a.   The date, time, and location, including street address and GPS
31   coordinates, where AFFF was deployed, and the trade name and CAS
32   number of the AFFF used.
33   b.   The total volume of AFFF deployed, including gallons of foam and
34   gallons of water and total concentration of foam.
35   c.   The reason for the deployment of AFFF (such as firefighting, fire
36   prevention, other emergency response actions intended to protect
37   property or public safety, training, or an accidental spill).
38   (6)   A photograph of the label and the container of the foam. For the purpose of
39   this subdivision, a photograph includes an electronic image produced by the
40   camera of an electronic device.
41   (7)   Any other data deemed relevant by the Collaboratory to establish a statewide
42   inventory of AFFF used for fighting fires or firefighter training.
43   OSFM and all units of local government shall provide any information or assistance
44 requested by the Collaboratory to acquire, compile, manage, interpret, and maintain the data
45 required by this section. The tool and database required by this section shall be online and
46 operational no later than June 1, 2022.
47   **SECTION 3.** The sum of five hundred thousand dollars ($500,000) in nonrecurring
48 funds for the 2021-2022 fiscal year is appropriated from the General Fund to the Board of
49 Governors of The University of North Carolina, to be allocated to the University of North
50 Carolina at Chapel Hill for the activities of the Collaboratory described in Section 2 of this act.

1   **SECTION 4.** Section 3 of this act becomes effective July 1, 2021. The remainder of
2   this act is effective when it becomes law.