



HOUSE BILL 370: Responsible Firefighting Foam Management Act.

2023-2024 General Assembly

Committee: House Rules, Calendar, and Operations of the House **Date:** April 26, 2023

Introduced by: Reps. Davis, Saine, K. Hall, Clampitt **Prepared by:** Aaron McGlothlin
Analysis of: First Edition **Staff Attorney**

OVERVIEW: *House Bill 370 would prohibit the discharge of Class B firefighting foam containing PFAS chemicals for training, practice, and testing purposes.*

CURRENT LAW/BACKGROUND:

In 2019, the General Assembly directed the NC Collaboratory (Collaboratory) at the University of North Carolina at Chapel Hill to create an inventory of aqueous film-forming foam (AFFF) used or stored on the premises of fire departments in North Carolina and develop a process for collecting and disposing unneeded AFFF inventories held by those fire departments (S.L. 2019-241, s. 7).

In 2021, the General Assembly directed the Office of State Fire Marshal to assist the Collaboratory to develop an online reporting portal, to be operational no later than January 1, 2023, for State, local, and public airport fire departments to report all inventory, storage, and deployment incidents of AFFF (S.L. 2021-180, s.8.10(h), as codified in Article 82B of Chapter 58 of the General Statutes).

BILL ANALYSIS:

House Bill 370 would prohibit the discharge of Class B firefighting foam¹ that contains intentionally added PFAS chemicals (i) for training or practice purposes; and (ii) for testing purposes, except when required by law or an authority having jurisdiction for testing facilities that otherwise implement appropriate containment, treatment, and disposal measures to prevent the release of Class B firefighting foam into the environment.

This bill would require the use of non-fluorinated training foams or other non-fluorinated surrogates in lieu of firefighting foam containing PFAS chemicals and provide that all training must be conducted under conditions conducive to the collection of spent foam, regardless of type.

The Office of the State Fire Marshal would be authorized to adopt rules to implement these requirements.

EFFECTIVE DATE: This bill would become effective December 1, 2023.

¹ For purposes of this Part, "Class B firefighting foam" is defined as "foams designed for flammable liquid fires."

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