

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4899

BY DELEGATES ESPINOSA, SUMMERS AND J. KELLY

[Introduced February 11, 2020; Referred to the
Committee on Fire Departments and Emergency
Medical Services then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-3-5g, relating to prohibiting the use of class B fire-fighting foam for testing
 3 purposes if the foam contains a certain class of fluorinated organic chemicals; providing
 4 definitions; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5g. Class B firefighting foam.

1 (a) The State Fire Commission shall, on or before July 1, 2020, propose rules for legislative
 2 approval in accordance with §29A-3-1 et seq. of this code to provide:

3 (1) Standard safe practices for the discharge or otherwise use class B fire-fighting foam
 4 that contains intentionally added polyfluoroalkyl substances (PFAS).

5 (2) For purposes of this section:

6 “Class B fire-fighting foam” means any foam designed to extinguish flammable liquid fires.

7 “PFAS chemicals” means a class of fluorinated organic chemicals containing at least one
 8 fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances, and
 9 designed to be fully functional in class B fire-fighting foam formulations.

10 “Testing: means calibration testing, conformance testing, or fixed system testing.

11 (b) On or after July 1, 2020, no person; fire department; state department, agency, board,
 12 bureau, office, commission, public corporation, or authority; county, municipal corporation, school
 13 district, or other political subdivision of this state may discharge or otherwise use class B fire-
 14 fighting foam that contains intentionally added PFAS chemicals unless:

15 (1) The discharge or other use occurs in fire prevention or in response to an emergency
 16 fire-fighting operation; or

17 (2) The discharge or other use is for training or testing purposes which occurs at a facility
 18 that has implemented containment, treatment, and disposal measures to prevent uncontrolled
 19 releases of such class B fire-fighting foam into the environment.

20 (3) Training standards and qualifications for persons who install or maintain liquefied
21 petroleum gas systems as established by the National Propane Gas Association's Certified
22 Employee Training Program.

23 (c) Nothing in this code section may be construed to:

24 (1) Restrict the manufacture, sale, or distribution of class B fire-fighting foam that contains
25 intentionally added PFAS chemicals or restrict the discharge or other use of class B fire-fighting
26 foam in response to an emergency fire-fighting operation; or

27 (2) Prevent the use of nonfluorinated foams, including other class B fire-fighting foams, for
28 purposes of training for fire-fighting operations.

29 (d) The State Fire Commission may establish work groups and seek input in the
30 rulemaking process from groups or individuals with an interest in any aspect of the use of B fire-
31 fighting foams.

NOTE: The purpose of this bill is to prohibit the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; and providing exceptions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.