

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1351

4
5 By: Representative Wing
6 By: Senator Flippo

For An Act To Be Entitled

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8
9 AN ACT CONCERNING THE USE OF CERTAIN CHEMICALS IN
10 FIREFIGHTING FOAM; AND FOR OTHER PURPOSES.

Subtitle

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13 CONCERNING THE USE OF CERTAIN CHEMICALS
14 IN FIREFIGHTING FOAM.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Title 20, Chapter 22, is amended to add an
21 additional subchapter to read as follows:

SUBCHAPTER 1 – GENERAL PROVISIONS

20-22-101. Firefighting foam – Definitions.

(a) As used in this section:

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26 (1) "Class B firefighting foam" means foam designed for
27 flammable liquid fires;

28 (2) "Foam training facility" means a facility:

29 (A) In which the discharge of foam is permitted in a
30 nonemergency situation for the training of firefighters and the readiness of
31 equipment; and

32 (B) That may have the capability to provide evaluation and
33 calibration of equipment and foam;

34 (3) "Local government" means a municipality, county, fire
35 district, regional fire protection authority, or other public entity that
36 provides firefighting service;



1 (4) "PFAS chemical" means:

2 (A) Perfluoroalkyl and polyfluoroalkyl substances; and

3 (B) For the purpose of firefighting agents, a class of
4 fluorinated organic chemicals containing at least one (1) fully fluorinated
5 carbon atom and designed to be fully functional in class B firefighting foam;

6 (5) "Testing" means calibration testing, conformance testing,
7 and fixed system testing; and

8 (6) "Testing facility" means a facility:

9 (A) In which the discharge of foam is permitted in a
10 nonemergency situation for evaluation and calibration of firefighting
11 equipment and foam; and

12 (B) That may have the capability to provide training of
13 firefighters.

14 (b) Beginning January 1, 2022, a person, local government, or state
15 agency shall not discharge class B firefighting foam that contains
16 intentionally added PFAS chemicals for training purposes in a foam training
17 facility.

18 (c) Beginning January 1, 2022, a person, local government, or state
19 agency shall not discharge class B firefighting foam that contains
20 intentionally added PFAS chemicals for testing purposes in a testing
21 facility, unless otherwise required by law or ordinance and the testing
22 facility has implemented appropriate containment, treatment, and disposal
23 measures to prevent release into the environment.

24 (d) This section does not affect:

25 (1) The manufacture, sale, or distribution of class B
26 firefighting foam that contains intentionally added PFAS chemicals; or

27 (2) The discharge or other use of class B firefighting foam that
28 contains intentionally added PFAS chemicals in emergency firefighting or fire
29 prevention operations.

30 (e) For the purposes of firefighting training:

31 (1) Nonfluorinated training foams or other nonfluorinated
32 surrogates shall be used; and

33 (2) Training shall be conducted under conditions conducive to
34 the collection of spent foam.

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