

SENATE No. 2902

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, July 29, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to the reduction of certain toxic chemicals in firefighter personal protective equipment (Senate, No. 1502) (also based on Senate, No. 1556), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2902).

For the committee,
Michael J. Rodrigues

SENATE No. 2902

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**In the One Hundred and Ninety-Third General Court
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An Act relative to the reduction of certain toxic chemicals in firefighter personal protective equipment.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 245. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Firefighting personal protective equipment”, clothing or wearable items designed,
6 intended or marketed to be worn by firefighting personnel in the performance of their duties that
7 is designed for use in fire and rescue activities, including, but not limited to, jackets, pants,
8 footwear, gloves, helmets and respiratory equipment.

9 “Intentionally added PFAS”, PFAS chemicals that are added to a product or that enter the
10 product from the manufacturing or processing of the product; provided, however, that the
11 manufacturer of such product knows, or is reasonably expected to know, or possesses or controls
12 information of such addition of PFAS chemicals; and provided further, that “Intentionally added

13 PFAS” shall include any degradation products containing PFAS chemicals or products for which
14 PFAS chemicals or PFAS precursors are used as a processing agent or mold release agent or
15 PFAS created by chemical reactions.

16 “Local government”, a county, city, town, fire district, regional fire protection authority
17 or special purpose district that provides firefighting services.

18 “Manufacturer”, a person, firm, association, partnership, corporation, organization, joint
19 venture, importer or domestic distributor that manufactures, sells or distributes firefighting
20 agents or firefighting equipment; provided, however, that in the case of a product imported into
21 the United States, “manufacturer” shall include the importer or first domestic distributor of the
22 product if the person that manufactured or assembled or whose brand name is affixed to the
23 product does not have a presence in the United States.

24 “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals”, a class of
25 fluorinated organic chemicals containing at least 1 fully fluorinated carbon atom.

26 (b) A manufacturer or other person that that sells firefighting personal protective
27 equipment containing PFAS chemicals to any person, local government or state agency shall
28 provide written notice to the purchaser at the time of sale which shall state: (i) that the
29 firefighting personal protective equipment contains PFAS chemicals; (ii) the reason for which
30 the firefighting personal protective equipment contains PFAS chemicals; and (iii) the specific
31 PFAS chemicals within the product listed by chemical name and abbreviated name.

32 A manufacturer or other person selling firefighting personal protective equipment and the
33 purchaser of said equipment shall retain a copy of the notice on file for not less than 3 years from
34 the date of the purchase. Upon the request of the department, said manufacturer or purchaser

35 shall furnish the notice, or copies of the notice, and associated sales documentation to the
36 department within 60 days of such request.

37 SECTION 2. Section 245 of said chapter 111, added by section 1, is hereby amended by
38 striking out subsection (b) and inserting in place thereof the following subsection:-

39 (b) A manufacturer or other person that sells firefighting personal protective equipment to
40 a person, local government or state agency shall not manufacture, knowingly sell, offer for sale,
41 distribute for sale or distribute for use in the commonwealth any firefighting personal protective
42 equipment containing intentionally added PFAS.

43 SECTION 3. Section 1 shall take effect on January 1, 2025.

44 SECTION 4. Section 2 shall take effect on January 1, 2027.