
HOUSE BILL 2265

State of Washington

66th Legislature

2020 Regular Session

By Representative Doglio

Prefiled 12/23/19.

1 AN ACT Relating to eliminating exemptions from restrictions on
2 the use of perfluoroalkyl and polyfluoroalkyl substances in
3 firefighting foam; amending RCW 70.75A.020; reenacting and amending
4 RCW 70.75A.005; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.75A.005 and 2018 c 286 s 1 are each reenacted and
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) (~~"Chemical plant" has the same meaning as in WAC~~
11 ~~296-24-33001, as that section existed as of January 1, 2018.~~

12 ~~(2))~~ "Class B firefighting foam" means foams designed for
13 flammable liquid fires.

14 ~~((3))~~ (2) "Department" means the department of ecology.

15 ~~((4))~~ (3) "Firefighting personal protective equipment" means
16 any clothing designed, intended, or marketed to be worn by
17 firefighting personnel in the performance of their duties, designed
18 with the intent for the use in fire and rescue activities, including
19 jackets, pants, shoes, gloves, helmets, and respiratory equipment.

1 ~~((5))~~ (4) "Local governments" includes any county, city, town,
2 fire district, regional fire protection authority, or other special
3 purpose district that provides firefighting services.

4 ~~((6))~~ (5)(a) "Manufacturer" includes any person, firm,
5 association, partnership, corporation, organization, joint venture,
6 importer, or domestic distributor of firefighting agents or
7 firefighting equipment.

8 (b) For the purposes of this subsection, "importer" means the
9 owner of the product.

10 ~~((7))~~ (6) "Perfluoroalkyl and polyfluoroalkyl substances" or
11 "PFAS chemicals" means, for the purposes of firefighting agents and
12 firefighting equipment, a class of fluorinated organic chemicals
13 containing at least one fully fluorinated carbon atom.

14 **Sec. 2.** RCW 70.75A.020 and 2018 c 286 s 3 are each amended to
15 read as follows:

16 ~~((1))~~ Beginning July 1, 2020, a manufacturer of class B
17 firefighting foam may not manufacture, knowingly sell, offer for
18 sale, distribute for sale, or distribute for use in this state class
19 B firefighting foam to which PFAS chemicals have been intentionally
20 added.

21 ~~((2) The restrictions in subsection (1) of this section do not
22 apply to any manufacture, sale, or distribution of class B
23 firefighting foam where the inclusion of PFAS chemicals are required
24 by federal law, including but not limited to the requirements of 14
25 C.F.R. 139.317, as that section existed as of January 1, 2018. In the
26 event that applicable federal regulations change after January 1,
27 2018, to allow the use of alternative firefighting agents that do not
28 contain PFAS chemicals, then the department may adopt rules that
29 restrict PFAS chemicals for the manufacture, sale, and distribution
30 of firefighting foam for uses that are addressed by the federal
31 regulation.~~

32 ~~(3) The restrictions in subsection (1) of this section do not
33 apply to any manufacture, sale, or distribution of class B
34 firefighting foam to a person for use at a terminal, as defined in
35 RCW 82.23A.010, operated by the person or an oil refinery operated by
36 the person.~~

37 ~~(4) The restrictions in subsection (1) of this section do not
38 apply to any manufacture, sale, or distribution of class B~~

1 ~~firefighting foam to a person for use at a chemical plant operated by~~
2 ~~the person.))~~

3 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2022.

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