



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3154

Introduced 2/6/2020, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.930 new

Creates the PFAS Reduction Act. Provides that a person, local government, fire department, or State agency may not discharge or otherwise use for training or testing purposes a class B firefighting foam containing intentionally added PFAS. On and after January 1, 2021, prohibits the knowing manufacture, sale, offering for sale, distribution for sale, or distribution for use of a class B firefighting foam containing intentionally added PFAS. Provides specified notice and recall requirements for manufacturers. Contains a prohibition and exemption for the manufacture, sale, offering for sale, or distribution for sale of food packaging containing intentionally added PFAS. Requires manufacturers of class B firefighting foam containing PFAS to register with the Environmental Protection Agency and pay to the Agency an annual registration fee of \$5,000. Requires the Agency to administer and enforce the Act and to adopt rules. Requires the Office of the State Fire Marshal to conduct a survey of fire departments and to provide a report of the results of the survey to the General Assembly no later than 90 days after its completion. Creates the PFAS Program Fund as a special fund in the State treasury and makes a conforming change in the State Finance Act. Provides a civil penalty of \$5,000 for the first violation of the Act and \$10,000 for each subsequent violation. Effective immediately.

LRB101 19263 CPF 68728 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the PFAS  
5 Reduction Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means the Environmental Protection Agency.

8 "Class B firefighting foam" means foam designed to  
9 extinguish flammable liquid fires.

10 "Fire department" means the duly authorized fire  
11 protection organization of a unit of local government, a  
12 Regional Fire Protection Agency, a fire protection district, or  
13 a volunteer fire department.

14 "Firefighting personal protective equipment" means any  
15 clothing, including, but not limited to, jackets, pants, shoes,  
16 gloves, helmets, and respiratory equipment designed, intended,  
17 or marketed to be worn by firefighting personnel in the  
18 performance of their duties.

19 "Food package" means a package or packaging component  
20 intended to market, protect, or handle a product intended for  
21 food contact or used to store food and foodstuffs for sale.

22 "Food package" includes, but is not limited to, the individual  
23 assembled parts of a package, any interior or exterior

1 blocking, bracing, cushioning, weatherproofing, strapping,  
2 coating, closure, ink, or label.

3 "Local government" means a unit of local government or  
4 other special purpose district that provides firefighting  
5 services.

6 "Manufacturer" means a person that manufactures  
7 firefighting agents, firefighting equipment, or firefighting  
8 personal protective equipment and any agents of that person,  
9 including an importer, distributor, authorized servicer,  
10 factory branch, or distributor branch.

11 "Perfluoroalkyl substance or polyfluoroalkyl substance" or  
12 "PFAS" means a class of fluorinated organic chemicals  
13 containing at least one fully fluorinated carbon atom.

14 "Person" means any individual, partnership, association,  
15 public or private corporation, limited liability company, or  
16 any other type of legal or commercial entity, including, but  
17 not limited to, members, managers, partners, directors, or  
18 officers.

19 Section 10. Class B firefighting foam; PFAS.

20 (a) A person, local government, fire department, or State  
21 agency may not discharge or otherwise use for training or  
22 testing purposes a class B firefighting foam containing  
23 intentionally added PFAS.

24 (b) On and after January 1, 2021, a manufacturer of class B  
25 firefighting foam may not knowingly manufacture, sell, offer

1 for sale, distribute for sale, or distribute for use in this  
2 State a class B firefighting foam containing intentionally  
3 added PFAS.

4 (c) The prohibitions of this Section do not apply to the  
5 manufacture, sale, or distribution of class B firefighting foam  
6 where the inclusion of PFAS chemicals is required or authorized  
7 under federal law, including, but not limited to, 14 CFR  
8 139.317, federal aviation administration guidance, or  
9 otherwise required for a military purpose. However, if  
10 applicable federal allows the use of alternative firefighting  
11 agents that do not contain PFAS chemicals, the restrictions  
12 under this Section shall apply.

13 Section 15. Notification; recall; registration and  
14 registration fee.

15 (a) On and after 30 days after the effective date of this  
16 Act, a manufacturer of class B firefighting foam that is  
17 restricted under Section 10 must notify, in writing, a person  
18 that sells the manufacturer's class B firefighting foam in this  
19 State of the provisions of this Act.

20 (b) A manufacturer that produces, sells, or distributes a  
21 class B firefighting foam restricted under Section 10 shall  
22 recall the product and reimburse the retailer or any other  
23 purchaser for the product.

24 (c) A manufacturer that produces, sells, or distributes a  
25 class B firefighting foam restricted under Section 10 shall

1 register with the Agency and pay to the Agency an annual  
2 registration fee of \$5,000 which shall be deposited into the  
3 PFAS Program Fund created under Section 40.

4 Section 20. Rules. The Agency shall adopt any rules  
5 necessary for the implementation and administration of this  
6 Act.

7 Section 25. Survey.

8 (a) On or before January 1, 2021, the Office of the State  
9 Fire Marshal shall conduct a survey of fire departments to  
10 determine:

11 (1) Each fire department's name, applicable  
12 identification number, and address.

13 (2) The amount, type, and date of manufacture of any  
14 class b firefighting foam containing intentionally added  
15 PFAS chemicals that each fire department possesses.

16 (3) How, where, and when each fire department has used  
17 class b firefighting foam containing intentionally added  
18 PFAS chemicals for firefighter training.

19 (4) Whether each fire department is served by a well or  
20 public drinking water source.

21 (5) Whether each fire department has used class b  
22 firefighting foam containing intentionally added PFAS  
23 chemicals in the previous 5 years, whether that use was  
24 reported to the Agency, and if not when and where the class

1           b firefighting foam containing intentionally added PFAS  
2           chemicals was used.

3           (6) How much, if any, class b firefighting foam  
4           containing intentionally added PFAS chemicals the fire  
5           department has disposed of and the method of disposal.

6           (b) The Office of the State Fire Marshal shall compile the  
7           results of the survey conducted under this Section and provide  
8           a report to the General Assembly no later than 90 days  
9           following the completion of the survey.

10          Section 30. Firefighting personal protective equipment.

11          (a) On and after January 1, 2021, a manufacturer or person  
12          who sells firefighting personal protective equipment to any  
13          person, fire department, local government, or State agency must  
14          provide written notice to the purchaser at the time of sale if  
15          the firefighting personal protective equipment contains  
16          intentionally added PFAS chemicals. The written notice must  
17          include a statement that the firefighting personal protective  
18          equipment being sold contains intentionally added PFAS  
19          chemicals and the reason PFAS chemicals are added to the  
20          firefighting personal protective equipment.

21          (b) A manufacturer or person who sells firefighting  
22          personal protective equipment and the person, fire department,  
23          local government, or State agency purchasing firefighting  
24          personal protective equipment must retain the notice provided  
25          under subsection (a) on file for at least 3 years after the

1 date of the transaction. Upon the request of the Agency, a  
2 manufacturer, person, fire department, local government, or  
3 State agency must furnish the notice, or copies of the notice,  
4 and any associated sales documentation to the Agency not more  
5 than 60 days after the Agency's request.

6 Section 35. Food packaging; exemption.

7 (a) On and after January 1, 2021, no person shall knowingly  
8 manufacture, sell, offer for sale, distribute for sale, or  
9 distribute for use in this State food packaging containing  
10 intentionally added PFAS.

11 (b) Subsection (a) shall not apply to food packaging that  
12 is sold, offered for sale, or distributed for promotional  
13 purposes in this State by a retailer or wholesaler on or after  
14 January 1, 2021 if the food packaging was imported into this  
15 State, or otherwise purchased or acquired by the retailer or  
16 wholesaler for sale or distribution in this State, prior to  
17 January 1, 2021.

18 Section 40. PFAS Program Fund. The PFAS Program Fund is  
19 created as a special fund in the State treasury. Moneys in the  
20 Fund shall be used by the Agency as provided by rules adopted  
21 by the Agency.

22 Section 45. Civil penalties. A manufacturer or person who  
23 violates this Act is subject to a civil penalty not to exceed

1 \$5,000 for the first violation and a civil penalty not to  
2 exceed \$10,000 for each subsequent violation. Penalties  
3 collected under this Section must be deposited into the PFAS  
4 Program Fund.

5 Section 90. The State Finance Act is amended by adding  
6 Section 5.930 as follows:

7 (30 ILCS 105/5.930 new)

8 Sec. 5.930. The PFAS Program Fund.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.