

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 Illinois Environmental Protection
8 Agency.

9 "Class B firefighting foam" means foam designed to
10 extinguish flammable liquid fires or prevent the ignition of
11 flammable liquids.

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

16 "Local government" means a unit of local government or
17 other special purpose district that provides firefighting
18 services.

19 "Manufacturer" means a person that manufactures Class B
20 firefighting foam and any agents of that person, including an
21 importer, distributor, authorized servicer, factory branch, or
22 distributor branch.

23 "Perfluoroalkyl substance or polyfluoroalkyl substance" or

1 "PFAS" means a class of fluorinated organic chemicals
2 containing at least one fully fluorinated carbon atom.

3 "Person" means any individual, partnership, association,
4 public or private corporation, limited liability company, or
5 any other type of legal or commercial entity, including, but
6 not limited to, members, managers, partners, directors, or
7 officers.

8 "Testing" means calibration testing, conformance testing,
9 and fixed system testing.

10 Section 7. Purpose. Nothing in this Act shall prevent or
11 discourage a fire department from responding to and mitigating
12 incidents where a fire, spill, or leak of a known or suspected
13 flammable liquid has occurred or is believed to be imminent.

14 Section 10. Class B firefighting foam; PFAS.

15 (a) Beginning January 1, 2022, a person, local government,
16 fire department, or State agency may not use for training or
17 testing purposes a Class B firefighting foam containing
18 intentionally added PFAS. However, the testing of Class B
19 firefighting foam to which PFAS has been intentionally added
20 may occur if the person, local government, fire department, or
21 State agency has performed all of the following:

22 (1) Evaluate the testing facility for containment,
23 treatment, and disposal measures to prevent uncontrolled
24 release of Class B firefighting foam to the environment.

1 Appropriate containment, treatment, and disposal or
2 storage measures may not include flushing, draining, or
3 otherwise discharging the foam into a storm drain or
4 sanitary sewer.

5 (2) Comply with the notification requirements provided
6 in Section 15.

7 (3) Provide training to employees of the possible
8 hazards, protective actions, and a disposal plan.

9 (b) On and after January 1, 2025, a manufacturer of Class B
10 firefighting foam may not knowingly manufacture, sell, offer
11 for sale, distribute for sale, or distribute for use in this
12 State a Class B firefighting foam containing intentionally
13 added PFAS. Any person who operates a refinery or chemical or
14 ethanol plant, a storage and distribution facility, or a tank
15 farm or terminal for flammable liquids, or who has a fixed foam
16 system in use at a manufacturing facility or warehouse, may
17 extend the date of compliance under this subsection to January
18 1, 2027 if, prior to January 1, 2025, the person determines
19 that additional time for compliance is needed and sends notice
20 of the determination to the Office of the State Fire Marshal.

21 (c) The prohibitions of this Section do not apply to the
22 manufacture, sale, or distribution of Class B firefighting
23 foam where the inclusion of PFAS chemicals is required or
24 authorized under federal law or local building or fire codes,
25 including, but not limited to, 14 CFR 139.317, federal
26 aviation administration guidance, and the 2016 edition of NFPA

1 409 Standard on Aircraft Hangars as amended, or otherwise
2 required for a military purpose. However, if applicable
3 federal law allows the use of alternative firefighting agents
4 that do not contain PFAS chemicals, the restrictions under
5 this Section shall apply.

6 (d) The prohibitions of this Section do not apply to the
7 use of Class B firefighting foam containing PFAS chemicals by
8 a fire department while responding to an emergency situation.

9 (e) On and after January 1, 2022, a manufacturer of Class B
10 firefighting foam must provide notification to the fire
11 department prior to the fire department's purchase of Class B
12 firefighting foam containing PFAS clearly indicating:

13 (1) that the product contains PFAS that may be
14 hazardous to health or the environment;

15 (2) the use of the product is regulated and restricted
16 under this Act; and

17 (3) other Class B firefighting foam options may be
18 available for purchase.

19 Section 15. Notification.

20 (a) On and after 30 days after the effective date of this
21 Act, a manufacturer of Class B firefighting foam that is
22 regulated under this Act must notify, in writing, a person
23 that sells the manufacturer's Class B firefighting foam in
24 this State of the provisions of this Act.

25 (b) Beginning on January 1, 2022, any person, unit of

1 local government, fire department, or State agency that
2 discharges or releases Class B firefighting foam that contains
3 intentionally added PFAS chemicals must notify the Illinois
4 Emergency Management Agency within 48 hours of the discharge
5 or release. The notification must include:

6 (1) the time, date, location, and estimated amount of
7 Class B firefighting foam discharged or released into the
8 environment;

9 (2) the purpose or reason of the discharge or release
10 into the environment;

11 (3) the containment, treatment, and disposal measures
12 to be taken or used to prevent or minimize the discharge or
13 release of the Class B firefighting foam into the
14 environment; and

15 (4) the name of the person, unit of local government,
16 fire department, or State agency, the local incident
17 number, and the Fire Department Identification (FDID)
18 number, if applicable.

19 (c) The Illinois Emergency Management Agency shall, no
20 less than annually, report any notifications specified in
21 subsection (b) to the Office of the State Fire Marshal.

22 Section 25. Survey.

23 (a) On or before January 1, 2022, and on or before January
24 1 of each of the 5 years thereafter, the Office of the State
25 Fire Marshal shall conduct a survey of fire departments to

1 determine:

2 (1) Each fire department's name, Fire Department
3 Identification (FDID) number, if applicable, and address.

4 (2) The amount, type, and date of manufacture and the
5 expiration date of any Class B firefighting foam
6 containing intentionally added PFAS chemicals that each
7 fire department possesses.

8 (3) How, where, and when each fire department has used
9 Class B firefighting foam containing intentionally added
10 PFAS chemicals within the previous 12 months, the NFIRS
11 incident number, and, if reported to the Illinois
12 Emergency Management Agency, the report number provided by
13 the Illinois Emergency Management Agency.

14 (4) How much, if any, Class B firefighting foam
15 containing intentionally added PFAS chemicals the fire
16 department has disposed of, and the method of disposal,
17 during the reporting period.

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

22 Section 30. Disposal.

23 (a) Proper disposal of Class B firefighting foam
24 containing PFAS shall not include flushing, draining, or
25 otherwise discharging the Class B firefighting foam into a

1 ditch, waterway, storm drain, or sanitary sewer.

2 (b) Class B firefighting foam must be properly disposed of
3 within 90 days of the expiration date provided by the
4 manufacturer.

5 (c) Beginning no later than January 1, 2023 and for a
6 period of no less than 2 years, the Agency shall post on its
7 website information regarding the proper methods for disposing
8 of Class B firefighting foam containing PFAS.

9 Section 35. Civil penalties. A manufacturer who violates
10 this Act is subject to a civil penalty not to exceed \$5,000 for
11 the first violation and a civil penalty not to exceed \$10,000
12 for each subsequent violation. Civil penalties collected under
13 this Section must be deposited into the Environmental
14 Protection Trust Fund to be used in accordance with the
15 provisions of the Environmental Protection Trust Fund Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.