



Sen. Laura Ellman

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1 AMENDMENT TO SENATE BILL 561

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 561 by replacing  
3 everything after the enacting clause with the following:

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

1 other special purpose district that provides firefighting  
2 services.

3 "Manufacturer" means a person that manufactures Class B  
4 firefighting foam and any agents of that person, including an  
5 importer, distributor, authorized servicer, factory branch, or  
6 distributor branch.

7 "Perfluoroalkyl substance or polyfluoroalkyl substance" or  
8 "PFAS" means a class of fluorinated organic chemicals  
9 containing at least one fully fluorinated carbon atom.

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

15 "Testing" means calibration testing, conformance testing,  
16 and fixed system testing.

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

21 Section 10. Class B firefighting foam; PFAS.

22 (a) Beginning January 1, 2022, a person, local government,  
23 fire department, or State agency may not use for training or  
24 testing purposes a Class B firefighting foam containing

1 intentionally added PFAS. However, the testing of Class B  
2 firefighting foam to which PFAS has been intentionally added  
3 may occur if the person, local government, fire department, or  
4 State agency has performed all of the following:

5 (1) Evaluate the testing facility for containment,  
6 treatment, and disposal measures to prevent uncontrolled  
7 release of Class B firefighting foam to the environment.  
8 Appropriate containment, treatment, and disposal or  
9 storage measures may not include flushing, draining, or  
10 otherwise discharging the foam into a storm drain or  
11 sanitary sewer.

12 (2) Comply with the notification requirements provided  
13 in Section 15.

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

16 (b) On and after January 1, 2025, a manufacturer of Class B  
17 firefighting foam may not knowingly manufacture, sell, offer  
18 for sale, distribute for sale, or distribute for use in this  
19 State a Class B firefighting foam containing intentionally  
20 added PFAS.

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 submit a report to the  
4 Agency within 48 hours of the discharge or release. The  
5 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.

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

22 Section 20. Rules. The Agency shall adopt any rules  
23 necessary for the implementation and administration of this  
24 Act. However, no rule shall be adopted that would prevent a  
25 fire department from mitigating an emergency incident

1 involving a Class B flammable liquid fire, spill, or leak.

2 Section 25. Survey.

3 (a) On or before January 1, 2022, and annually thereafter,  
4 the Office of the State Fire Marshal shall conduct a survey of  
5 fire departments to determine:

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

8 (2) The amount, type, and date of manufacture and the  
9 expiration date of any Class B firefighting foam  
10 containing intentionally added PFAS chemicals that each  
11 fire department possesses.

12 (3) How, where, and when each fire department has used  
13 Class B firefighting foam containing intentionally added  
14 PFAS chemicals within the previous 12 months, the NFIRS  
15 incident number, and, if reported to the Agency, the  
16 report number provided by the Agency.

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

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

25 (c) The Office of the State Fire Marshal shall assist

1 other State agencies, fire departments, and municipalities in  
2 avoiding purchasing or using firefighting agents containing  
3 PFAS chemicals that are regulated under this Act.

4 Section 30. Disposal.

5 (a) Proper disposal of Class B firefighting foam containing  
6 PFAS shall not include flushing, draining, or otherwise  
7 discharging the Class B firefighting foam into a waterway,  
8 storm drain, or sanitary sewer.

9 (b) Class B firefighting foam must be properly disposed of  
10 within 90 days of the expiration date provided by the  
11 manufacturer.

12 (c) Beginning no later than January 1, 2023 and for a period of  
13 no less than 2 years, the Agency shall develop a program to  
14 assist fire departments in disposing of Class B firefighting  
15 foam containing PFAS.

16 Section 35. Civil penalties. A manufacturer who violates  
17 this Act is subject to a civil penalty not to exceed \$5,000 for  
18 the first violation and a civil penalty not to exceed \$10,000  
19 for each subsequent violation. Civil penalties collected under  
20 this Section must be deposited into the Environmental  
21 Protection Trust Fund to be used in accordance with the  
22 provisions of the Environmental Protection Trust Fund Act.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".