



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3092

Introduced 2/17/2023, by Rep. Abdelnasser Rashid

#### SYNOPSIS AS INTRODUCED:

415 ILCS 170/5  
415 ILCS 170/40 new

Amends the PFAS Reduction Act. Provides that the Environmental Protection Agency shall contract with an existing multistate chemical data collection entity that is used by other states and jurisdictions to implement, by January 1, 2026, a publicly accessible data collection interface that manufacturers shall use to report certain data about products that contain intentionally added PFAS. Provides that the Agency may adopt rules necessary to implement these provisions. Provides that the Agency may provide technical assistance to manufacturers in complying with these provisions. Provides that, on or before July 1, 2026, and on or before July 1 of each year thereafter, a manufacturer of PFAS or a product or product component containing intentionally added PFAS that, during the prior calendar year, is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into the State shall register the PFAS or the product or product component containing intentionally added PFAS on the publicly accessible data collection interface, along with specified information. Provides that a violation of these provisions is subject to a civil penalty. Provides product exemptions for these provisions.

LRB103 30122 CPF 56546 b

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 5. The PFAS Reduction Act is amended by changing  
5 Section 5 and by adding Section 40 as follows:

6 (415 ILCS 170/5)

7 Sec. 5. Definitions. In this Act:

8 "Agency" means the Illinois Environmental Protection  
9 Agency.

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

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

17 "Intentionally added perfluoroalkyl and polyfluoroalkyl  
18 substances" or "intentionally added PFAS" means PFAS that a  
19 manufacturer has intentionally added to a product, a product's  
20 components, or a product's ingredients and that has a  
21 functional or technical effect in the product, the product's  
22 components, or the product's ingredients. "Intentionally added  
23 perfluoroalkyl and polyfluoroalkyl substances" or

1 "intentionally added PFAS" also includes the PFAS components  
2 of intentionally added chemicals and PFAS that are intentional  
3 breakdown products of an added chemical that also have a  
4 functional or technical effect in the product, the product's  
5 components, or the product's ingredients.

6 "Local government" means a unit of local government or  
7 other special purpose district that provides firefighting  
8 services.

9 "Manufacturer" means a person that manufactures Class B  
10 firefighting foam and any agents of that person, including an  
11 importer, distributor, authorized servicer, factory branch, or  
12 distributor branch.

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

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

21 "Testing" means calibration testing, conformance testing,  
22 and fixed system testing.

23 (Source: P.A. 102-290, eff. 8-6-21.)

24 (415 ILCS 170/40 new)

25 Sec. 40. Publicly accessible data collection program.

1       (a) The Agency shall contract with an existing multistate  
2 chemical data collection entity that is used by other states  
3 and jurisdictions to implement, by January 1, 2026, a publicly  
4 accessible data collection interface that manufacturers shall  
5 use to report data as required by this Section. The Agency may  
6 enter into any necessary contracts to implement this Section.  
7 To the extent reasonable and feasible, the data collection  
8 interface shall streamline and facilitate data reporting  
9 required by this Section with similar data reporting required  
10 by other states and jurisdictions.

11       (b) The Agency may adopt any rules or regulations  
12 necessary to implement this Section.

13       (c) The Agency may provide technical assistance to  
14 manufacturers in complying with this Section.

15       (d) The Agency may use rules or regulations adopted  
16 pursuant to subsection (b) or technical assistance provided  
17 pursuant to subsection (c) to clarify the reporting  
18 requirements or to ensure that the data collected are not  
19 duplicative among the reporting entities.

20       (e) On or before July 1, 2026, and on or before July 1 of  
21 each year thereafter, a manufacturer of PFAS or a product or  
22 product component containing intentionally added PFAS that,  
23 during the prior calendar year, is sold, offered for sale,  
24 distributed, or offered for promotional purposes in, or  
25 imported into, the State shall register the PFAS or the  
26 product or product component containing intentionally added

1 PFAS on the publicly accessible data collection interface  
2 implemented pursuant to subsection (a), along with all of the  
3 following information, as applicable:

4 (1) the name and type of product or product component  
5 containing intentionally added PFAS;

6 (2) the universal product code of the product or  
7 product component containing intentionally added PFAS;

8 (3) the purpose or function for which the  
9 intentionally added PFAS are used in the product or  
10 product component;

11 (4) the identity and amount of all PFAS compounds in  
12 the product or product component containing intentionally  
13 added PFAS, reported as follows:

14 (A) The identity shall be reported as follows:

15 (i) the specific name and the chemical  
16 abstracts service registry number of each PFAS  
17 compound, if both are known;

18 (ii) the specific name or the chemical  
19 abstracts service registry number if only one is  
20 known; or

21 (iii) the brand name of the formulation that  
22 contains PFAS and the name of the formulation  
23 manufacturer, if neither the specific name nor the  
24 chemical abstracts service registry number is  
25 known.

26 (B) The amount or weight of PFAS shall be reported

1           as follows:

2                   (i) the amount or weight of each intentionally  
3                   added PFAS compound, if known; or

4                   (ii) the total organic fluorine in the product  
5                   or product component containing intentionally  
6                   added PFAS, if the amount or weight of each  
7                   intentionally added PFAS compound is not known;

8           (5) the amount of the product or the product component  
9           or the numbers of products or product components sold,  
10           delivered, or imported into the State in the prior  
11           calendar year; and

12           (6) the name and address of the manufacturer and the  
13           name, address, and phone number of a contact person for  
14           the manufacturer.

15           (f) A violation of this Section is subject to a civil  
16           penalty under Section 35.

17           (g) This Section does not apply to any of the following:

18                   (1) a product regulated as a drug, medical device, or  
19                   dietary supplement by the United States Food and Drug  
20                   Administration;

21                   (2) any medical equipment or product used in medical  
22                   settings that is regulated by the United States Food and  
23                   Drug Administration;

24                   (3) a product intended for animals that is regulated  
25                   as animal drugs, biologics, parasiticides, medical  
26                   devices, and diagnostics used to treat or are administered

1        to animals under the Federal Food, Drug, and Cosmetic Act,  
2        the federal Virus-Serum-Toxin Act, or the Federal  
3        Insecticide, Fungicide, and Rodenticide Act.