

AN ACT concerning safety.

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

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

Section 5. Definitions. In this Act:

"Agency" means the Illinois Environmental Protection Agency.

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

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

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

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

"Perfluoroalkyl substance or polyfluoroalkyl substance" or

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

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

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

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

Section 10. Class B firefighting foam; PFAS.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15. Notification.

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

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

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

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

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

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

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

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

Section 25. Survey.

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

determine:

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

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

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

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

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

Section 30. Disposal.

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

ditch, waterway, storm drain, or sanitary sewer.

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

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

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

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