

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 370

Short Title: Responsible Firefighting Foam Management Act. (Public)

Sponsors: Representatives Davis, Saine, K. Hall, and Clampitt (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Rules, Calendar, and Operations of the House

March 16, 2023

A BILL TO BE ENTITLED
AN ACT TO FORBID USE OF FIREFIGHTING FOAMS CONTAINING PFAS CHEMICALS
FOR FIREFIGHTING TRAINING OR TESTING PURPOSES.

Whereas, communities around the State are facing threats to their drinking water sources and the health of their citizens due to per- and poly-fluoroalkyl substances (PFAS); and

Whereas, one of the major sources of this contamination is certain firefighting foams, and in particular the firefighting foams used to fight petroleum fires, called aqueous film forming foam (AFFF); and

Whereas, PFAS contamination is strongly linked to cancer, thyroid problems, reproductive system damage, and impairment to children's growth and development; and

Whereas, cancer is now the leading cause of line-of-duty deaths for firefighters, causing 66 percent of such deaths between 2002 and 2019; and

Whereas, less toxic alternatives to AFFF containing PFAS have been developed and are in use at airports, refineries in military applications, and by local fire departments around the world; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) This act shall be known as and may be cited as the "Responsible Firefighting Foam Management Act."

SECTION 1.(b) Article 21A of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 8. Responsible Firefighting Foam Management Act.

"§ 143-215.104FF. Definitions.

The following definitions apply in this Part:

- (1) Class B firefighting foam. – Foams designed for flammable liquid fires.
- (2) Fixed system. – A complete installation piped from a central foam supply source that discharges foam on the flammable liquid hazard through permanently installed discharge devices.
- (3) PFAS chemicals. – Per-fluoroalkyl and poly-fluoroalkyl substances that are a group of manufactured chemicals containing at least two fully fluorinated carbon atoms, excluding polymers, gases, and volatile liquids, and designed to be fully functional in Class B firefighting foam.
- (4) Testing. – Any calibration, conformance, or fixed system testing of Class B firefighting foam.
- (5) Testing facility. – A facility that allows the discharge of Class B firefighting foam for testing in nonemergency situations.



1 "§ 143-215.104GG. Prohibition of certain firefighting foams for training, practice, or
2 testing.

3 (a) No person, local government, or State agency may discharge for training or practice
4 purposes Class B firefighting foam that contains intentionally added PFAS chemicals.

5 (b) No person, local government, or State agency may discharge for testing purposes
6 Class B firefighting foam that contains intentionally added PFAS chemicals unless otherwise
7 required by law or an authority having jurisdiction and a testing facility has implemented
8 appropriate containment, treatment, and disposal measures to prevent releases of Class B
9 firefighting foam into the environment.

10 (c) Non-fluorinated training foams or other non-fluorinated surrogates shall be used for
11 firefighting training, and training shall be conducted under conditions conducive to the collection
12 of spent foam regardless of foam type.

13 (d) The Office of the State Fire Marshal may adopt rules to implement this Part."

14 **SECTION 2.** This act becomes effective December 1, 2023.