



Firefighting Foam Management Act – HB2762

An Example of Business and Watershed
Restoration

Delegate David Bulova
May 3, 2019

Overview of PFAS

- PFAS = per- and polyfluoroalkyl substances
- Manufactured since the 1940s
- Found in numerous consumer products:
 - Cookware (Teflon)
 - Food packaging
 - Stain repellants
- Certain PFAS extensively studied
 - Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)
 - Famous PFOS = Scotchgard
 - Most PFOA and PFOS no longer manufactured in the U.S.
 - Can still be imported
 - Used in carpet, leather and apparel, textiles, packaging, coatings, rubber and plastics
- Many PFOA and PFOS products have been reformulated with different PFAS



Health Concerns

- PFAS are very stable
- Can accumulate and stay in the body for long periods of time
- Studies indicate that PFAS (and particular PFOA and PFOS) can result in:
 - Increased cholesterol levels
 - Low infant birth weights
 - Effects on the immune system
 - Cancer (for PFOA)
 - Thyroid hormone disruption (for PFOS)

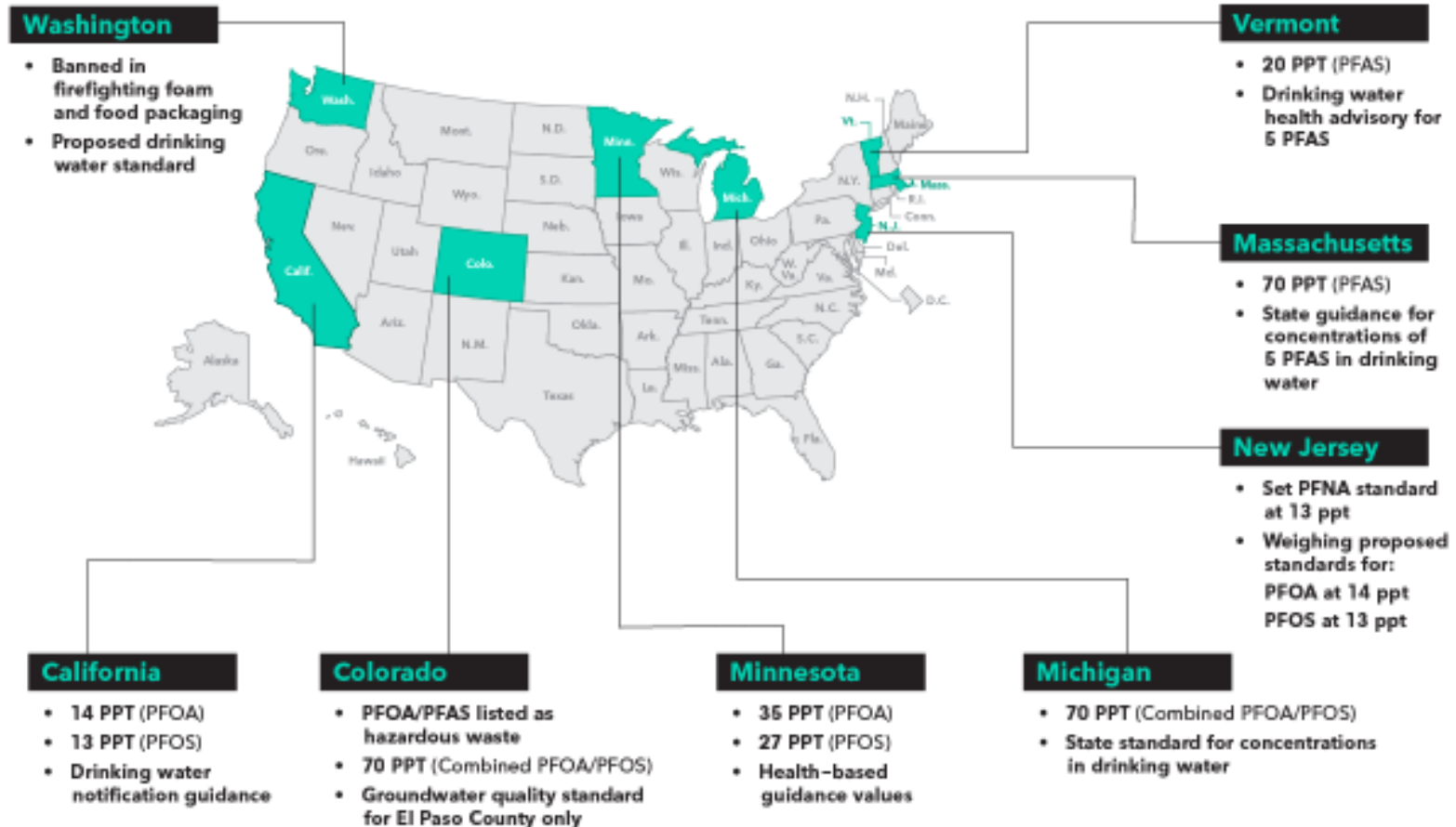
EPA Action Plan



- EPA issued a PFAS Action Plan in February 2019
- Outlines actions to address PFAS
 - Propose national drinking water regulatory determination for PFOA and PFOS
 - Initiate listing PFOA and PFOS as CERCLA hazardous substances
 - Explore data availability for listing PFAS chemicals to the Toxics Release Inventory
 - Explore identification of industrial sources that may warrant potential regulation
 - Determine if research supports Clean Water Act Section 304(a) water quality criteria for human health for PFAS.
- Concerns – too much focus on PFOA and PFOS rather than all PFAS; too little focus on prevention

State Actions

States With Numerical PFAS Limits



Firefighting Foam



- Component of Class B firefighting foam
- Very effective; used by municipalities and especially airports and military bases
- However...

... overuse has resulted in drinking water contamination

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Study of Firefighting Foam, Water Contamination Begins in Tiny Virginia Town

Drinking water contaminated near NASA Wallops Flight Facility

07/20/2018

By SARAH RANKIN, Associated Press

Chemical pollution study begins for Chincoteague residents

July 21, 2018 by [Camila Fernandez](#)

Military to check for water contamination at 664 sites

MARCH 10, 2016 / 6:41 PM / CBS/AP



Virginia Firefighting Foam Management Act

- Initiated by the American Chemistry Council and the Virginia Manufacturers Association
- Proactive attempt to reduce PFAS while preserving most important use
- Three major bill components
 - Allowed use for active fires
 - Strict best practices for testing
 - Ban use for training
- Intent to use Virginia as a template for other states



Primary Issue – Convincing Firefighters

- Question – Are there alternatives for “training” similar to the real thing?
 - Yes, there are other less toxic substitutes that suffice for training
- Question – With less use of the foam, will existing stockpiles go to waste?
 - No, the same reason PFAS is a problem (stability), makes this a non-issue
- Question – Can we have additional time to transition?
 - Yes, moved phase out date from July 1, 2020 to July 1, 2021

It helped that...

- VMA and ACC devoted staff to working with individual subcommittee members
- Measure was bi-partisan (Delegates Wilt and Bloxom)
- That we had a real example of the problem (in Delegate Bloxom's district)
- Chesapeake Bay Foundation threw their active support behind the bill

Next Steps

- Bill passed unanimously and has been signed by the Governor
- American Chemistry Council is interested in expanding this to other states
 - Adopted in Georgia and Kentucky
 - Close to passage in Arizona, Connecticut, Minnesota, and South Carolina
- May be an opportunity for Bay states to coordinate policy

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