

LEGISLATIVE COMMITTEE MINUTES

**SB257**

# Bill as Introduced

SB 257-FN - AS INTRODUCED

2019 SESSION

19-1011  
08/03

SENATE BILL

**257-FN**

AN ACT

prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SPONSORS:

Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Rep. Goley, Hills. 8

COMMITTEE:

Executive Departments and Administration

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ANALYSIS

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; Certain Chemicals In Firefighting Foam. Amend RSA 154 by inserting after  
2 section 8-a the following new section:

3 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

4 I. In this section,

5 (a) "Class B firefighting foam" means foams designed for flammable liquid fires.

6 (b) "Department" means the department of environmental services.

7 (c) "Firefighting personal protective equipment" means any clothing designed, intended,  
8 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
9 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,  
10 and respiratory equipment.

11 (d) "Manufacturer" includes any person, firm, association, partnership, corporation,  
12 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
13 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
14 the owner of the product.

15 (e) "Municipalities" means any county, city, town, fire district, regional fire district, or  
16 other special purpose district that provides firefighting services.

17 (f) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
18 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
19 containing at least one fully fluorinated carbon atom.

20 II. Beginning July 1, 2021, a manufacturer of class B firefighting foam may not  
21 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class  
22 B firefighting foam to which PFAS chemicals have been intentionally added.

23 III. The restrictions in paragraph II shall not apply to any sale or use of class B firefighting  
24 foam where the inclusion of PFAS chemicals are required by federal law, including but not limited  
25 to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1, 2018. In  
26 the event that applicable federal regulations change after January 1, 2018, to allow the use of  
27 alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt  
28 rules for the sales and uses of firefighting foam that are addressed by the federal regulation that  
29 restrict the use of firefighting foam that contains PFAS chemicals.

30 IV. Beginning July 1, 2020, a manufacturer or other person that sells firefighting personal  
31 protective equipment to any person, municipality, or state agency shall provide written notice to the

1 purchaser at the time of sale if the firefighting personal protective equipment contains PFAS  
2 chemicals. The written notice shall include a statement that the firefighting personal protective  
3 equipment contains PFAS chemicals.

4 V. The manufacturer or person selling firefighting personal protective equipment and the  
5 purchaser of the equipment shall retain the notice on file for at least 3 years from the date of the  
6 transaction. Upon the request of the department, a person, manufacturer, or purchaser shall  
7 furnish the notice, or written copies, and associated sales documentation to the department within  
8 60 days.

9 VI. A manufacturer of class B firefighting foam restricted under paragraph IV shall notify,  
10 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
11 chapter no less than one year prior to the effective date of the restrictions.

12 VII. A manufacturer that produces, sells, or distributes a class B firefighting foam  
13 restricted under paragraph IV shall recall the product and reimburse the retailer or any other  
14 purchaser for the product.

15 VIII. The department may request a certificate of compliance from a manufacturer of class  
16 B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests  
17 that a manufacturer's product or products meets the requirements of this chapter.

18 IX. The department shall assist the office of strategic initiatives, other state agencies, fire  
19 protection districts, and other municipalities to avoid purchasing or using firefighting agents  
20 containing PFAS chemicals, as required under paragraph II. The department shall assist the office  
21 of strategic initiatives, other state agencies, fire protection districts, and other municipalities to give  
22 priority and preference to the purchase of firefighting personal protective equipment that does not  
23 contain PFAS chemicals.

24 X. A manufacturer of class B firefighting foam in violation of paragraph II or IV is subject  
25 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
26 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to  
27 exceed \$10,000 for each repeat offense.

28 2 Effective Date. This act shall take effect January 1, 2020.

**SB 257-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Hazardous Waste Cleanup Fund			

**COUNTY:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires. The Department of Environmental Services (DES) indicates this bill prohibits the manufacture, sale and distribution of Class B firefighting foam, to which PFAS chemicals have been intentionally added, for use in New Hampshire except for use at facilities where inclusion of PFAS chemicals are required by federal law. This prohibition would take effect on July 1, 2021.

The bill requires that:

- Manufacturers or other persons that sell firefighting personnel protective equipment provide written notice to the purchaser at the time of sale if the equipment contains PFAS chemicals. The bill includes requirements for of documentation related to such notifications.
- Manufacturers of class B firefighting foam provide written notification to persons selling the manufacturer's products in the state about the provisions of this bill no less than one year before the effective date of the restrictions (July 1, 2021).
- Manufacturers that produce, sell, or distribute a class B firefighting foam to recall the

product and reimburse the retailer or any other purchaser for the product. It is assumed such required recall and reimbursement would apply to foams purchased after the effective date of July 1, 2021. If so, it is assumed state, county and local firefighting agencies could use their existing stock of PFAS-containing class B firefighting foam and not be required to dispose of their existing stock of foams.

- DES assist the Office of Strategic Initiatives, other state agencies, fire protection districts, and other municipalities to avoid purchasing or using firefighting agents containing PFAS chemicals. It is assumed the assistance would be outreach to applicable parties and continued research into the nature and use of PFAS chemicals on a national scale regarding class B firefighting foams and alternative products that do not contain PFAS chemicals. Such assistance would not include funding support or guidance relative to appropriate firefighting alternatives which would more appropriately be the purview of the Office of the State Fire Marshall.
- DES assist the Office of Strategic Initiatives, other state agencies, fire protection districts, and other municipalities to give priority and preference to the purchasing of firefighting personal protective equipment that does not include PFAS chemicals
- DES establish an administrative fine of \$5,000 for each violation associated with paragraphs II or IV of the bill and a maximum fine of \$10,000 for each repeat offense.

DES assumes revenue from the fines would be deposited into the General Fund but, it is not possible to predict how many violations would occur or the amount of additional revenue. There would be no additional revenue to county and local governments. DES's responsibilities would include outreach and research, efforts to monitor compliance with the ban, notice of the requirements and enforcement of the requirements. The effort and resources required to meet these responsibilities is not known, and the additional cost cannot be estimated. Since the bill does not require firefighting agencies to cease use of, or dispose of their existing PFAS-containing class B firefighting foam purchased prior to July 1, 2021, DES assumes the bill would not increase costs for state, county or local governments prior to the effective date. The DES has no information on the price difference between PFAS-containing class B firefighting foam and alternative foams, so the potential cost to state, county and local governments to purchase alternative firefighting foams is indeterminable.

The New Hampshire Municipal Association states the restriction on the use of class B firefighting foam containing perfluoroalkyl or perfluoroalkyl substances may require municipal fire departments to purchase different firefighting substances which may be more or less expensive than the restricted substances. Some municipalities may receive reimbursement for the foam already purchased, which may partly offset the cost of purchasing new products. The Association has no information on the cost of these products or how common use of the

restricted foam is in New Hampshire and assumes the effects of this bill would vary among municipalities. The Association indicates there would be no impact on local revenues.

The Office of Strategic Initiatives has no information on the manufacture, distribution, sale or use of firefighting foam and equipment. The Office states the bill does not provide specifics on how it would work with the other state agencies, fire protection districts and municipalities to avoid purchasing agents containing PFAS or give preference to purchasing non-PFAS protective equipment.

**AGENCIES CONTACTED:**

Department of Environmental Services, Office of Strategic Initiatives, and New Hampshire Municipal Association



SB 257-FN - AS AMENDED BY THE SENATE

03/14/2019 0845s

2019 SESSION

19-1011  
08/03

SENATE BILL

**257-FN**

AN ACT

prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SPONSORS:

Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Rep. Goley, Hills. 8

COMMITTEE:

Executive Departments and Administration

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ANALYSIS

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; Certain Chemicals In Firefighting Foam. Amend RSA 154 by inserting after  
2 section 8-a the following new section:

3 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

4 I. In this section,

5 (a) "Class B firefighting foam" means foam designed for flammable liquid fires.

6 (b) "Department" means the department of environmental services.

7 (c) "Firefighting personal protective equipment" means any clothing designed, intended,  
8 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
9 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,  
10 hoods, and respiratory equipment.

11 (d) "Legacy foams" means firefighting foams manufactured prior to January 1, 2004,  
12 containing PFAS chemicals.

13 (e) "Manufacturer" includes any person, firm, association, partnership, corporation,  
14 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
15 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
16 the owner of the product.

17 (f) "Municipalities" means any county, city, town, fire district, regional fire district, or  
18 other special purpose district that provides firefighting services.

19 (g) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
20 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
21 containing at least one fully fluorinated carbon atom.

22 (h) "Testing" includes calibration testing, conformance testing, and fixed system testing.

23 II. Beginning on January 1, 2020, no person, local government, or state agency shall  
24 discharge or otherwise use for training or testing purposes class B firefighting foam. However, the  
25 testing of class B firefighting foam may occur if the department has evaluated the testing facility for  
26 containment, treatment, and disposal measures to prevent uncontrolled release of foam to the  
27 environment.

28 III. Beginning January 1, 2020, a manufacturer of class B firefighting foam shall not  
29 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class  
30 B firefighting foam to which PFAS chemicals have been intentionally added.

1 IV. The restrictions in paragraph III shall not apply to any sale or use of class B firefighting  
2 foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to  
3 the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1, 2018. In the  
4 event that applicable federal regulations change after January 1, 2018, to allow the use of  
5 alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules  
6 for the sales and uses of firefighting foam that are addressed by the federal regulation that restrict  
7 the use of firefighting foam that contains PFAS chemicals.

8 V. Beginning January 1, 2020, a manufacturer or other person that sells firefighting  
9 personal protective equipment to any person, municipality, or state agency shall provide written  
10 notice to the purchaser at the time of sale if the firefighting personal protective equipment contains  
11 PFAS chemicals. The written notice shall include a statement that the firefighting personnel  
12 protective equipment contains PFAS chemicals. All notices shall be included in all personal files of  
13 all employees using the firefighting personal protective equipment which contain perfluoroalkyl  
14 chemicals

15 VI. The manufacturer or person selling firefighting personal protective equipment and the  
16 purchaser of the equipment shall retain the notice on file for at least 3 years from the date of the  
17 transaction. Upon the request of the department, a person, manufacturer, or purchaser shall  
18 furnish the notice, or written copies, and associated sales documentation to the department within  
19 60 days.

20 VII. A manufacturer of class B firefighting foam restricted under paragraph III shall notify,  
21 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
22 chapter no less than one year prior to the effective date of the restrictions.

23 VIII. A manufacturer that produces, sells, or distributes a class B firefighting foam  
24 restricted under paragraph III shall recall the product and reimburse the retailer or any other  
25 purchaser for the product.

26 IX. The department may request a certificate of compliance from a manufacturer of class B  
27 firefighting foam or firefighting personal protective equipment. A certificate of compliance attests  
28 that a manufacturer's product or products meets the requirements of this chapter.

29 X. The department shall assist the office of strategic initiatives, other state agencies, fire  
30 protection districts, and other municipalities to avoid purchasing or using firefighting agents  
31 containing PFAS chemicals, as required under paragraph III. The department shall assist the office  
32 of strategic initiatives, other state agencies, fire protection districts, and other municipalities to give  
33 priority and preference to the purchase of firefighting personal protective equipment that does not  
34 contain PFAS chemicals.

35 XI. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject  
36 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.

**SB 257-FN - AS AMENDED BY THE SENATE**

**- Page 3 -**

1 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to  
2 exceed \$10,000 for each repeat offense.

3 XII. Beginning on January 1, 2021, the department shall institute a take-back program of  
4 legacy foams for the purpose of safe and contained disposal.

5 XIII. Fire departments which use remaining class B firefighting foam shall be immune from  
6 civil or criminal damages only if discharged in an emergency situation.

7 XIV. Any time a class B firefighting foam is discharged, the agency or department making  
8 such discharge shall notify the department of environmental services within 48 hours of such  
9 discharge.

10 2 Effective Date. This act shall take effect upon its passage.

**SB 257-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2019-0845s)

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires. The Department of Environmental Services (DES) assumes the bill would require the Department to perform the following tasks:

- At the request of local, state, or other fire training organizations, evaluate their testing facilities for adequate containment, treatment, and disposal measures to prevent releases of foam to the environment.
- In the event that federal law changes, adopt rules to restrict the use of PFAS-containing foams at certain facilities.
- As necessary, request copies of notices or sales documentation from foam manufacturers, distributors, or purchasers of firefighting personal protective equipment.
- As necessary, request certificates of compliance from manufacturers of firefighting foams.
- Assist the office of strategic initiatives and other state agencies, fire protection districts, and municipalities to avoid purchase or use of PFAS-containing firefighting foams and to

give priority and preference to purchasing protective equipment that does not contain PFAS chemicals.

- As appropriate, levy administrative fines against manufacturers that violate the prohibition on the manufacture, sale, or distribution of firefighting foams that contain PFAS.
- Beginning on January 2, 2021, institute a take-back program for legacy foams containing PFAS for safe disposal.
- Receive reports from agencies or departments that use and discharge class B firefighting foam.

The Department does not have information on how often, at what level of effort, these responsibilities would be performed. Beginning in January 2021, the Department is required to implement the take-back program. The Department does not have information on the amount of legacy foam that would require disposal or the cost or pricing for disposal therefore is not able to estimate the potential cost of such a program. DES assumes any revenue from the fines would be deposited into the General Fund but, it is not possible to predict how many violations would occur or the amount of additional revenue. There would be no additional revenue to county and local governments.

The New Hampshire Municipal Association states the restriction on the use of class B firefighting foam containing perfluoroalkyl or perfluoroalkyl substances may require municipal fire departments to purchase different firefighting substances which may be more or less expensive than the restricted substances. Some municipalities may receive reimbursement for the foam already purchased, which may partly offset the cost of purchasing new products. The Association has no information on the cost of these products or how common use of the restricted foam is in New Hampshire and assumes the effects of this bill would vary among municipalities. The Association indicates there would be no impact on local revenues.

The Office of Strategic Initiatives (OSI) indicates the bill would require it to assist state agencies, fire protection districts, and municipalities in avoiding the purchase or use of firefighting agents containing PFAS chemicals, giving preference to purchasing non-PFAS protective equipment. The OSI does not have information on the manufacture, distribution, sale, or use of firefighting foam and equipment and indicates the bill does not specify how OSI would work with these entities to avoid purchasing agents containing PFAS or give preference to purchasing non-PFAS products. Because of this, the OSI is not able to determine the fiscal impact.

**AGENCIES CONTACTED:**

Department of Environmental Services, Office of Strategic Initiatives, and New Hampshire  
Municipal Association

SB 257-FN - AS AMENDED BY THE HOUSE

03/14/2019 0845s  
8May2019... 1547h

2019 SESSION

19-1011  
08/03

SENATE BILL **257-FN**

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SPONSORS: Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Rep. Goley, Hills. 8

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Sections; Certain Chemicals Prohibited in Firefighting Foam. Amend RSA 154 by  
2 inserting after section 8-a the following new sections:

3 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

4 I. In this section,

5 (a) "Chemical plant" means chemical plants, refineries, and re-refineries

6 (b) "Class B firefighting foam" means foam designed for flammable liquid fires.

7 (c) "Department" means the department of environmental services.

8 (d) "Legacy foams" mean firefighting foams manufactured prior to January 1, 2004,  
9 containing perfluorooctanesulfonic acid and/or perfluorooctanoic acid-related long chain PFAS  
10 chemicals.

11 (e) "Manufacturer" includes any person, firm, association, partnership, corporation,  
12 organization, joint venture, importer, or domestic manufacturer or distributor of firefighting agents  
13 or firefighting equipment. For the purposes of this section, "importer" means the owner of the  
14 product.

15 (f) "Municipalities" means any county, city, town, fire district, regional fire district, or  
16 other special purpose district that provides firefighting services.

17 (g) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
18 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
19 containing at least one fully fluorinated carbon atom.

20 (h) "Testing" includes calibration testing, conformance testing, and fixed system testing.

21 II. Beginning on January 1, 2020, no person, local government, or state agency shall  
22 discharge or otherwise use for training or testing purposes class B firefighting foam to which PFAS  
23 chemicals have been intentionally added. However, the testing of class B firefighting foam to which  
24 PFAS chemicals have been intentionally added may occur if the department has evaluated the  
25 testing facility for containment, treatment, and disposal measures to prevent uncontrolled release of  
26 foam to the environment.

27 III. Beginning January 1, 2020, a manufacturer of class B firefighting foam shall not  
28 knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting  
29 foam to which PFAS chemicals have been intentionally added. However:

1 (a) The restrictions in this paragraph shall not apply to any sale or use of class B  
2 firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but  
3 not limited to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1,  
4 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use  
5 of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt  
6 rules for the sale and uses of firefighting foam that are addressed by the federal regulation that  
7 restrict the use of firefighting foam that contains PFAS chemicals.

8 (b) The restrictions under this paragraph shall not apply to any sale or distribution of  
9 class B firefighting foam to which PFAS chemicals have been intentionally added for use at a  
10 chemical plant.

11 (c) The restrictions under this paragraph shall not apply to any sale or distribution of  
12 class B firefighting foam to which PFAS chemicals have been intentionally added for use at a storage  
13 or distribution facility, tank farm, or terminal for flammable liquids.

14 IV. The manufacturer that produces, sells, or distributes a class B firefighting foam to which  
15 PFAS chemicals have been intentionally added following the effective date of this section shall recall  
16 the product and reimburse the retailer or any other purchaser for the product.

17 V. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject  
18 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
19 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to  
20 exceed \$10,000 for each repeat offense.

21 VI. A manufacturer of class B firefighting foam restricted under paragraph III shall notify,  
22 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
23 chapter no less than one year after the effective date of the restrictions.

24 VII. The department shall assist other state agencies, fire protection districts, and other  
25 municipalities in avoiding purchasing or using firefighting agents containing PFAS chemicals, as  
26 required under paragraph III.

27 VIII. The department shall survey municipalities throughout the state on the quantitative  
28 stock of legacy foams and determine the cost of instituting a take-back program for the purpose of  
29 safe and contained disposal. The development and processing of the survey shall be subject to rules  
30 adopted by the commissioner of the department of environmental services pursuant to RSA 541-A.  
31 On or before December 1, 2020, the department shall submit a report of its findings and any  
32 recommendations for proposed legislation to the president of the senate, the speaker of the house of  
33 representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on  
34 July 1, 2021, the department shall institute a take-back program of legacy foams for the purpose of  
35 safe and contained disposal.

1 IX. Fire departments which use remaining class B firefighting foam to which PFAS  
2 chemicals have been intentionally added shall be immune from civil or criminal damages only if such  
3 foam is discharged in an emergency situation.

4 X. Nothing in this section shall be construed to create a new civil or criminal right of action  
5 against a fire department if class B firefighting foam to which PFAS chemicals have been added has  
6 been discharged either unintentionally or in an emergency situation.

7 XI. Any time a class B firefighting foam to which PFAS chemicals have been intentionally  
8 added is discharged, the municipality making such discharge shall notify the department of  
9 environmental services within 48 hours of such discharge.

10 154:8-c Firefighting Personal Protective Equipment.

11 I. In this section,

12 (a) "Department" means the department of safety.

13 (b) "Firefighting personal protective equipment" means any clothing designed, intended,  
14 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
15 the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, hoods,  
16 and respiratory equipment.

17 (c) "Manufacturer" includes any person, firm, association, partnership, corporation,  
18 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
19 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
20 the owner of the product.

21 (d) "Municipalities" means any county, city, town, fire district, regional fire district, or  
22 other special purpose district that provides firefighting services.

23 (e) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
24 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
25 containing at least one fully fluorinated carbon atom.

26 II. Beginning January 1, 2020, a manufacturer or other person that sells firefighting  
27 personal protective equipment to any person, municipality, or state agency shall provide written  
28 notice to the purchaser at the time of sale if the firefighting personal protective equipment contains  
29 PFAS chemicals. The written notice shall include a statement that the firefighting personnel  
30 protective equipment contains PFAS chemicals. All notices shall be included in all personnel files of  
31 all employees using the firefighting personal protective equipment which contain PFAS chemicals

32 III. The manufacturer or person selling firefighting personal protective equipment and the  
33 purchaser of the equipment shall retain the notice in procurement files for at least 3 years from the  
34 date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser  
35 shall furnish the notice, or written copies, and associated sales documentation to the department  
36 within 60 days.

SB 257-FN - AS AMENDED BY THE HOUSE

- Page 4 -

1           IV. The department shall assist other state agencies, fire protection districts, and other  
2 municipalities to give priority and preference to the purchase of firefighting personal protective  
3 equipment that does not contain PFAS chemicals.

4           2 Effective Date. This act shall take effect upon its passage.

**SB 257-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2019-1547h)

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Hazardous Waste Cleanup Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires. The Department of Environmental Services assumes the bill would require the Department to perform the following tasks:

- The Department would be required to assist other state agencies, fire protection districts, and municipalities to avoid purchasing or using firefighting agents containing PFAS chemicals.
- The Department would be required to survey municipalities on the stock of legacy foams in inventories and determine the cost of instituting a take-back program for safe disposal. The Department would adopt rules relative to development and processing of the survey and submit a report of findings and any recommended legislation by December 20, 2020.
- Beginning on July 1, 2021, the Department would institute a take-back program of legacy foams for the purpose of safe and contained disposal.

- The Department would administer the administrative fines for violations in the amounts of \$5,000 for a first offense and \$10,000 for each repeat offense.

The Department assumes the requirements to survey municipalities on their foam stocks and the associated rulemaking and reporting requirements would require 1/2 of a full time position at an estimated annual cost of \$50,000 to be borne by the Hazardous Waste Cleanup Fund. The cost to the State to implement the take-back program is indeterminable as the quantity of legacy foam in local inventories and the pricing for disposal are not known. Costs to the Department to monitor and enforce compliance with the ban on foams containing PFAS and to assist other state agencies, fire protection districts, and municipalities to avoid purchasing or using firefighting agents containing PFAS chemicals are cannot be determined in advance. The price differential between foams containing PFAS and alternative non-PFAS foams is not known, therefore the impact on state, county and local governments relative to the purchase of non-PFAS foams is indeterminable. The Department assumes revenue from the fines would be deposited into the General Fund but, it is not possible to predict how many violations would occur. There would be no additional revenue to county and local governments.

The New Hampshire Municipal Association states the restriction on the use of class B firefighting foam containing perfluoroalkyl or perfluoroalkyl substances may require municipal fire departments to purchase different firefighting substances which may be more or less expensive than the restricted substances. Some municipalities may receive reimbursement for the foam already purchased, which may partly offset the cost of purchasing new products. The Association has no information on the cost of these products or how common use of the restricted foam is in New Hampshire and assumes the effects of this bill would vary among municipalities. The Association indicates there would be no impact on local revenues.

The Department of Safety indicates the bill would require the Department to assist other state agencies, fire protection districts and municipalities to give priority and preference to firefighting and personal protective equipment that does not contain PFAS chemicals. The Department reports this can be accomplished with existing resources and personnel and there would be no fiscal impact to the Department.

**AGENCIES CONTACTED:**

Departments of Environmental Services and Safety, and New Hampshire Municipal Association

**SB 257-FN FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2019-1547h)**

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Hazardous-Waste Cleanup Fund			

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires. The Department of Environmental Services assumes the bill would require the Department to perform the following tasks:

- The Department would be required to assist other state agencies, fire protection districts, and municipalities to avoid purchasing or using firefighting agents containing PFAS chemicals.
- The Department would be required to survey municipalities on the stock of legacy foams in inventories and determine the cost of instituting a take-back program for safe disposal. The Department would adopt rules relative to development and processing of the survey and submit a report of findings and any recommended legislation by December 20, 2020.

- Beginning on July 1, 2021, the Department would institute a take-back program of legacy foams for the purpose of safe and contained disposal.
- The Department would administer the administrative fines for violations in the amounts of \$5,000 for a first offense and \$10,000 for each repeat offense.

The Department assumes the requirements to survey municipalities on their foam stocks and the associated rulemaking and reporting requirements would require 1/2 of a full time position at an estimated annual cost of \$50,000 to be borne by the Hazardous Waste Cleanup Fund. The cost to the State to implement the take-back program is indeterminable as the quantity of legacy foam in local inventories and the pricing for disposal are not known. Costs to the Department to monitor and enforce compliance with the ban on foams containing PFAS and to assist other state agencies, fire protection districts, and municipalities to avoid purchasing or using firefighting agents containing PFAS chemicals are cannot be determined in advance. The price differential between foams containing PFAS and alternative non-PFAS foams is not known, therefore the impact on state, county and local governments relative to the purchase of non-PFAS foams is indeterminable. The Department assumes revenue from the fines would be deposited into the General Fund but, it is not possible to predict how many violations would occur. There would be no additional revenue to county and local governments.

The New Hampshire Municipal Association states the restriction on the use of class B firefighting foam containing perfluoroalkyl or perfluoroalkyl substances may require municipal fire departments to purchase different firefighting substances which may be more or less expensive than the restricted substances. Some municipalities may receive reimbursement for the foam already purchased, which may partly offset the cost of purchasing new products. The Association has no information on the cost of these products or how common use of the restricted foam is in New Hampshire and assumes the effects of this bill would vary among municipalities. The Association indicates there would be no impact on local revenues.

The Department of Safety indicates the bill would require the Department to assist other state agencies, fire protection districts and municipalities to give priority and preference to firefighting and personal protective equipment that does not contain PFAS chemicals. The Department reports this can be accomplished with existing resources and personnel and there would be no fiscal impact to the Department.

**AGENCIES CONTACTED:**

Departments of Environmental Services and Safety, and New Hampshire Municipal Association



CHAPTER 337  
SB 257-FN - FINAL VERSION

03/14/2019 0845s  
8May2019... 1547h

2019 SESSION

19-1011  
08/03

SENATE BILL        ***257-FN***

AN ACT            prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SPONSORS:        Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 5; Sen. Levesque, Dist 12; Sen. Fuller Clark, Dist 21; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Rep. Goley, Hills. 8

COMMITTEE:       Executive Departments and Administration

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ANALYSIS

This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires.

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Explanation:     Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 337  
SB 257-FN - FINAL VERSION

03/14/2019 0845s  
8May2019... 1547h

19-1011  
08/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 337:1 New Sections; Certain Chemicals Prohibited in Firefighting Foam. Amend RSA 154 by  
2 inserting after section 8-a the following new sections:

3 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

4 I. In this section:

5 (a) "Chemical plant" means chemical plants, refineries, and re-refineries.

6 (b) "Class B firefighting foam" means foam designed for flammable liquid fires.

7 (c) "Department" means the department of environmental services.

8 (d) "Legacy foams" mean firefighting foams manufactured prior to January 1, 2004,  
9 containing perfluorooctanesulfonic acid and/or perfluorooctanoic acid-related long chain PFAS  
10 chemicals.

11 (e) "Manufacturer" includes any person, firm, association, partnership, corporation,  
12 organization, joint venture, importer, or domestic manufacturer or distributor of firefighting agents  
13 or firefighting equipment. For the purposes of this section, "importer" means the owner of the  
14 product.

15 (f) "Municipalities" means any county, city, town, fire district, regional fire district, or  
16 other special purpose district that provides firefighting services.

17 (g) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
18 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
19 containing at least one fully fluorinated carbon atom.

20 (h) "Testing" includes calibration testing, conformance testing, and fixed system testing.

21 II. Beginning on January 1, 2020, no person, local government, or state agency shall  
22 discharge or otherwise use for training or testing purposes class B firefighting foam to which PFAS  
23 chemicals have been intentionally added. However, the testing of class B firefighting foam to which  
24 PFAS chemicals have been intentionally added may occur if the department has evaluated the  
25 testing facility for containment, treatment, and disposal measures to prevent uncontrolled release of  
26 foam to the environment.

27 III. Beginning January 1, 2020, a manufacturer of class B firefighting foam shall not  
28 knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting  
29 foam to which PFAS chemicals have been intentionally added. However:

**CHAPTER 337**  
**SB 257-FN - FINAL VERSION**  
**- Page 2 -**

1           (a) The restrictions in this paragraph shall not apply to any sale or use of class B  
2 firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but  
3 not limited to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1,  
4 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use  
5 of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt  
6 rules for the sale and uses of firefighting foam that are addressed by the federal regulation that  
7 restrict the use of firefighting foam that contains PFAS chemicals.

8           (b) The restrictions under this paragraph shall not apply to any sale or distribution of  
9 class B firefighting foam to which PFAS chemicals have been intentionally added for use at a  
10 chemical plant.

11           (c) The restrictions under this paragraph shall not apply to any sale or distribution of  
12 class B firefighting foam to which PFAS chemicals have been intentionally added for use at a storage  
13 or distribution facility, tank farm, or terminal for flammable liquids.

14           IV. The manufacturer that produces, sells, or distributes a class B firefighting foam to which  
15 PFAS chemicals have been intentionally added following the effective date of this section shall recall  
16 the product and reimburse the retailer or any other purchaser for the product.

17           V. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject  
18 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
19 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to  
20 exceed \$10,000 for each repeat offense.

21           VI. A manufacturer of class B firefighting foam restricted under paragraph III shall notify,  
22 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
23 chapter no less than one year after the effective date of the restrictions.

24           VII. The department shall assist other state agencies, fire protection districts, and other  
25 municipalities in avoiding purchasing or using firefighting agents containing PFAS chemicals, as  
26 required under paragraph III.

27           VIII. The department shall survey municipalities throughout the state on the quantitative  
28 stock of legacy foams and determine the cost of instituting a take-back program for the purpose of  
29 safe and contained disposal. The development and processing of the survey shall be subject to rules  
30 adopted by the commissioner of the department of environmental services pursuant to RSA 541-A.  
31 On or before December 1, 2020, the department shall submit a report of its findings and any  
32 recommendations for proposed legislation to the president of the senate, the speaker of the house of  
33 representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on  
34 July 1, 2021, the department shall institute a take-back program of legacy foams for the purpose of  
35 safe and contained disposal.

**CHAPTER 337**  
**SB 257-FN - FINAL VERSION**  
**- Page 3 -**

1 IX. Fire departments which use remaining class B firefighting foam to which PFAS  
2 chemicals have been intentionally added shall be immune from civil or criminal damages only if such  
3 foam is discharged in an emergency situation.

4 X. Nothing in this section shall be construed to create a new civil or criminal right of action  
5 against a fire department if class B firefighting foam to which PFAS chemicals have been added has  
6 been discharged either unintentionally or in an emergency situation.

7 XI. Any time a class B firefighting foam to which PFAS chemicals have been intentionally  
8 added is discharged, the municipality making such discharge shall notify the department of  
9 environmental services within 48 hours of such discharge.

10 154:8-c Firefighting Personal Protective Equipment.

11 I. In this section:

12 (a) "Department" means the department of safety.

13 (b) "Firefighting personal protective equipment" means any clothing designed, intended,  
14 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
15 the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, hoods,  
16 and respiratory equipment.

17 (c) "Manufacturer" includes any person, firm, association, partnership, corporation,  
18 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
19 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
20 the owner of the product.

21 (d) "Municipalities" means any county, city, town, fire district, regional fire district, or  
22 other special purpose district that provides firefighting services.

23 (e) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
24 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
25 containing at least one fully fluorinated carbon atom.

26 II. Beginning January 1, 2020, a manufacturer or other person that sells firefighting  
27 personal protective equipment to any person, municipality, or state agency shall provide written  
28 notice to the purchaser at the time of sale if the firefighting personal protective equipment contains  
29 PFAS chemicals. The written notice shall include a statement that the firefighting personnel  
30 protective equipment contains PFAS chemicals. All notices shall be included in all personnel files of  
31 all employees using the firefighting personal protective equipment which contain PFAS chemicals.

32 III. The manufacturer or person selling firefighting personal protective equipment and the  
33 purchaser of the equipment shall retain the notice in procurement files for at least 3 years from the  
34 date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser  
35 shall furnish the notice, or written copies, and associated sales documentation to the department  
36 within 60 days.

**CHAPTER 337**  
**SB 257-FN - FINAL VERSION**  
**- Page 4 -**

1           IV. The department shall assist other state agencies, fire protection districts, and other  
2 municipalities to give priority and preference to the purchase of firefighting personal protective  
3 equipment that does not contain PFAS chemicals.

4           337:2 Effective Date. This act shall take effect upon its passage.

Approved: September 03, 2019  
Effective Date: September 03, 2019

# Amendments

Sen. Sherman, Dist 24  
February 1, 2019  
2019-0248s  
08/05

Amendment to SB 257-FN

1 Amend RSA 154:8-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

2

3 (c) "Firefighting personal protective equipment" means any clothing designed, intended,  
4 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
5 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,  
6 hoods, and respiratory equipment.

7

8 Amend RSA 154:8-b as inserted by section 1 of the bill by inserting after paragraph III the following  
9 new paragraph and renumbering the current paragraphs IV-X to read as V-XI:

10

11 IV. The written notice and all successive written notices shall be included in all personnel  
12 files of all employees using the firefighting personal protective equipment.

UNAPPROVED

Amendment to SB 257-FN

1 Amend RSA 154:8-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

2

3 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

4 I. In this section,

5 (a) "Class B firefighting foam" means foams designed for flammable liquid fires.

6 (b) "Department" means the department of environmental services.

7 (c) "Firefighting personal protective equipment" means any clothing designed, intended,  
8 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
9 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,  
10 hoods, and respiratory equipment.

11 (d) "Legacy foams" means firefighting foams manufactured prior to January 1, 2004,  
12 containing PFAS chemicals.

13 (e) "Manufacturer" includes any person, firm, association, partnership, corporation,  
14 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
15 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
16 the owner of the product.

17 (f) "Municipalities" means any county, city, town, fire district, regional fire district, or  
18 other special purpose district that provides firefighting services.

19 (g) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
20 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
21 containing at least one fully fluorinated carbon atom.

22 (h) "Testing" includes calibration testing, conformance testing, and fixed system testing.

23 II. Beginning on January 1, 2020, a person, local government, or state agency shall not  
24 discharge or otherwise use for training or testing purposes class B firefighting foam. However, the  
25 testing of class B firefighting foam may occur if the department has evaluated the testing facility for  
26 containment, treatment, and disposal measures to prevent uncontrolled release of foam to the  
27 environment.

28 III. Beginning January 1, 2020, a manufacturer of class B firefighting foam may not  
29 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class  
30 B firefighting foam to which PFAS chemicals have been intentionally added.

31 IV. The restrictions in paragraph III shall not apply to any sale or use of class B firefighting  
32 foam where the inclusion of PFAS chemicals are required by federal law, including but not limited



Amendment to SB 257-FN

- Page 2 -

1 to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1, 2018. In  
2 the event that applicable federal regulations change after January 1, 2018, to allow the use of  
3 alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt  
4 rules for the sales and uses of firefighting foam that are addressed by the federal regulation that  
5 restrict the use of firefighting foam that contains PFAS chemicals.

6 V. Beginning January 1, 2020, a manufacturer or other person that sells firefighting  
7 personal protective equipment to any person, municipality, or state agency shall provide written  
8 notice to the purchaser at the time of sale if the firefighting personal protective equipment contains  
9 PFAS chemicals. The written notice shall include a statement that the firefighting personal  
10 protective equipment contains PFAS chemicals. All notices shall be included in all personal files of <sup>personnel</sup>  
11 all employees using the firefighting personal protective equipment which contain perfluoroalkyl  
12 chemicals

13 VI. The manufacturer or person selling firefighting personal protective equipment and the  
14 purchaser of the equipment shall retain the notice on file for at least 3 years from the date of the  
15 transaction. Upon the request of the department, a person, manufacturer, or purchaser shall  
16 furnish the notice, or written copies, and associated sales documentation to the department within  
17 60 days.

18 VII. A manufacturer of class B firefighting foam restricted under paragraph III shall notify,  
19 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
20 chapter no less than one year prior to the effective date of the restrictions.

21 VIII. A manufacturer that produces, sells, or distributes a class B firefighting foam  
22 restricted under paragraph III shall recall the product and reimburse the retailer or any other  
23 purchaser for the product.

24 IX. The department may request a certificate of compliance from a manufacturer of class B  
25 firefighting foam or firefighting personal protective equipment. A certificate of compliance attests  
26 that a manufacturer's product or products meets the requirements of this chapter.

27 X. ~~The department shall assist the office of strategic initiatives, other state agencies, fire~~  
28 ~~protection districts, and other municipalities to avoid purchasing or using firefighting agents~~  
29 ~~containing PFAS chemicals, as required under paragraph (II).~~ III The department shall assist the office  
30 of strategic initiatives, other state agencies, fire protection districts, and other municipalities to give  
31 priority and preference to the purchase of firefighting personal protective equipment that does not  
32 contain PFAS chemicals.

33 XI. A manufacturer of class B firefighting foam in violation of paragraph III is subject to an  
34 administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
35 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to  
36 exceed \$10,000 for each repeat offense.

37 XII. Beginning on January 1, 2021, the department shall institute a take-back program of

- 1 legacy foams for the purpose of safe and contained disposal.
- 2 XIII. Fire departments which use remaining class B firefighting foam shall be immune from
- 3 civil or criminal damages only if discharged in an emergency situation.

*effective upon passage*

*upon usage they will*

UNAPPROVED

Amendment to SB 257-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Section; Certain Chemicals In Firefighting Foam. Amend RSA 154 by inserting after  
4 section 8-a the following new section:

5 154:8-b Certain Chemicals Prohibited in Firefighting Foam.

6 I. In this section,

7 (a) "Class B firefighting foam" means foam designed for flammable liquid fires.

8 (b) "Department" means the department of environmental services.

9 (c) "Firefighting personal protective equipment" means any clothing designed, intended,  
10 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
11 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,  
12 hoods, and respiratory equipment.

13 (d) "Legacy foams" means firefighting foams manufactured prior to January 1, 2004,  
14 containing PFAS chemicals.

15 (e) "Manufacturer" includes any person, firm, association, partnership, corporation,  
16 governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor  
17 of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means  
18 the owner of the product.

19 (f) "Municipalities" means any county, city, town, fire district, regional fire district, or  
20 other special purpose district that provides firefighting services.

21 (g) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the  
22 purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals  
23 containing at least one fully fluorinated carbon atom.

24 (h) "Testing" includes calibration testing, conformance testing, and fixed system testing.

25 II. Beginning on January 1, 2020, no person, local government, or state agency shall  
26 discharge or otherwise use for training or testing purposes class B firefighting foam. However, the  
27 testing of class B firefighting foam may occur if the department has evaluated the testing facility for  
28 containment, treatment, and disposal measures to prevent uncontrolled release of foam to the  
29 environment.

30 III. Beginning January 1, 2020, a manufacturer of class B firefighting foam shall not  
31 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class  
32 B firefighting foam to which PFAS chemicals have been intentionally added.

Amendment to SB 257-FN

- Page 2 -

1 IV. The restrictions in paragraph III shall not apply to any sale or use of class B firefighting  
2 foam where the inclusion of PFAS chemicals are required by federal law, including but not limited  
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4 the event that applicable federal regulations change after January 1, 2018, to allow the use of  
5 alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules  
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7 the use of firefighting foam that contains PFAS chemicals.

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13 all employees using the firefighting personal protective equipment which contain perfluoroalkyl  
14 chemicals

15 VI. The manufacturer or person selling firefighting personal protective equipment and the  
16 purchaser of the equipment shall retain the notice on file for at least 3 years from the date of the  
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18 furnish the notice, or written copies, and associated sales documentation to the department within  
19 60 days.

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21 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
22 chapter no less than one year prior to the effective date of the restrictions.

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27 firefighting foam or firefighting personal protective equipment. A certificate of compliance attests  
28 that a manufacturer's product or products meets the requirements of this chapter.

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30 protection districts, and other municipalities to avoid purchasing or using firefighting agents  
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34 contain PFAS chemicals.

35 XI. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject  
36 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
37 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to

Amendment to SB 257-FN

- Page 3 -

1 exceed \$10,000 for each repeat offense.

2 XII. Beginning on January 1, 2021, the department shall institute a take-back program of  
3 legacy foams for the purpose of safe and contained disposal.

4 XIII. Fire departments which use remaining class B firefighting foam shall be immune from  
5 civil or criminal damages only if discharged in an emergency situation.

6 XIV. Any time a class B firefighting foam is discharged, the agency or department making  
7 such discharge shall notify the department of environmental services within 48 hours of such  
8 discharge.

9 2 Effective Date. This act shall take effect upon its passage.

UNAPPROVED

Amendment to SB 257-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Section; Certain Chemicals In Firefighting Foam. Amend RSA 154 by inserting after  
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7 (a) "Class B firefighting foam" means foam designed for flammable liquid fires.

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10 or marketed to be worn by firefighting personnel in the performance of their duties, designed with  
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12 hoods, and respiratory equipment.

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20 other special purpose district that provides firefighting services.

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Amendment to SB 257-FN

- Page 2 -

1 IV. The restrictions in paragraph III shall not apply to any sale or use of class B firefighting  
2 foam where the inclusion of PFAS chemicals are required by federal law, including but not limited  
3 to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1, 2018. In  
4 the event that applicable federal regulations change after January 1, 2018, to allow the use of  
5 alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules  
6 for the sales and uses of firefighting foam that are addressed by the federal regulation that restrict  
7 the use of firefighting foam that contains PFAS chemicals.

8 V. Beginning January 1, 2020, a manufacturer or other person that sells firefighting  
9 personal protective equipment to any person, municipality, or state agency shall provide written  
10 notice to the purchaser at the time of sale if the firefighting personal protective equipment contains  
11 PFAS chemicals. The written notice shall include a statement that the firefighting personnel  
12 protective equipment contains PFAS chemicals. All notices shall be included in all personal files of  
13 all employees using the firefighting personal protective equipment which contain perfluoroalkyl  
14 chemicals

15 VI. The manufacturer or person selling firefighting personal protective equipment and the  
16 purchaser of the equipment shall retain the notice on file for at least 3 years from the date of the  
17 transaction. Upon the request of the department, a person, manufacturer, or purchaser shall  
18 furnish the notice, or written copies, and associated sales documentation to the department within  
19 60 days.

20 VII. A manufacturer of class B firefighting foam restricted under paragraph III shall notify,  
21 in writing, persons that sell the manufacturer's products in this state about the provisions of this  
22 chapter no less than one year prior to the effective date of the restrictions.

23 VIII. A manufacturer that produces, sells, or distributes a class B firefighting foam  
24 restricted under paragraph III shall recall the product and reimburse the retailer or any other  
25 purchaser for the product.

26 IX. The department may request a certificate of compliance from a manufacturer of class B  
27 firefighting foam or firefighting personal protective equipment. A certificate of compliance attests  
28 that a manufacturer's product or products meets the requirements of this chapter.

29 X. The department shall assist the office of strategic initiatives, other state agencies, fire  
30 protection districts, and other municipalities to avoid purchasing or using firefighting agents  
31 containing PFAS chemicals, as required under paragraph III. The department shall assist the office  
32 of strategic initiatives, other state agencies, fire protection districts, and other municipalities to give  
33 priority and preference to the purchase of firefighting personal protective equipment that does not  
34 contain PFAS chemicals.

35 XI. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject  
36 to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense.  
37 Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to

1 exceed \$10,000 for each repeat offense.

2 XII. Beginning on January 1, 2021, the department shall institute a take-back program of  
3 legacy foams for the purpose of safe and contained disposal.

4 XIII. Fire departments which use remaining class B firefighting foam shall be immune from  
5 civil or criminal damages only if discharged in an emergency situation.

6 XIV. Any time a class B firefighting foam is discharged, the agency or department making  
7 such discharge shall notify the department of environmental services within 48 hours of such  
8 discharge.

9 2 Effective Date. This act shall take effect upon its passage.



# Committee Minutes

# SENATE CALENDAR NOTICE

## Executive Departments and Administration

Sen Sharon Carson, Chair  
 Sen Kevin Cavanaugh, Vice Chair  
 Sen Cindy Rosenwald, Member  
 Sen Shannon Chandley, Member  
 Sen John Reagan, Member

Date: January 30, 2019

### HEARINGS

	Wednesday	02/06/2019
	(Day)	(Date)
Executive Departments and Administration	LOB 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>SB 232-FN</b> adopting the model psychology interjurisdictional compact.	
9:20 a.m.	<b>SB 233</b> relative to the classification of certain state employee positions.	
9:30 a.m.	<b>SB 255-FN</b> relative to dementia training for direct care staff in residential facilities and community-based settings.	
9:45 a.m.	<b>SB 256-FN</b> relative to emergency generators in certain senior housing.	
10:00 a.m.	<b>SB 257-FN</b> prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.	
10:20 a.m.	<b>SB 273-FN</b> relative to the regulation of nursing assistants by the board of nursing.	
10:45 a.m.	<b>SB 288-FN</b> relative to privatization contracts by state agencies.	

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 232-FN**

Sen. Reagan

**SB 233**

Sen. Reagan

Rep. Roy

**SB 255-FN**

Sen. Feltes

Rep. M. Murray

**SB 256-FN**

Sen. Morgan

**SB 257-FN**

Sen. Sherman

Sen. Fuller Clark

**SB 273-FN**

Sen. Kahn

Sen. D'Allesandro

Sen. Bradley

Sen. Cavanaugh

Sen. Rosenwald

Sen. Kahn

Sen. Watters

Rep. P. Schmidt

Rep. Cushing

Sen. Fuller Clark

Sen. Hennessey

Sen. Cavanaugh

Sen. Reagan

Rep. McGuire

Rep. Long

Sen. Levesque

Rep. Goley

Sen. Ward

Rep. McGuire  
**SB 288-FN**  
Sen. Cavanaugh

Sen. Kahn

Jennifer Horgan 271-2609

Sharon M Carson  
Chairman

# Senate Executive Departments and Administration Committee

*Jennifer Horgan 271-2609*

**SB 257-FN**, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

**Hearing Date:** February 6, 2019

**Time Opened:** 10:59 a.m.

**Time Closed:** 11:16 a.m.

**Members of the Committee Present:** Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

**Members of the Committee Absent :** None

**Bill Analysis:** This bill prohibits the use of foams containing perfluoroalkyl chemicals in fighting fires.

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**Sponsors:**

Sen. Sherman

Sen. Rosenwald

Sen. Hennessey

Sen. Levesque

Sen. Fuller Clark

Sen. Kahn

Sen. Cavanaugh

Rep. Goley

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**Who supports the bill:** Senator Sherman; Senator Fuller Clark; Senator Rosenwald; Senator Kahn; Senator Carson; Representative Doucette; Dario Scalco, Professional Firefighters of NH; Paul Parisi, State Fire Marshal; Ken Jones, NHAFC; Nick Mercuria, DOS Fire Academy; Mike Wimsatt, DES

**Who opposes the bill:** Jodi Grimbilas, American Chemistry Council

**Summary of testimony presented in support:**

**Senator Sherman** (provided written testimony)

- This bill will prohibit foams containing perfluoroalkyl chemicals for use in fighting fires.
- These chemicals are known as PFAs and they are eight carbon chains that do not breakdown in the environment and have been associated with significant environmental contamination.
- The Pease Air Force Base is a site contaminated by PFAs from the foams used for firefighting.
- These are highly toxic chemicals and they are measured in parts per trillion. They are measured in such tiny amounts because even that small amount can cause two different kinds of cancer and other health problems.

- The manufacturers have changed their compounds to six carbon chains, but those chemicals have not been studied and they are widely available on the market.
- The people most directly impacted by this are firefighters.
- They are exposed to these chemicals from their equipment that is impregnated with these compounds, from breathing in flame retardant materials that breakdown during a fire, and when they use it to put out chemical fires through these foams.
- This bill will be to decrease their exposure to these foams that contain PFAs.
- Amendment adds 'hoods' to the equipment list and inserts a new section that will require a firefighter's record of exposure be included in their permanent personnel files.
- Senator Rosenwald asked why on page 1, line 27 it says the Department 'may' adopt rules if federal standards change and not 'shall'.
  - This will give them max flexibility but would be okay with 'shall'.

**Mike Wimsatt** (Waste Management Division, Department of Environmental Services)

- Conditional support of the bill.
- The Department has been addressing drinking water contamination and human exposure of PFAs at Pease since 2014.
- Shares the concerns regarding about the health risks of PFAs contamination.
- The foams used now are safer, but they do still contain PFAs and supports the idea of getting these out of the formulas.
- However, would defer to the fire service regarding the best way to adequately protect life and property in fire situations.
- DES has been engaged in outreach for a number of years with the fire service about the impact of PFAs containing foams and working to address contamination across the State.
- DES is also working to collect out date formulations of these foams that are currently possessed by local fire departments.
- On page 2, line 18 it directs DES to assist the Office of Strategic Initiatives, other agencies, and municipalities to avoid purchasing or using PFAs foams. DES is already engaged in an outreach effort with the fire departments to address this, but not quite sure what that provision would require DES to do.
- Senator Rosenwald asked how DES feels about 'may' vs 'shall' regarding rulemaking on page 1, line 27.
  - The Department is always a little nervous when there is new enforcement and compliance monitoring. Does not object to the idea that requirements must be enforced. A 'may' is a little more comfortable, so if there is a problem they have the authority to address.
- Senator Reagan asked if these contaminated areas are permanently poisoned.
  - These chemicals were engineered to be very durable and experts are saying that aquifers that are contaminated will be contaminated for many decades to come.

**Summary of testimony presented in opposition:**

**Jodi Grimbilas (American Chemistry Council) (provided written testimony)**

- Opposed to the bill as written
- In other states, they have looked at banning the use of these foams in testing and training, but still making them available for certain types of fires.
- Provided an amendment that outlines that option.
- These foams are required in certain instances by federal law.
- Has an expert coming in next week and will try to meet with the stakeholders and sponsor to work on this bill.
- Senator Reagan asked if these chemicals ever degrade.
  - Will get back to the Committee on that. There are efforts to make better chemicals.

jch

Date Hearing Report completed: February 8, 2019

# Speakers







# Testimony

**“Responsible Firefighting Foam Management Act”**

(1) Definitions –

- a. “Class B firefighting foam” means foams designed for flammable liquid fires.
- b. “Department” means the department of environmental services.
- c. “Local governments” includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.
- d. “PFAS chemicals” or perfluoroalkyl and polyfluoroalkyl substances means, for the purposes of firefighting agents, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam formulations.
- e. “Testing” includes calibration testing, conformance testing and fixed system testing.

(2) Beginning on xxx, 2020, a person, local government, or state agency shall not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

(3) Beginning on xxx, 2020, a person, local government, or state agency shall not discharge or otherwise use for testing purposes class B firefighting foam that contains intentionally added PFAS chemicals unless otherwise required by law or the authority having jurisdiction, and the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent uncontrolled releases of foam to the environment.

(4) Beginning within six months of enactment, the department shall assist local municipal fire departments to evaluate and, when appropriate, transition to the use of class B fluorine-free foams.

(5) This Act does not restrict (a) the manufacture, sale, or distribution of class B firefighting foam that contains intentionally added PFAS chemicals, or (b) the discharge or other use of such foams in emergency firefighting or fire prevention operations.

(6) For the purposes of training for firefighting operations non-fluorinated training foams shall be used.

Thank you Madame Chair and Members of the Committee:

My name is Jodi Grimbilas and I come before you on behalf of the American Chemistry Council. ACC represents a diverse set of companies engaged in the business of chemistry. These companies work to solve some of the biggest challenges facing the nation and world. In New Hampshire, the business of chemistry provides for over 2,000 direct jobs. ACC members are committed to fostering progress in the economy, the environment and society.

The American Chemistry Council is opposed to SB 257 as written – and their concerns lie specifically on the issue of banning Class B firefighting foams. Here are the reasons for their concern:

- Banning the use of PFAS-based foams could leave many applications without adequate fire protection. PFAS-based foams are critical to providing fire protection in the defense and aviation industries (required by DOD and FAA), as well as oil and gas production and municipal fire protection.
- These are the most effective agents currently available to fight flammable liquid fires. The chemistries within AFFF foams provide fuel repellency and heat stability, allow for rapid extinguishment, burnback resistance, and protection against vapor release, which help to prevent re-ignition and protect firefighters working in the area as part of the rescue and recovery operations
- While “fluorine-free foams” are available, they do not meet the performance requirements of military specification, are not fully compatible with each other, require substantially more product in use and testing (up to 60%), and they often require significant equipment changes.
- Today’s C6 (short-chain) based class B foams are not made with PFOA or PFOS and do not contain or breakdown to PFOS.
  - Concerns with older PFAS foams are toxicity, biodegradability, persistence, mobility, treatability in wastewater treatment plants, and nutrient loading. In recent years, industry has transitioned to newer PFAS-based chemistries that present a lighter environmental footprint.

It is our belief that firefighters should have access to firefighting foam with PFAS in live/emergency situations and should follow best management practices for cleanup in order to best protect lives and property while minimizing discharge.

With that said, we have spoken to the sponsor and the PFFNH about an alternative to a complete ban. In several states, consideration is being given to an amendment that would in essence ban the use of the PFAS based foams in training and testing, but allow the use of the foams in the actual emergency fires

I have brought copies of a draft amendment for the committee's review and consideration. I have access to an expert in this area for calls and/or meetings to discuss this alternative with stakeholders.

Thank you for the opportunity to speak and for your consideration of this amendment.

# Voting Sheets

# Senate Executive Departments and Administration Committee EXECUTIVE SESSION

Bill # SB257

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: Comm Amendment

VOTE: \_\_\_\_\_

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: purchased up to a date and then it is up to the manufacturer

Notes: Legacy forms, define testing in order to address training for testing & training  
these can only be used for emergencies going forward  
will not supercede federal regulations  
equipment in local w/ PFFAs will be in personnel file

# Senate Executive Departments and Administration Committee EXECUTIVE SESSION

Bill # 88257

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: 0845s

VOTE: ~~3-0~~ 4-1

**Made by** Carson   
**Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

**Seconded** Carson   
**by Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

**Reported** Carson   
**by Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

Motion of: OTPA

VOTE: 4-1

**Made by** Carson   
**Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

**Seconded** Carson   
**by Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

**Reported** Carson   
**by Senator:** Cavanaugh   
 Chandley   
 Reagan   
 Rosenwald

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, March 6, 2019

THE COMMITTEE ON Executive Departments and Administration  
to which was referred **SB 257-FN**

**AN ACT** prohibiting foams containing perfluoroalkyl  
chemicals for use in fighting fires.

Having considered the same, the committee recommends that the Bill

**OUGHT TO PASS WITH AMENDMENT**

**BY A VOTE OF: 4-1**

**AMENDMENT # 2019-0845s**

Senator Sharon Carson  
For the Committee

Jennifer Horgan 271-2609

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 257-FN**, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.  
Ought to Pass with Amendment, Vote 4-1.  
Senator Sharon Carson for the committee.

**Docket of SB257**

Docket Abbreviations

**Bill Title:** prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.*Official Docket of SB257.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/25/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Executive Departments and Administration; <b>SJ 4</b>
1/30/2019	S	<b>Hearing:</b> 02/06/2019, Room 101, LOB, 10:00 am; <b>SC 9</b>
3/6/2019	S	Committee Report: Ought to Pass with Amendment <b>#2019-0845s</b> , 03/14/2019; <b>SC 13</b>
3/14/2019	S	Committee Amendment <b>#2019-0845s</b> , AA, VV; 03/14/2019; <b>SJ 8</b>
3/14/2019	S	<b>Ought to Pass with Amendment</b> 2019-0845s, RC 23Y-1N, MA; OT3rdg; 03/14/2019; <b>SJ 8</b>
3/21/2019	H	Introduced 03/20/2019 and referred to Executive Departments and Administration <b>HJ 11</b> P. 71
3/26/2019	H	==TIME CHANGE== Public Hearing: 04/02/2019 01:00 pm LOB 306
4/2/2019	H	Subcommittee Work Session: 04/09/2019 01:30 pm LOB 306
4/10/2019	H	Subcommittee Work Session: 04/17/2019 01:30 pm LOB 306
4/23/2019	H	Executive Session: 04/30/2019 10:00 am LOB 306
5/1/2019	H	Committee Report: Ought to Pass with Amendment <b>#2019-1547h</b> for 05/08/2019 ( <b>Vote 19-0; CC</b> ) <b>HC 23</b> P. 5
5/8/2019	H	Amendment <b>#2019-1547h</b> : AA VV 05/08/2019 <b>HJ 15</b> P. 5
5/8/2019	H	<b>Ought to Pass with Amendment</b> 2019-1547h: MA VV 05/08/2019 <b>HJ 15</b> P. 5
5/30/2019	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/30/2019; <b>SJ 18</b>
6/18/2019	H	Enrolled 06/13/2019 <b>HJ 19</b> P. 18
6/18/2019	S	Enrolled (In recess 06/13/2019); <b>SJ 21</b>
9/5/2019	S	Signed by the Governor on 09/03/2019; Chapter 337; Effective 09/03/2019

NH House

NH Senate

# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: SB 257-FN

Senate Committee: E, D+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0248

- amendment # 0720

- amendment # 0845

\_\_\_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_\_\_ - amendment # \_\_\_\_\_

\_\_\_\_\_ - amendment # \_\_\_\_\_

\_\_\_\_\_ - amendment # \_\_\_\_\_

\_\_\_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

\_\_\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_\_\_ Enrolled Bill Amendment(s)

\_\_\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office JM