

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1351

By: Representative Wing
By: Senator Flippo

For An Act To Be Entitled

AN ACT CONCERNING THE USE OF CERTAIN CHEMICALS IN
FIREFIGHTING FOAM; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE USE OF CERTAIN CHEMICALS
IN FIREFIGHTING FOAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 22, is amended to add an additional subchapter to read as follows:

SUBCHAPTER 1 – GENERAL PROVISIONS

20-22-101. Firefighting foam – Definitions.

(a) As used in this section:

(1) "Class B firefighting foam" means foam designed for flammable liquid fires;

(2) "Foam training facility" means a facility:

(A) In which the discharge of foam is permitted in a nonemergency situation for the training of firefighters and the readiness of equipment; and

(B) That may have the capability to provide evaluation and calibration of equipment and foam;

(3) "Local government" means a municipality, county, fire district, regional fire protection authority, or other public entity that provides firefighting service;



(4) "PFAS chemical" means:

(A) Perfluoroalkyl and polyfluoroalkyl substances; and

(B) For the purpose of firefighting agents, a class of fluorinated organic chemicals containing at least one (1) fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam;

(5) "Testing" means calibration testing, conformance testing, and fixed system testing; and

(6) "Testing facility" means a facility:

(A) In which the discharge of foam is permitted in a nonemergency situation for evaluation and calibration of firefighting equipment and foam; and

(B) That may have the capability to provide training of firefighters.

(b) Beginning January 1, 2022, a person, local government, or state agency shall not discharge class B firefighting foam that contains intentionally added PFAS chemicals for training purposes in a foam training facility.

(c) Beginning January 1, 2022, a person, local government, or state agency shall not discharge class B firefighting foam that contains intentionally added PFAS chemicals for testing purposes in a testing facility, unless otherwise required by law or ordinance and the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent release into the environment.

(d) This section does not affect:

(1) The manufacture, sale, or distribution of class B firefighting foam that contains intentionally added PFAS chemicals; or

(2) The discharge or other use of class B firefighting foam that contains intentionally added PFAS chemicals in emergency firefighting or fire prevention operations.

(e) For the purposes of firefighting training:

(1) Nonfluorinated training foams or other nonfluorinated surrogates shall be used; and

(2) Training shall be conducted under conditions conducive to the collection of spent foam.

APPROVED: 3/10/21