

This Document can be made available
in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3686**

02/21/2022 Authored by Becker-Finn

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

03/07/2022 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to environment; prohibiting the use of certain firefighting foam; allowing
- 1.3 certain exemptions; amending Minnesota Statutes 2020, section 325F.072,
- 1.4 subdivisions 1, 3.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 325F.072, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
- 1.8 the meanings given.
- 1.9 (b) "Class B firefighting foam" means foam designed ~~for flammable liquid fires to~~
- 1.10 prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases,
- 1.11 tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.
- 1.12 (c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, ~~for~~
- 1.13 ~~the purposes of firefighting agents,~~ a class of fluorinated organic chemicals containing at
- 1.14 least one fully fluorinated carbon atom ~~and designed to be fully functional in class B~~
- 1.15 ~~firefighting foam formulations.~~
- 1.16 (d) "Political subdivision" means a county, city, town, or a metropolitan airports
- 1.17 commission organized and existing under sections 473.601 to 473.679.
- 1.18 (e) "State agency" means an agency as defined in section 16B.01, subdivision 2.
- 1.19 (f) "Testing" means calibration testing, conformance testing, and fixed system testing.

2.1 Sec. 2. Minnesota Statutes 2020, section 325F.072, subdivision 3, is amended to read:

2.2 Subd. 3. **Prohibition of testing and training.** (a) ~~Beginning July 1, 2020,~~ No person,
2.3 political subdivision, or state agency shall ~~discharge class B firefighting foam that contains~~
2.4 ~~intentionally added~~ manufacture or knowingly sell, offer for sale, distribute for sale, or
2.5 distribute for use in this state, and no person shall use in this state, class B firefighting foam
2.6 containing PFAS chemicals.

2.7 (1) ~~for testing purposes, unless the testing facility has implemented appropriate~~
2.8 ~~containment, treatment, and disposal measures to prevent releases of foam to the environment;~~
2.9 ~~or~~

2.10 (2) ~~for training purposes, unless otherwise required by law, and with the condition that~~
2.11 ~~the training event has implemented appropriate containment, treatment, and disposal measures~~
2.12 ~~to prevent releases of foam to the environment. For training purposes, class B foam that~~
2.13 ~~contains intentionally added PFAS chemicals shall not be used.~~

2.14 (b) ~~This section does not restrict:~~

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

2.17 (2) ~~the discharge or other use of class B firefighting foams that contain intentionally~~
2.18 ~~added PFAS chemicals in emergency firefighting or fire prevention operations.~~

2.19 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
2.20 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
2.21 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
2.22 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
2.23 January 1, 2023, class B firefighting foam subject to the revoked requirements is no longer
2.24 exempt under this paragraph effective one year following the day of revocation.

2.25 **EFFECTIVE DATE.** This section is effective January 1, 2023.