



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 2020

H.P. 1502

House of Representatives, March 9, 2022

**An Act To Implement Recommendations Regarding the Regulation
of Firefighting or Fire-suppressing Foams to Which Perfluoroalkyl
and Polyfluoroalkyl Substances Have Been Intentionally Added**

Reported by Representative TUCKER of Brunswick for the Joint Standing Committee on Environment and Natural Resources pursuant to Public Law 2021, chapter 449, section 2.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §424-C, sub-§4**, as enacted by PL 2021, c. 449, §1, is amended
3 to read:

4 **4. Manufacture, sale and distribution prohibited.** Beginning January 1, 2022, a
5 person may not manufacture, sell, offer for sale, distribute for sale or distribute for use in
6 the State a firefighting or fire-suppressing foam to which PFAS have been intentionally
7 added, except when:

8 A. Such foam is manufactured, sold or distributed for use at an oil terminal facility in
9 the State. As used in this paragraph, "oil terminal facility" has the same meaning as in
10 section 542, subsection 7.

11 This paragraph is repealed January 1, 2025; ~~or~~

12 B. Such foam is manufactured, sold or distributed for use at an airport in the State, as
13 long as the foam is required by federal law or regulation to be used at airports for
14 firefighting or fire-suppressing purposes, including, but not limited to, as required by
15 14 Code of Federal Regulations, Section 139.317 as that section existed on January 1,
16 2021. If, on or after January 1, 2022, no federal law or regulation requires the use of
17 such foam at airports for firefighting or fire-suppressing purposes, the exception in this
18 paragraph to the prohibition in this subsection does not apply; ~~or~~

19 C. Such foam is manufactured, sold or distributed for a marine defense application and
20 the use of the foam is required by the United States Department of Defense.

21 A person that manufactures for sale or distribution in the State a firefighting or fire-
22 suppressing foam shall, upon the request of the department, provide the department with a
23 certificate of compliance certifying that the foam does not contain intentionally added
24 PFAS or is excepted from the prohibition in this subsection under paragraph A, B or C.

25 **SUMMARY**

26 This bill, which is reported out by the Joint Standing Committee on Environment and
27 Natural Resources pursuant to Public Law 2021, chapter 449, section 2, implements
28 recommendations pursuant to the report required by chapter 449 regarding the regulation
29 of firefighting or fire-suppressing foams to which perfluoroalkyl and polyfluoroalkyl
30 substances, or PFAS, have been intentionally added.

31 The bill amends the law regulating firefighting and fire-suppressing foams to which
32 PFAS have been intentionally added to provide that the prohibition on the manufacture,
33 sale and distribution of such foams does not include foams manufactured, sold or
34 distributed for a marine defense application if the use of the foam is required by the United
35 States Department of Defense. The bill also amends that law to provide that a person that
36 manufactures for sale or distribution in the State a firefighting or fire-suppressing foam
37 must, upon the request of the Department of Environmental Protection, provide the
38 department with a certificate of compliance certifying that the foam does not contain
39 intentionally added PFAS or is otherwise excepted from the state prohibition.

40 The committee has not taken a position on the substance of the bill and by reporting
41 this bill out the committee is not suggesting and does not intend to suggest that it agrees or
42 disagrees with any aspect of this bill. The committee is reporting the bill out for the sole

1 purpose of obtaining a printed bill that can be referred to the committee for a public hearing
2 and subsequent committee action in the normal course.