

The Senate Committee on Natural Resources and the Environment offered the following substitute to HB 458:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to
2 regulation of fire and other hazards to persons and property generally, so as to prohibit the
3 use of class B fire-fighting foam for testing purposes if such foam contains a certain class of
4 fluorinated organic chemicals; to provide for definitions; to provide for exceptions; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire
9 and other hazards to persons and property generally, is amended by adding a new Code
10 section to read as follows:

11 "25-2-41.

12 (a) As used in this Code section, the term:

13 (1) 'Class B fire-fighting foam' means any foam designed to extinguish flammable liquid
14 fires.

15 (2) 'PFAS chemicals' means a class of fluorinated organic chemicals containing at least
16 one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl
17 substances, and designed to be fully functional in class B fire-fighting foam formulations.

18 (3) 'Testing' means calibration testing, conformance testing, or fixed system testing.

19 (b) On and after January 1, 2020, no person; fire department provided for under Chapter 3
20 of this title; state department, agency, board, bureau, office, commission, public
21 corporation, or authority; county, municipal corporation, school district, or other political
22 subdivision of this state shall discharge or otherwise use class B fire-fighting foam that
23 contains intentionally added PFAS chemicals unless:

24 (1) Such discharge or other use occurs in fire prevention or in response to an emergency
25 fire-fighting operation; or

26 (2) Such discharge or other use is for training or testing purposes which occurs at a
27 facility that has implemented containment, treatment, and disposal measures to prevent
28 uncontrolled releases of such class B fire-fighting foam into the environment.

29 (c) Nothing in this Code section shall be construed to:

30 (1) Restrict the manufacture, sale, or distribution of class B fire-fighting foam that
31 contains intentionally added PFAS chemicals or restrict the discharge or other use of
32 class B fire-fighting foam in response to an emergency fire-fighting operation; or

33 (2) Prevent the use of nonfluorinated foams, including other class B fire-fighting foams,
34 for purposes of training for fire-fighting operations."

35 **SECTION 2.**

36 All laws and parts of laws in conflict with this Act are repealed.