

Public Hearing – February 10, 2021
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

Senate Bill No. 837 – An Act Concerning the Use of Perfluoroalkyl or Polyfluoroalkyl Substances in Class B Firefighting Foam.

Thank you for the opportunity to present testimony regarding Senate Bill No. 837 – An Act Concerning the Use of Perfluoroalkyl or Polyfluoroalkyl Substances in Class B Firefighting Foam. The purpose of this bill is to: prohibit the use of firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances (PFAS), also known as Aqueous Film-Forming Foam or AFFF, for firefighting training; prohibit the use of firefighting foam containing PFAS for firefighting provided an alternative is identified; and require the Department of Energy and Environmental Protection (DEEP) to establish a take-back program for municipal sources of PFAS substances.

DEEP supports the concept of this bill because minimizing the use of PFAS-containing firefighting foam will reduce future releases of PFAS, a class of emerging contaminants with potential human health risks. The purposes of Senate Bill No. 837 would advance several initiatives recommended in the PFAS Action Plan released by the Office of Governor Lamont in November 2019. DEEP suggests certain modifications to the bill that will expedite its timeline and avoid duplicating efforts that are already being carried out jointly by DEEP and the Department of Emergency Services and Public Protection (DESPP).

First, DEEP suggests that provision (b), which prohibits the use of PFAS-containing firefighting foams for firefighting training, take effect immediately upon passage rather than on July 1, 2022, as fluorine-free training foams have been commercially available for decades.

For provision (c), which prohibits the use of PFAS-containing firefighting foams, DEEP also suggests that the bill cover such application for vapor suppression. In addition, DEEP suggests that the bill prohibit all future releases of AFFF from State and local government-owned fire departments, with the exception of those operated by the Connecticut Airport Authority and Connecticut Military Department, until such Federal mandates that require use of AFFF in certain situations, such as aviation incidents, expire.

Furthermore, DEEP suggests that the prohibition outlined in provision (c) take effect on July 1, 2022, rather than July 1, 2023. An effective PFAS-free alternative to PFAS-containing firefighting foam has been identified by DESPP after extensive efficacy testing coordinated by DESPP and chemical analysis coordinated by DEEP. This alternative PFAS-free foam was identified in a bulletin issued by DESPP on February 5, 2021. An effective date of July 1, 2022 for this provision would provide municipal fire departments ample time to acquire the alternative foam product and to participate in a take-back program for the collection of their stocks of PFAS-containing firefighting foam.

DEEP believes that provision (d), establishing a take-back program for “municipal sources of PFAS-containing substances” is duplicative of efforts already being carried out by DESPP in coordination with DEEP. DEEP and DESPP have inventoried the volume of foam held in storage by state agencies and local fire departments, identified a collection approach, and are conducting due diligence on storage, treatment, and disposal alternatives to manage the collected foam, as well as the decontamination of equipment. Now that an alternative foam concentrate has been identified, the first stage of the take-back program will be initiated following finalization of details related to the management and appropriate disposition of the collected foam. This will be funded through a \$2 million allocation from the July 2020 State Bond Commission meeting.

We welcome the opportunity to work with the committee to address the specific aspects of the bill noted above.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact James Albis at James.Albis@ct.gov.