
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Senate Bill 310

**Senate
Amendment 1, as Amended**

2019 SENATE BILL 310

2019 Senate Bill 310 generally prohibits the use or discharge, including for training purposes, of Class B firefighting foam,¹ if the foam contains intentionally added per- and polyfluoroalkyl substances (PFAS).² The bill provides two exemptions from that prohibition, for: (1) use of such foam as part of an emergency firefighting or fire prevention operation; and (2) use of such foam for testing purposes, if the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of the foam to the environment. The bill directs the Department of Natural Resources (DNR) to promulgate rules, including emergency rules, to implement the prohibition and exemptions under the bill.

SENATE AMENDMENT 1, AS AMENDED

As amended by Senate Amendment 1,³ Senate Amendment 1 makes the following changes to the bill:

- Expands the definition of “class B firefighting foam” foam to include dual action Class A and B foam.
- For purposes of the exemption for testing, requires a testing facility to implement “appropriate storage measures,” in addition to “appropriate containment, treatment, and disposal measures,” and specifies that appropriate containment, treatment, and disposal or storage measures may not include flushing, draining, or otherwise releasing foam into a storm or sanitary sewer.
- Creates a new notification requirement, which requires a person to notify DNR of the use or release of firefighting foam under the exemption for emergency situations and to notify DNR if foam is released into the environment under the testing exemption.
- Requires a person who possesses firefighting foam for emergency firefighting purposes to request and retain “safety data sheets,” which are required under federal law for chemical manufacturers.
- Extends the timeline during which emergency rules promulgated under the bill remain in effect to three years and exempts those rules from the general requirement to make a finding that the emergency rule is necessary.

¹ The bill defines “Class B firefighting foam” to mean foam designed for use on a flammable liquid fire.

² PFAS are a group of man-made chemicals found in a variety of commercial and industrial products, including firefighting foam, nonstick cookware, and stain- and water-repellent fabrics. For more background information regarding PFAS, see [Wisconsin Legislative Council Issue Brief, Per- and Polyfluoroalkyl Substances \(October 2019\)](#).

³ As introduced, Senate Amendment 1 substituted the term “discharge” with “release,” and *vice versa*, in various provisions. Senate Amendment 1 to Senate Amendment 1 replaced all such references to “discharging.” Senate Amendment 1 to Senate Amendment 1 also added an exemption, described below, from general emergency rulemaking procedures.

- Replaces all references to “releasing” firefighting foams with references to “discharging” such foams.
- Creates new definitions for the terms “testing” and “training.”

BILL HISTORY

Senator Cowles offered Senate Amendment 1 and Senate Amendment 1 to Senate Amendment 1 on November 15, 2019 and December 12, 2019, respectively. On January 8, 2020, the Senate Committee on Natural Resources and Energy voted unanimously to recommend adoption of Senate Amendment 1 to Senate Amendment 1 and Senate Amendment 1, as amended. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

AH:jal