

HB19-1279

REP. EXUM

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ABOUT PFAS

PFAS stands for: Per- and Polyfluoroalkyl substances. These are manmade chemicals created by fluorine atoms bonded to a carbon chain.

There are thousands of PFA substances. They are found in common products used by everyone every day – including textiles, paper products, semiconductors, automotive and aerospace components, cookware, food packaging, stain repellants, and – as relevant here – firefighting foams.

However, because some PFA Substances are known to be dangerous to human health, the Environmental Protection Agency (EPA) regulates 75 of them with a Significant New Use Rule (SNUR) – which requires that companies must report to the EPA whenever they're going to use or even import any of these chemicals, so the EPA can decide whether or not such use or importation poses a threat to public health and safety.

Two of these PFA Substances are even under EPA Health Advisories, warnings that the chemicals are dangerous to your health. Those two chemicals are: Perfluorooctanoic Acid (PFOA), and Perfluorooctane Sulfonate (PFOS).

When we talk about PFA Substances, we're talking about PFOA and PFOS as well as multiple other related compounds

The 75 PFA Substances regulated by the EPA's SNUR – especially PFOA and PFOS – are known to cause health problems, such as:

- Developmental effects to fetuses during pregnancy and to breast-fed babies (e.g., low birth weight, accelerated puberty, skeletal variations),
- Cancer (e.g., testicular, kidney),
- Liver effects (e.g., tissue damage),
- Immune effects (e.g., decreased antibody production and immunity),
- And other effects (e.g., cholesterol changes).

Some PFA Substances create an aqueous-film forming foam (AFFF), which is used at chemical plants, airports, and military bases for fighting flammable-liquid fires – like when jet fuel burns, or other hydrocarbon chemical fires.

Most local fire fighters rarely use AFFF to put out any fires. However, it may still be used for particular situations (such as fire-resistant materials). They need to know how to use it, and so continue doing routine trainings with it. But whether it's used at a real fire or just in trainings, the AFFF still gets sprayed everywhere, covering the ground, and is then washed away with water, soaking down into the soils and water supplies below, causing contamination. It has also been flushed into the water systems of some contaminated areas.

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HB19-1279 prohibits in Colorado the use of AFFF containing PFA Substances during firefighting training exercises – to prevent further contamination of our local water supplies.

Section 1 of the bill describes, in brief, Colorado's problem of water contamination by PFA Substances.

"The historic use of perfluoroalkyl and polyfluoroalkyl substances, known as PFAS chemicals, in Class B firefighting foams has contaminated the drinking water of nearly 100,000 Coloradans, including five water systems down-gradient from Peterson Air Force Base, and volunteer firefighting station wells at the Sugarloaf Fire District in Boulder county. The full extent of contamination in Colorado has not yet been determined."

Section 2 of the bill prohibits the use of AFFF containing PFA Substances during firefighting training exercises and imposes a fine for failing to comply (\$5,000 for a first offense, \$10,000 for each subsequent offense).

Money collected from these fines goes into the Local Firefighters Safety and Disease Prevention Fund – which was created "to provide funding or reimbursement for equipment and training designed to increase firefighter safety and prevent occupation-related diseases" (CRS 24-33.5-1231 (2)).

Section 3 of the bill creates within Colorado's laws the Firefighting Foams and Personal Protective Equipment Act, which does several things:

1. Prohibits AFFFs containing PFA Substances from being sold in Colorado after August 2, 2021;
2. Requires companies which manufacture firefighting personal protective equipment (including jackets, pants, shoes, gloves, helmets, and respiratory equipment) treated with PFA Substances to warn buyers that the equipment is treated with hazardous PFA Substances; and
3. Requires the Colorado Department of Public Health and the Environment (CDPHE) to conduct a survey once every three years to learn:
 - a. How many fire stations in Colorado still have some AFFF containing PFA Substances, and how much of it they have; and
 - b. All the times in the last 5 years when fire stations have used any AFFF containing PFA Substances.