



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 328*
133rd General Assembly

Bill Analysis

[Click here for H.B. 328's Fiscal Note](#)

Version: As Reported by House Commerce and Labor

Primary Sponsor: Rep. Baldrige

Margaret E. Marcy, Attorney

SUMMARY

- Prohibits the use of Class B firefighting foam containing intentionally added PFAS chemicals for testing purposes (unless certain measures are implemented) or for training purposes.

DETAILED ANALYSIS

Class B firefighting foam

Class B firefighting foam is a type of special foam designed to extinguish fires caused by flammable liquids, such as gasoline, oil, and jet fuel. Class B foams can be divided into two categories, fluorinated foams and fluorine-free foams. The fluorinated foams contain perfluoroalkyl and polyfluoroalkyl substances (PFAS).¹ PFAS are persistent in the environment and the human body because they do not break down readily and can accumulate over time. There is some evidence that exposure to PFAS can lead to adverse health effects. Although many U.S. companies have stopped using PFAS chemicals in their products, they are still commonly used in foreign products that can be imported and sold in the U.S., and they are still common in Class B firefighting foam.²

* This analysis was prepared before the report of the House Commerce and Labor Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 3737.52(A).

² Other products that contain PFAS include certain carpet, upholstery, cookware, and food packaging. "Basic Information on PFAS." United States Environmental Protection Agency. *PFOA, PFOS and other PFASs*. <https://www.epa.gov/pfas/basic-information-pfas> (last accessed on October 18, 2019).

Prohibited uses

The bill prohibits the use of Class B firefighting foam containing intentionally added PFAS chemicals (Class B foam) for training purposes. It also prohibits the use of Class B foam for testing purposes unless the testing facility has implemented appropriate containment, treatment, and disposal measures designed to prevent the release of the foam into the environment.³

The bill clarifies that Class B foam may still be used for emergency firefighting or fire prevention operations. Further, the bill does not restrict the manufacture, sale, or distribution of Class B foam. Finally, the bill clarifies that firefighting foam may still be used for firefighting training purposes, provided it does not contain intentionally added PFAS chemicals.⁴

Penalties

The bill does not specify a penalty for anyone who violates the bill's prohibitions.

HISTORY

Action	Date
Introduced	09-03-19
Reported, H. Commerce & Labor	---

H0328-RH-133/ec

³ R.C. 3737.52(B) and (C).

⁴ R.C. 3737.52(D) and (E).