

HOUSE No. 4975

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 1, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill relative to the reduction of certain toxic chemicals in firefighter personal protective equipment (Senate, No. 2902), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4975.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to the reduction of certain toxic chemicals in firefighter personal protective equipment (Senate, No. 2902). August 1, 2024.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the
2 following section:—

3 Section 245. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Firefighting personal protective equipment”, clothing or wearable items designed,
6 intended or marketed to be worn by firefighting personnel in the performance of their duties that
7 is designed for use in fire and rescue activities, including, but not limited to, jackets, pants,
8 footwear, gloves, helmets and respiratory equipment.

9 “Intentionally-added PFAS”, PFAS chemicals that are added to a product or that enter the
10 product from the manufacturing or processing of the product; provided, however, that the
11 manufacturer of the product knows, or is reasonably expected to know, or possesses or controls
12 information of the addition of PFAS chemicals; and provided further, that “intentionally-added
13 PFAS” shall include any degradation products containing PFAS chemicals or products for which

14 PFAS chemicals or PFAS precursors are used as a processing agent or mold release agent or
15 PFAS created by chemical reactions.

16 “Local government”, a county, city, town, fire district, regional fire protection authority
17 or special purpose district that provides firefighting services.

18 “Manufacturer”, a person, firm, association, partnership, corporation, organization, joint
19 venture, importer or domestic distributor that manufactures, sells or distributes firefighting
20 agents or firefighting equipment; provided, however, that in the case of a product imported into
21 the United States, “manufacturer” shall include the importer or first domestic distributor of the
22 product if the person that manufactured or assembled or whose brand name is affixed to the
23 product does not have a presence in the United States.

24 “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals”, a class of
25 fluorinated organic chemicals containing at least 1 fully fluorinated carbon atom.

26 (b)(1) A manufacturer or other person that sells firefighting personal protective
27 equipment containing PFAS chemicals to any person, local government or state agency shall
28 provide written notice to the purchaser at the time of sale which shall state: (i) that the
29 firefighting personal protective equipment contains PFAS chemicals; (ii) the reason for which
30 the firefighting personal protective equipment contains PFAS chemicals; and (iii) the specific
31 PFAS chemicals within the product listed by chemical name and abbreviated name.

32 (2) A manufacturer or other person selling firefighting personal protective equipment and
33 the purchaser of said equipment shall retain a copy of the notice on file for not less than 3 years
34 from the date of the purchase. Upon the request of the department, a manufacturer or purchaser

35 shall furnish the notice, or copies of the notice, and associated sales documentation to the
36 department within 60 days of the request.

37 SECTION 2. Section 245 of said chapter 111, added by section 1, is hereby amended by
38 striking out subsection (b) and inserting in place thereof the following subsection:-

39 (b) A manufacturer or other person that sells firefighting personal protective equipment to
40 a person, local government or state agency shall not manufacture, knowingly sell, offer for sale,
41 distribute for sale or distribute for use in the commonwealth any firefighting personal protective
42 equipment containing intentionally-added PFAS.

43 SECTION 3. Section 1 shall take effect on January 1, 2025.

44 SECTION 4. Section 2 shall take effect on January 1, 2027.