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## BLOGS

Legislative Developments

# Illinois Takes Action to Regulate PFAS in Firefighting Foams

On August 6, 2021, Gov. J.B. Pritzker signed into law S.B. 561, known as the PFAS Reduction Act. The new law focuses on Class B firefighting foams, commonly referred to as aqueous film forming foams, which have been widely recognized as a source of per and polyfluoroalkyl substances (PFAS). Among other provisions, the PFAS Reduction Act directs the following:

- Prohibits any person (including local governments and fire departments) from discharging Class B firefighting foams containing PFAS during training exercises or testing, except under certain conditions.
- After January 1, 2022, prohibits the manufacture, sale, or distribution of a Class B firefighting foam containing PFAS. This deadline may be extended to 2027 for operators of refinery, chemical or ethanol plants, storage and distribution facilities, tank farms or terminals for flammable liquids, or facilities that utilize a fixed foam system.
- Requires manufacturers of Class B firefighting foam containing PFAS to notify any fire departments purchasing Class B firefighting foam that the foam contains PFAS and PFAS free alternatives may be available.
- Requires notification to the Illinois Emergency Management Agency in the event of a discharge of a Class B firefighting foam.
- Requires the Office of the State Fire Marshal to conduct a survey of fire departments using Class B firefighting foams and collect information about past discharges, and provide a report of the results of the survey to the General Assembly.
- Imposes restrictions on disposal of Class B firefighting foams.
- Provides a civil penalty of \$5,000 for the first violation of the Act and \$10,000 for each subsequent violation.

The original bill, introduced by Sen. Laura Ellman, also contained a ban on the sale food packaging containing PFAS, following a [trend by other states](#) which are moving to address PFAS in consumer products. However, this provision was omitted early in the legislative process.

Lathrop GPM continues to follow PFAS regulatory developments, which are rapidly changing every day. Follow the PFAS Playbook to stay current with new PFAS developments.