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March 19, 2024

The Honorable David A. Bennett  
Chair  
House Environment and Natural Resources Committee

The Honorable Robert D. Phillips  
First Vice Chair  
House Environment and Natural Resources Committee

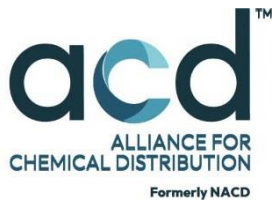
The Honorable Lauren H. Carson  
Second Vice Chair  
House Environment and Natural Resources Committee

Chair Bennett, Vice Chair Phillips, Vice Chair Carson, and Members of the House Environment and Natural Resources Committee:

On behalf of the Alliance for Chemical Distribution (ACD), I am writing to you today to voice concerns with H 7356 as it is currently written. ACD supports the gradual phase-out of per- and polyfluorinated substances (PFAS) where functionally viable and commercially available alternatives exist, including when used in firefighting foams necessary to control chemical fires. However, we are concerned that the introduced bill includes a prohibition on the use of PFAS-containing firefighting foams, such as aqueous film-forming foam (AFFF), by January 1, 2025. We encourage the committee to either remove this provision or extend the phase-out timeline.

While certified synthetic fluorine-free foams (SFFF) are currently on the market, data on their effectiveness vary. For example, performance can vary based on what fuel is burning, the foam's aspiration level, and the firefighting and application techniques. Our member companies remain concerned that some facilities will continue to need PFAS-containing firefighting foams until better data and more real-world examples of the effectiveness of SFFF are available.

Additionally, not all SFFF alternatives are drop-in substitutes for PFAS-containing firefighting foams. Fire suppression systems are unique to each chemical facility, and depending on its size and the chemistries a facility handles, it may need to replace a dozen different systems. This transition will take substantially longer than 9 months to make these safety changes — including time to secure a company, obtain the proper permits, properly remove and dispose of the AFFF system, and install and test the SFFF system. We strongly believe that giving chemical facilities less than one year to phase out their existing systems is not realistic.



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We appreciate that the bill includes a process whereby chemical facilities can apply for an exemption, but limiting exemptions to one year or less effectively means the use of PFAS-containing firefighting foams will be banned in the state by January 1, 2026. We urge you to, at a minimum, consider extending the exemption timeline.

While ACD supports the intent of this bill to limit non-critical use of PFAS chemistries, this bill as written would force our members to adhere to an unrealistic timeline. We urge this committee to consider amending provisions to ensure affected entities can continue to keep their facilities and communities safe.

Sincerely,

Brian E. Callahan

Vice President, Legislative Affairs

#### **About ACD**

The Alliance for Chemical Distribution (ACD) partners with our more than 400 chemical distribution industry members to provide the education, connection, standards, and advocacy they need to responsibly move the essential products our world depends on. As leaders in the \$27B+ chemical distribution industry, ACD member companies commit to the highest standards in quality, safety, sustainability, and performance through ACD Responsible Distribution™. For more information, visit [acd-chem.com](http://acd-chem.com).