

BILL ANALYSIS

S.B. 1898
By: Johnson
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a class of synthetic chemicals that do not naturally break down, which is why they are often called "forever chemicals." PFAS chemicals have been used in firefighting since the 1970s because of their unique properties. However, the bill sponsor has informed the committee that during the training of firefighters and other military operations, the foam is left undisposed of and slowly seeps into the surrounding environment and eventually into ground water. Recent data from the CDC indicates that higher concentrations of PFAS are a risk to not only the environment but also human health. According to a study by the International Association of Firefighters, 72 percent of firefighter line-of-duty-deaths in 2023 were due to occupational cancer. S.B. 1898 seeks to reduce firefighters' exposure to cancer-causing chemicals and prevent PFAS from contaminating the environment by prohibiting the use of PFAS firefighting foams for training or testing purposes, with certain exceptions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1898 amends the Health and Safety Code to prohibit a person from discharging a Class B firefighting foam designed to extinguish flammable liquid fires that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals:

- during or for the training of firefighters; or
- during or for testing, including calibration testing, conformance testing, or fixed foam system testing, unless the discharge or use:
 - is otherwise:
 - required by law or a rule or order of the applicable state agency or political subdivision; or
 - necessary to meet applicable National Fire Protection Association standards; and
 - occurs in a testing facility that has implemented appropriate containment, treatment, and disposal measures to prevent the release of the foam into the environment.

The bill requires a person to use a non-fluorinated firefighting training foam or other non-fluorinated surrogate during or for the training of firefighters and requires such training that uses such foam or other surrogate to be conducted in a manner that ensures collection of the used

foam or surrogate, regardless of the foam or surrogate type. The bill establishes that its provisions expressly do not prohibit or restrict the following:

- the manufacture, sale, or distribution of firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals; or
- the discharge or use of firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals during emergency firefighting operations.

S.B. 1898 defines "fixed foam system" as a complete installation engineered for flammable liquid fire hazards that discharges through a fixed discharge device foam piped from a central foam station onto a flammable liquid fire hazard. The bill establishes that the installation must have permanently installed foam proportioning components and may contain multiple listed components and foam.

S.B. 1898 defines "perfluoroalkyl and polyfluoroalkyl chemicals" as non-polymeric perfluoroalkyl substances, saturated polyfluoroalkyl substances, and side-chain fluorinated polymers that contain at least two fully fluorinated sequential carbon atoms. The bill specifies that the term does not include gases or substances that become gases in use that are otherwise regulated by state or federal laws, rules, or regulations, or by international protocols.

S.B. 1898 defines "testing facility" as a facility, including a facility used for firefighter training, that allows for the discharge of firefighting foam in a nonemergency situation for the evaluation and calibration of firefighting equipment and foam.

EFFECTIVE DATE

September 1, 2025.