



November 20, 2018

To: The Honorable Gayle Manning
Chairwoman, House Commerce & Labor Committee

From: Josh Young
Senior Director, State Affairs

RE: HB 328 Support

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in Ohio. Our members are committed to the safety of their products and to the protection of the public health.

Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including Ohio. Thanks to chemistry, our lives are healthier, safer, more sustainable and productive than before. Over 40,300 people are employed by the chemistry industry in Ohio.

With regards to HB 328, we respectfully support this bill. HB 328, as drafted, seeks to codify best practices regarding the use of firefighting foams containing intentionally added per- and polyfluoroalkyl substances (PFAS), also known as aqueous film forming foams (AFFF), that will take effect in January 2020.

AFFF are the most effective foams currently available to fight high-hazard flammable liquid fires (Class B) in military, industrial, chemical, fuel depot/storage, aviation and other applications. AFFF (e.g. fluorinated foams) have proven effectiveness in large scale tank fires, fuel-in-depth fires and other high hazard Class B fires. Their unique film-forming and fuel repellency properties provide rapid extinguishment, critical burnback resistance and protection against vapor release, which help to prevent re-ignition and protect fire fighters working as part of rescue and recovery operations. Fluorine-free foams can and do provide an alternative to fluorinated foams in some applications such as spill fires and smaller tank fires. However, they are not currently able to provide the same level of fire suppression capability, efficiency, flexibility, and scope of usage. Fire test results presented at international fire protection conferences in 2011, 2013, 2015 and 2016, including some performed by the Naval Research Labs (NRL), all show that fluorinated foams are significantly more effective at extinguishing flammable liquid fires than fluorine-free foams. In a recent trade publication (Jan'19), an NRL scientist said fluorinated foams "outperform fluorine-free foams by a factor of four to five" by containing the fire and suppressing vapors that can reignite.

Today's PFAS, including those used in current AFFF formulations, are supported by a robust body of data. While concerns have been raised regarding environmental contamination issues related to certain PFAS, these chemicals are neither used to manufacture nor used in the formulation of the current

fluorotelomer C6-based PFAS fluorosurfactants used in class B firefighting foams. The C6-based products have been available and used since the 1970's with full conversion to all C6 products by the end of 2015. Today's PFAS are generally short-chains, and they have significantly improved hazard profiles compared to the legacy long-chain products. There have also been substantial advances in the processes by which today's PFAS are manufactured and supporting stewardship efforts, leading to minimized emissions. Today's PFAS are critical and continue to enable a myriad of applications vital to the U.S. (and global) economy. The manufacture and commercial use of today's PFAS are subject to review by regulatory bodies around the world. They are well-studied and the evidence shows these chemistries meet relevant regulatory standards for the protection of human health and the environment.

AFFF helps to protect life and property in large scale high hazard class B fires and should be used responsibly. Legacy contamination from the use of firefighting foams is largely the result of past practices where foam was discharged to the environment during training as well as the testing and calibration of foam equipment. Current best practice calls for the containment and treatment of foam discharges and the use of non-fluorinated fluids and methods for testing, training and calibration. This bill would create statutory requirements for these best practices. Industry voluntarily started working with EPA in the early 2000s to phase out long-chain PFAS substances, including virtually eliminating facility emissions and long-chain PFAS product content. Those long-chains are no longer produced in the U.S., Europe, or Japan. These efforts have led to substantial declines in the blood levels of PFOA and PFOS in the general U.S. population. As large-scale high hazard Class B fires are actually rare, requiring best management practices for all foam users has the potential to significantly reduce discharges of PFAS to the environment from foam. Similar legislation has been passed in other states, banning the release of PFAS-based foams to the environment except in the case of emergencies. We believe that this is a responsible and sound approach that protects society from catastrophic fires while at the same time minimizing the environmental impact from foam use. This bill allows for the use of PFAS-based foams in high-hazard fire emergencies, ensuring important facilities in Ohio have adequate life and property safety and fire protection.

In conclusion, we ask you to support HB 328. Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me at 202-249-6223 or via email at Josh.Young@americanchemistry.com.