
ENVIRONMENTAL Fact Sheet



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RSA 154:8b: Certain Chemicals Prohibited in Firefighting Foam

During the 2019 legislative season, the NH Legislature adopted Senate Bill 257 relative to PFAS in firefighting foam and firefighter protective clothing. NH RSA 154:8-b, which Governor Sununu signed into law and became effective September 3, 2019, sets out certain requirements relative to the sale and use of firefighting foam containing PFAS.

NH RSA 154:8-b prohibits firefighting foams containing PFAS for use in testing or training on or after January 1, 2020. The law includes requirements designed to reduce environmental contamination and reduce the risk of public health impacts for firefighters and New Hampshire citizens. NH RSA 154:8-b also bans manufacturers of firefighting foams containing PFAS from knowingly selling or distributing these foams in the State of New Hampshire unless otherwise specifically exempt.

What RSA 154:8b does:

- Bans the use of firefighting foam that contains PFAS chemicals for training or for testing systems that suppress fire unless NHDES has evaluated the testing facility for containment, treatment and disposal measures to prevent uncontrolled release of that foam to the environment.
- Bans the sale of firefighting foam with PFAS chemicals (exemptions are detailed in the bill).
- Requires manufacturers to notify businesses that sell firefighting foam containing PFAS about the sale restriction.
- Requires NHDES to: (1) assist state and local agencies in avoiding the purchase of firefighting foams with PFAS; (2) conduct a statewide survey of fire departments inventory and use of firefighting foams with PFAS¹; and (3) institute a take-back program for legacy foams by July 2021¹.
- Requires the municipality making a discharge of foams containing PFAS (intentionally or accidentally) to notify NHDES within 48 hours of making the discharge².
- Holds fire departments immune from using remaining firefighting foam containing PFAS under emergency conditions.

Exemptions from the law:

Some entities are currently authorized or required by federal law to have firefighting foam containing PFAS due to explicit military, aviation or industry standards. The law exempts other users as well. These exemptions are outlined in NH RSA 154:8-b. However, the law makes it illegal for any entity to use foam with these chemicals for training activities or testing fire suppression systems.

¹ Refer to [NHDES Form Survey Report](#) dated December 1, 2020, for a summary of the inventory and cost estimate, and discussion on the status of the takeback program.

² To report a discharge of AFFF, contact Amy Doherty of the Waste Management Division, Hazardous Waste Remediation Bureau at [\(603\) 271-6542](tel:603-271-6542) or amy.doherty@des.nh.gov.