STATE OF NEW YORK

1053--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

Introduced by M. of A. STECK -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the recall of class B firefighting foam and prohibiting the sale or distribution of firefighting personal protective equipment that contains intentionally added PFAS; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (b) of subdivision 4 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended to read as follows:

(b) A manufacturer that [~~produces, sells, or distributes~~] **at any time manufactured, sold, offered for sale, or distributed for sale or use** a class B firefighting foam prohibited under subdivision three of this section shall recall [~~the~~] **such** product[~~, which includes~~]**. Such recall shall include** collection, transport, treatment, storage and safe [~~disposal, after the implementation date of the restrictions set forth in subdivision three of this section and reimburse~~] **destruction of PFAS chemicals through or by a method approved by the department of environmental conservation, and reimbursement of** the retailer or any other purchaser for [~~the~~] **such** product.

§ 2. Subdivision 1 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended by adding a new paragraph (h) to read as follows:

(h) "Intentionally added" shall have the same meaning as "intentionally added chemical" set forth in subdivision four of section 37-0121 of the environmental conservation law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. Paragraph (b) of subdivision 3 of section 391-u of the general business law, as amended by chapter 88 of the laws of 2020, is amended to read as follows:

(b) The restrictions in paragraph (a) of this subdivision shall not apply to the manufacture, sale, or distribution of class B firefighting foam:

(1) For use in suppressing or preventing an ignitable liquid fire where the office of fire prevention and control, in consultation with the department of environmental conservation and the department of health, through promulgation of a rule, exempts a use of class B fire-fighting foam on the basis that an alternative firefighting agent to which PFAS chemicals have not been intentionally added and that is effective in suppressing or preventing an ignitable liquid fire is not available. If the office of fire prevention and control exempts a use of class B firefighting foam from the restrictions in paragraph (a) of this subdivision, it shall re-evaluate available alternative firefighting agents at least every two years as long as the exemption remains in place, and repeal such exemption upon a finding that an alternative firefighting agent to which PFAS chemicals have not been intentionally added is available that is effective in suppressing or preventing an ignitable liquid fire.

(2) Where the inclusion of PFAS chemicals are required by federal law or regulations. In the event that applicable federal laws or regulations change after the effective date of this section to allow the use of effective alternative firefighting agents that do not contain PFAS chem-icals, the office of fire prevention and control [~~may~~] **shall** adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal law or regulation.

§ 4. Subdivision 5 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended by adding a new paragraph (c) to read as follows:

(c) Beginning January first, two thousand twenty-eight, a manufacturer shall not manufacture, knowingly sell, offer for sale, distribute for sale or distribute for use in the state any firefighting personal protective equipment to which PFAS chemicals have been intentionally added.

§ 5. Paragraphs (a) and (b) of subdivision 5 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, are REPEALED.

§ 6. Paragraph (c) of subdivision 5 of section 391-u of the general business law, as added by section four of this act, is redesignated as subdivision 5.

§ 7. Subdivision 6 of section 391-u of the general business law, as added by chapter 88 of the laws of 2020, is amended to read as follows:

6. The office of fire prevention and control may issue guidance to state agencies, fire protection districts and local governments in avoiding the purchase or use of class B firefighting foams to which PFAS chemicals have been intentionally added [~~and to give priority and pref-erence to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals~~].

§ 8. This act shall take effect immediately; provided, however, that sections five, six and seven of this act shall take effect January 1, 2028.