

STATE OF NEW YORK

3659--A

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- 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:

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

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

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

17 (h) "Intentionally added" shall have the same meaning as "inten-
18 tionally added chemical" set forth in subdivision four of section
19 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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1 § 3. Paragraph (b) of subdivision 3 of section 391-u of the general
2 business law, as amended by chapter 88 of the laws of 2020, is amended
3 to read as follows:

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

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

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

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

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

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

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

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

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

52 § 8. This act shall take effect immediately; provided, however, that
53 sections five, six and seven of this act shall take effect January 1,
54 2028.