

Senate File 2033 - Introduced

SENATE FILE 2033

BY WEBSTER

A BILL FOR

1 An Act relating to perfluoroalkyl and polyfluorinated
2 substances in fire fighter personal protective equipment and
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 100B.51 Disclosure of
2 perfluoroalkyl and polyfluorinated substances in fire fighter
3 personal protective equipment — penalty.

4 1. For purposes of this section, unless the context
5 otherwise requires:

6 a. *"Fire fighter personal protective equipment"* includes
7 but is not limited to personal protective clothing, for either
8 structural or wild land uses, such as helmets, coats, boots,
9 pants, means of eye protection, gloves, and protective hoods;
10 self-contained breathing apparatus with integrated personal
11 alert safety system devices; and radio communications.

12 b. *"Perfluoroalkyl substance"* or *"polyfluorinated substance"*
13 means a class of fluorinated organic chemicals containing at
14 least one fully fluorinated carbon atom.

15 2. Any person, including a manufacturer, that sells fire
16 fighter personal protective equipment shall provide a written
17 notice to the purchaser at the time of sale if the equipment
18 contains intentionally added perfluoroalkyl or polyfluorinated
19 substances. The written notice shall include a notification
20 and product label stating the fire fighter personal protective
21 equipment contains perfluoroalkyl or polyfluorinated substances
22 and the reason the substance was added to the equipment. A
23 person selling fire fighter personal protective equipment and
24 the purchaser of the equipment shall retain a copy of the
25 written notice for at least three years from the date of sale.

26 3. Within sixty days of a request by the attorney general,
27 a city attorney, or a county attorney, the seller or purchaser
28 of fire fighter personal protective equipment shall provide to
29 the requestor the written notice required by subsection 2, or a
30 copy of the written notice, and associated sales documentation.

31 4. Within sixty days of a request by the attorney general,
32 a city attorney, or a county attorney, a manufacturer of fire
33 fighter personal protective equipment shall provide a written
34 certification that the manufacturer is in compliance with
35 subsection 2 for all fire fighter personal protective equipment

1 the manufacturer has sold.

2 5. The attorney general, a city attorney, or a county
3 attorney may bring an action in district court to enforce this
4 section. A person found to have violated this section shall be
5 liable for a civil penalty not to exceed ten thousand dollars
6 per violation. Penalties collected shall be deposited with the
7 treasurer of state for credit to the fire fighting equipment
8 revolving loan fund established by the department of public
9 safety pursuant to 2003 Iowa Acts, ch. 177, §11.

10

EXPLANATION

11

The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

12

13 This bill requires any person, including a manufacturer,
14 that sells fire fighter personal protective equipment, as
15 defined in the bill, to provide a written notice to the
16 purchaser at the time of sale if the equipment contains
17 intentionally added perfluoroalkyl or polyfluorinated
18 substances, as defined in the bill. The written notice shall
19 include a notification and product label stating the fire
20 fighter personal protective equipment contains perfluoroalkyl
21 or polyfluorinated substances and the reason the substance
22 was added to the equipment. The seller and purchaser of the
23 equipment shall each retain a copy of the written notice for at
24 least three years from the date of sale.

25 Within 60 days of a request by the attorney general, a city
26 attorney, or a county attorney, the seller or purchaser of fire
27 fighter personal protective equipment shall provide to the
28 requestor the written notice, or a copy of the written notice,
29 and associated sales documentation. The attorney general, a
30 city attorney, or a county attorney may also request a written
31 certification from a manufacturer that the manufacturer is in
32 compliance with the notice requirements for all fire fighter
33 personal protective equipment the manufacturer has sold.

34 The attorney general, a city attorney, or a county attorney
35 may bring an action in district court to enforce the bill. A

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1 person found to have violated this section shall be liable for
2 a civil penalty not to exceed \$10,000 per violation. Penalties
3 collected shall be credited to the fire fighting equipment
4 revolving loan fund established by the department of public
5 safety.