

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### SENATE, No. 2712

# STATE OF NEW JERSEY

DATED: DECEMBER 15, 2022

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2712.

This bill would prohibit, beginning two years after the bill's effective date, the sale, manufacture, distribution, and use of any class B firefighting foam containing intentionally added PFAS within the State. As defined in the bill, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and "class B firefighting foam" means foam designed to prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

The bill's provisions would not apply to the sale, manufacture, distribution, or use of class B firefighting foam for which the inclusion of PFAS is required by federal law or regulation, including, but not limited to, 14 C.F.R. s.139.317. If a federal requirement to include PFAS in class B firefighting foam is revoked, the bill's provisions would apply one year after the requirement is revoked.

A violation of the bill's provisions would be an unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.), commonly known as the State's "Consumer Fraud Act." As provided by section 1 of P.L.1966, c.39 (C.56:8-13), an unlawful practice under the Consumer Fraud Act is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured.