

# FISCAL NOTE

May 10, 2023

|                 |        |                      |     |                 |              |
|-----------------|--------|----------------------|-----|-----------------|--------------|
| <b>Bill No:</b> | SB 144 | <b>Printer's No:</b> | 390 | <b>Sponsor:</b> | Sen. Yaw (R) |
|-----------------|--------|----------------------|-----|-----------------|--------------|

### COST / (SAVINGS)

| <b>Fund (s)</b> | <b>2022-23</b> | <b>2023-24</b> |
|-----------------|----------------|----------------|
| General Fund    | \$61,200,000   | \$897,000      |

**SUMMARY:** SB 144 provides for the management of firefighting foam in the Commonwealth. The provisions of the bill will prohibit the discharge or usage of class B firefighting Foam that contains PFAS chemical for testing and training purposes. This directs the State Fire Commissioner to assist firefighting entities with evaluation and determination of transition to foam that does not contain added PFAS chemical. The bill also calls for civil penalties for violations of the prohibition. The Office of the State Fire Commissioner (OSFC) is assigned enforcement of the provisions of this bill.

**ANALYSIS:** SB 144 makes the OSFC responsible to oversee and manage the transition from foam containing PFAS chemical to foams without it. The most responsible way to accomplish this is with a buyback program. Reliance on manufacturer compliance with buyback may result in litigation with a comparable fiscal impact and loss of time and resources. Enforcement of the provisions of SB 144 would require the OSFC to build an enforcement arm as it does not currently have one. The OSFC would also need to develop and administer a training program which will result in additional ongoing costs.

**FISCAL IMPACT:** The OSFC would require additional personnel for the administration of SB 144. Costs for an attorney and an administrative assistant (plus office costs) would be \$400,000 annually. To meet the transition requirement of SB 144, the OSFC would fund and administer a buyback program with a cost of \$60,000,000 in the first year. For the enforcement of SB 144, a new enforcement section with field personnel, vehicles, and additional travel and operating costs would be \$450,000 in the first year and \$322,000 in subsequent years. For the development and administration of a training program, the costs would be \$350,000 in the first year and \$175,000 in subsequent years. The total fiscal impact for compliance with SB 144, as it is currently written, is \$61,200,000 in the first year with ongoing costs of \$897,000 annually.