

DRAFT

SUMMARY

Digest: This Act prohibits the sale, use and disposal in certain places of firefighting foam with PFAS in it. The Act tells the EQC to ensure the safe collection and disposal of firefighting foam with PFAS in it. (Flesch Readability Score: 66.8).

Prohibits the sale and use of firefighting foam containing perfluoroalkyl or polyfluoroalkyl substances (PFAS). Prohibits the disposal of firefighting foam containing PFAS at certain facilities. Prohibitions are operative on January 1, 2026.

Requires the Environmental Quality Commission to establish a program to ensure the safe collection and disposal of firefighting foam containing PFAS.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to firefighting foam; creating new provisions; amending ORS
3 459.995; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made**
6 **a part of ORS 459.005 to 459.437.**

7 **SECTION 2. (1) As used in this section and section 3 of this 2025**
8 **Act:**

9 (a) **“Disposal system” has the meaning given that term in ORS**
10 **468B.005.**

11 (b) **“Municipality” means a city, county, county service district,**
12 **sanitary authority, sanitary district or other governmental entity**
13 **having authority to dispose of or treat or collect sewage, industrial**
14 **wastes or other wastes, or any combination of two or more of the**

1 **foregoing acting jointly.**

2 **(c) “PFAS firefighting foam” means a foam substance that contains**
3 **intentionally added perfluoroalkyl or polyfluoroalkyl substances that**
4 **is used to control or extinguish fire.**

5 **(2) A person may not sell, offer for sale or distribute in or into this**
6 **state PFAS firefighting foam.**

7 **(3) A person may not use PFAS firefighting foam for any purpose.**

8 **(4) A person may not dispose of and a disposal site operator may**
9 **not knowingly accept for disposal PFAS firefighting foam at a disposal**
10 **site.**

11 **(5) A person may not dispose of PFAS firefighting foam into a dis-**
12 **posal system owned by a municipality.**

13 **(6) The Environmental Quality Commission may adopt rules neces-**
14 **sary to implement and enforce this section.**

15 **SECTION 3. (1) The Environmental Quality Commission, in coordi-**
16 **nation with the Department of the State Fire Marshal, shall establish**
17 **by rule a program to ensure the safe collection and disposal of PFAS**
18 **firefighting foam. Rules adopted under this section may include, but**
19 **need not be limited to:**

20 **(a) Approving methods for the safe collection and transportation**
21 **of PFAS firefighting foam; and**

22 **(b) Approving facilities to accept and dispose of PFAS firefighting**
23 **foam.**

24 **(2) The Department of Environmental Quality, in coordination with**
25 **the Department of the State Fire Marshal, shall develop educational**
26 **materials and carry out education and outreach activities to educate**
27 **users of firefighting foam on:**

28 **(a) The prohibitions on PFAS firefighting foam contained in section**
29 **2 of this 2025 Act;**

30 **(b) The approved methods for collecting, transporting and disposing**
31 **of PFAS firefighting foam; and**

1 **(c) Available alternatives to PFAS firefighting foam.**

2 **SECTION 4.** ORS 459.995, as amended by section 6, chapter 73, Oregon
3 Laws 2023, is amended to read:

4 459.995. (1) Except as provided in subsection (2) of this section, in addition
5 to any other penalty provided by law:

6 (a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to
7 459.405, 459.485, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to
8 459A.335, 459A.860 to 459A.975 or 646A.080 **or section 2 of this 2025 Act**,
9 or any rule or order of the Environmental Quality Commission pertaining
10 to the disposal, collection, storage or reuse or recycling of solid wastes, as
11 defined by ORS 459.005, or any rule or order pertaining to the disposal,
12 storage or transportation of waste tires, as defined by ORS 459.705, or any
13 rule or order pertaining to the sale of novelty items that contain
14 encapsulated liquid mercury, or any rule or order pertaining to compact
15 fluorescent lamps or linear fluorescent lamps, as defined by ORS 459.485, **or**
16 **any rule or order pertaining to PFAS firefighting foam, as defined in**
17 **section 2 of this 2025 Act**, incurs a civil penalty not to exceed \$25,000 per
18 day for each day of the violation.

19 (b) Any person who violates the provisions of ORS 459.420 to 459.426 in-
20 curs a civil penalty not to exceed \$500 for each violation. Each battery that
21 is disposed of improperly is a separate violation. Each day an establishment
22 fails to post the notice required under ORS 459.426 is a separate violation.

23 (c) For each day a city, county or metropolitan service district fails to
24 provide the opportunity to recycle as required under ORS 459A.005, the city,
25 county or metropolitan service district incurs a civil penalty not to exceed
26 \$500 for each violation.

27 (d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs a
28 civil penalty not to exceed \$500 for each violation. Each covered electronic
29 device that is disposed of improperly is a separate violation.

30 (e) Any retailer that violates the provisions of ORS 459A.156 or 459A.825
31 (1) or (2)(b) incurs a civil penalty not to exceed \$100 per day for each day

1 of the violation.

2 (f) Any producer or renovator that violates the provisions of ORS
3 459A.156 or 459A.825 (1) incurs a civil penalty not to exceed \$1,000 per day
4 for each day of the violation.

5 (g) Any stewardship organization that violates the provisions of ORS
6 459A.150 to 459A.189, 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or
7 459A.842 incurs a civil penalty not to exceed \$1,000 per day for each day of
8 the violation.

9 (h) Any food vendor that violates ORS 459.468 incurs a civil penalty not
10 to exceed \$100 for each day of the violation.

11 (i) Any person that violates ORS 459.471 or 459.474 incurs a civil penalty
12 not to exceed \$500 per day for each day of the violation.

13 (2) Any product manufacturer or package manufacturer who violates ORS
14 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to 459A.665
15 incurs a civil penalty not to exceed \$1,000 per day for each day of the vio-
16 lation. A violation of ORS 459A.650 to 459A.665 is not subject to additional
17 penalties under subsection (1) of this section.

18 (3) Any civil penalty authorized by subsection (1) or (2) of this section
19 shall be imposed in the manner provided by ORS 468.135.

20 **SECTION 5. (1) Sections 2 and 3 of this 2025 Act and the amend-**
21 **ments to ORS 459.995 by section 4 of this 2025 Act become operative**
22 **on January 1, 2026.**

23 **(2) The Department of Environmental Quality and the Environ-**
24 **mental Quality Commission may take any action before the operative**
25 **date specified in subsection (1) of this section that is necessary to en-**
26 **able the department and the commission to exercise, on and after the**
27 **operative date specified in subsection (1) of this section, all of the du-**
28 **ties, functions and powers conferred on the department and the com-**
29 **mission by sections 2 and 3 of this 2025 Act and the amendments to**
30 **ORS 459.995 by section 4 of this 2025 Act.**

31 **SECTION 6. The Environmental Quality Commission shall adopt**

1 rules to establish, and the Department of Environmental Quality shall
2 implement, the program described in section 3 of this 2025 Act no later
3 than July 1, 2026.

4 SECTION 7. In addition to and not in lieu of any other appropri-
5 ation, there is appropriated to the Department of Environmental
6 Quality, for the biennium beginning July 1, 2025, out of the General
7 Fund, the amount of \$_____, which may be expended for carrying out
8 section 3 of this 2025 Act.

9 SECTION 8. This 2025 Act takes effect on the 91st day after the date
10 on which the 2025 regular session of the Eighty-third Legislative As-
11 sembly adjourns sine die.

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