



*Working with community wastewater treatment and stormwater management agencies  
across the state to protect Oregon's water quality since 1987.*

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February 19, 2025

Senator Sollman, Chair  
Committee Members  
Senate Committee on Energy, and Environment

**Subject: Testimony in opposition to Senate Bill 91-1 amendments—Modifying SB 91 to prohibit use of PFAS firefighting foams in Oregon and eliminating all language pertaining to a process for Oregon Department of Environmental Quality (DEQ) to establish rules for safe disposal practices and locations**

Chair Sollman and Members of the Committee:

The Oregon Association of Clean Water Agencies (ACWA) submits this testimony in opposition to the -1 amendments to SB 91. ACWA is a private, not-for-profit professional organization of Oregon's wastewater treatment and stormwater management agencies and associated professional consulting firms, which are dedicated to protecting and enhancing Oregon's water quality. Our members provide wastewater and stormwater services to over 3.5 million Oregonians, serving over 75% of Oregon's homes and businesses. ACWA is dedicated to protecting and enhancing Oregon's water environment through the development of effective environmental policies and programs, education and outreach, and the collaborative management of water resources.

The -1 amendments to SB91 would supplant critical language in the bill. The bill as introduced would prohibit the sale, use, and disposal (except in approved locations) of firefighting foams that intentionally contain perfluoroalkyl or poly fluoroalkyl substances (PFAS) and which would require DEQ to establish rules for disposal and approved disposal locations. The replacement language simply prohibits the use of PFAS firefighting foam in Oregon by fire department staff leaving disposal to the discretion of individual fire departments. ACWA opposes this approach because of the unintended consequences that will result.

#### ***Why do Oregon's Public Wastewater Utilities Care about PFAS Firefighting Foam?***

Oregon's public clean water utilities closely follow emerging contaminant-related issues because our mission is to protect human health and the environment, and because we know we will be called upon to help address them. Regarding PFAS, Oregon ACWA began to tackle this group of chemical compounds over five years ago because growing scientific evidence pointed to the facts that PFAS do not readily break down with time or treatment, they are toxic at low levels, and they are ubiquitous in society.

Public wastewater and stormwater agencies are passive receivers of PFAS contamination, meaning we do not produce or manufacture these chemicals or use them in the treatment process. Utilities simply receive PFAS in the raw influent that arrives at the treatment plant. The influent includes a mixture of wastewater streams from domestic, commercial, and industrial sources, all of which can contain PFAS in varying amounts.

Utilities are required to treat wastewater to meet discharge limits set by the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ). EPA is in the process of developing regulations for PFAS discharges based on scientific assessments of human and aquatic health risk. PFAS present significant treatment challenges by their very design as “forever chemicals,” with current wastewater treatment technologies unable to destroy the strong carbon-fluorine bond. Wastewater treatment facilities were not designed to treat PFAS, and currently, there are no practicable cost-effective technologies available to treat or remove PFAS from the volume of wastewater managed daily by clean water utilities. ***Therefore, the only way wastewater utilities can address PFAS pollutants is by intervening upstream and preventing PFAS from reaching the treatment plants through source reduction outreach efforts.***

**ACWA supports SB 91 as introduced for the following reasons...**

***Effective PFAS-free firefighting foams are available***

ACWA strongly supports approaches that will eliminate or minimize PFAS use in products for which suitable alternative products exist. With respect to PFAS firefighting foams, performance testing of alternative non-fluorinated firefighting foams has been undertaken at the federal level for several years, and [PFAS-free firefighting foams have been determined by the Federal Aviation Administration to be safe, effective, and authorized for use at airports.](#)

***Remaining PFAS firefighting foam stocks must be safely disposed of***

As local fire departments, airports, and military installations phase out the use of PFAS containing firefighting foams, remaining stocks should not be disposed of in public landfills or any manner that merely transfers the problem from one place to another. PFAS leaches through landfills and ends up in the leachate, which is either piped or trucked to landfills or in any other manner that merely transfers the problem from one place to another. Landfill leachate is a significant source of PFAS to municipal wastewater treatment facilities, and disposal of PFAS firefighting foams to landfills will only serve to exacerbate this problem. In 2024, ACWA completed a [PFAS Monitoring Data Findings Report](#), combining PFAS sampling analytical data for 21 public wastewater treatment facilities. Wastewater influent, effluent, biosolids and targeted industries were analyzed for 40 PFAS compounds. Analytical results from sampling several industrial categories show that landfill leachate discharges more total PFAS than all other industrial categories evaluated combined.

***SB 91 as introduced will create a path for safe collection, transport, and Disposal of PFAS firefighting foam. The -1 amendments eliminate this important step***

SB 91, as introduced, would require DEQ, in coordination with the Department of the State Fire Marshal, to establish by rule a program to ensure the safe collection and disposal of PFAS firefighting foam. This aspect of the bill would ensure that local government fire agencies, airports, and military establishments have readily available disposal sites, and well-thought-out, safe procedures to follow to discard the legacy stores of PFAS firefighting foam. Since PFAS chemicals do not break down over time and will persist wherever the materials are discarded, safe permanent containment of PFAS firefighting foams is critical.

**ACWA does not support the -1 amendments for the following reasons...**

The -1 amendments to SB 91 would leave disposal of PFAS firefighting foams to the individual fire departments. The appropriate regulatory body to manage the disposal process is DEQ. DEQ can provide a science-based, consistent, safe disposal approach throughout Oregon. Without rules and guidance on proposal disposal and approved disposal sites, there is a high likelihood that much of the remaining PFAS firefighting foam would be thrown away and end up in landfills around the state. This would increase PFAS loading in landfills, resulting in increased discharge of PFAS concentrations in landfill leachate to public wastewater utilities, and the PFAS would be passed through to our rivers and streams. We also understand that some facilities may be returning PFAS firefighting foam to the manufacturers in trade for PFAS-free firefighting foam. This practice would simply transfer the PFAS firefighting foams to other states where the products are not banned, leading to human and environmental exposure elsewhere. SB 91, as introduced, would ensure that Oregon does its part to safely eliminate human exposure risks and environmental contamination from these dangerous chemicals.

Respectfully submitted,

*Jerry*

Jerry Linder  
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