



Alerts

Illinois Joins a Host of States to Reduce and Later Ban the Use of PFAS in Firefighting Foam

February 10, 2022

Hinshaw Alert

Effective January 1, 2022, Illinois began phasing out Per- and Polyfluoroalkyl Substances (PFAS), which have been commonly used in firefighting foam for decades. PFAS are able to effectively repel oil and water, reduce friction, and are excellent at putting out fires. However, the U.S. Environmental Protection Agency has determined there is scientific evidence that PFAS exposure and ingestion can result in a host of health hazards, including cancer, reproductive issues, and kidney problems. PFAS are persistent in the environment, build up in the human body over time, and are called "forever chemicals."

The phase-out comes as a result of Senate Bill 561, known as the [PFAS Reduction Act](#) (Act), which was signed into law by Illinois Governor J.B. Pritzker on August 6, 2021. The law focuses on Class B firefighting foams, known as Aqueous Film-Forming Foams (AFFF). AFFFs have long been known to be a source of PFAS. The law will begin to reduce the use of PFAS in firefighting foam in 2022. Highlights of the new law are as follows:

1. Prohibits anyone or an entity from discharging PFAS firefighting foam during training exercises or testing;
2. Requires manufacturers of PFAS firefighting foam to notify any fire departments purchasing PFAS firefighting foam and advise that PFAS free alternatives may be available;
3. Requires that the Illinois Emergency Management Agency be notified in the event of a discharge of PFAS firefighting foam;
4. Requires the Office of the State Fire Marshal to conduct surveys of fire departments using PFAS firefighting foam;
5. Sets restrictions for disposing of PFAS firefighting foam;
6. Mandates a civil penalty of \$5,000 for the first violation of the Act and \$10,000 for each subsequent violation; and
7. As of January 1, 2025, bans the manufacture, sale, and distribution of PFAS firefighting foam in Illinois, with certain limited exceptions.

The following states have also either already imposed a ban or are in the process of banning PFAS in firefighting foam: Arkansas, California, Colorado, Louisiana, Michigan, Minnesota, Nevada, New Hampshire, Vermont, West Virginia, and Wisconsin.

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