

# Senate Bill 91

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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. Provides that prohibitions become 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 459.995; and prescribing an  
3 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 a part of ORS 459.005**  
6 **to 459.437.**

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

8 (a) **"Disposal system" has the meaning given that term in ORS 468B.005.**

9 (b) **"Municipality" means a city, county, county service district, sanitary authority, san-**  
10 **itary district or other governmental entity having authority to dispose of or treat or collect**  
11 **sewage, industrial wastes or other wastes, or any combination of two or more of the fore-**  
12 **going acting jointly.**

13 (c) **"PFAS firefighting foam" means a foam substance that contains intentionally added**  
14 **perfluoroalkyl or polyfluoroalkyl substances that is used to control or extinguish fire.**

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

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

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

20 (5) **A person may not dispose of PFAS firefighting foam into a disposal system owned by**  
21 **a municipality.**

22 (6) **The Environmental Quality Commission may adopt rules necessary to implement and**  
23 **enforce this section.**

24 **SECTION 3. (1) The Environmental Quality Commission, in coordination with the De-**  
25 **partment of the State Fire Marshal, shall establish by rule a program to ensure the safe**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **collection and disposal of PFAS firefighting foam. Rules adopted under this section may in-**  
 2 **clude, but need not be limited to:**

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

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

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

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

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

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

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

15 459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty  
 16 provided by law:

17 (a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.485, 459.705  
 18 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335, 459A.860 to 459A.975 or 646A.080 **or section**  
 19 **2 of this 2025 Act**, or any rule or order of the Environmental Quality Commission pertaining to the  
 20 disposal, collection, storage or reuse or recycling of solid wastes, as defined by ORS 459.005, or any  
 21 rule or order pertaining to the disposal, storage or transportation of waste tires, as defined by ORS  
 22 459.705, or any rule or order pertaining to the sale of novelty items that contain encapsulated liquid  
 23 mercury, or any rule or order pertaining to compact fluorescent lamps or linear fluorescent lamps,  
 24 as defined by ORS 459.485, **or any rule or order pertaining to PFAS firefighting foam, as de-**  
 25 **defined in section 2 of this 2025 Act**, incurs a civil penalty not to exceed \$25,000 per day for each  
 26 day of the violation.

27 (b) Any person who violates the provisions of ORS 459.420 to 459.426 incurs a civil penalty not  
 28 to exceed \$500 for each violation. Each battery that is disposed of improperly is a separate violation.  
 29 Each day an establishment fails to post the notice required under ORS 459.426 is a separate vio-  
 30 lation.

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

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

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

39 (f) Any producer or renovator that violates the provisions of ORS 459A.156 or 459A.825 (1) in-  
 40 curs a civil penalty not to exceed \$1,000 per day for each day of the violation.

41 (g) Any stewardship organization that violates the provisions of ORS 459A.150 to 459A.189,  
 42 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 incurs a civil penalty not to exceed  
 43 \$1,000 per day for each day of the violation.

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

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

3 (2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665  
 4 or any rule adopted under ORS 459A.650 to 459A.665 incurs a civil penalty not to exceed \$1,000 per  
 5 day for each day of the violation. A violation of ORS 459A.650 to 459A.665 is not subject to addi-  
 6 tional penalties under subsection (1) of this section.

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

9 **SECTION 5.** (1) Sections 2 and 3 of this 2025 Act and the amendments to ORS 459.995 by  
 10 section 4 of this 2025 Act become operative on January 1, 2026.

11 (2) The Department of Environmental Quality and the Environmental Quality Commis-  
 12 sion may take any action before the operative date specified in subsection (1) of this section  
 13 that is necessary to enable the department and the commission to exercise, on and after the  
 14 operative date specified in subsection (1) of this section, all of the duties, functions and  
 15 powers conferred on the department and the commission by sections 2 and 3 of this 2025 Act  
 16 and the amendments to ORS 459.995 by section 4 of this 2025 Act.

17 **SECTION 6.** The Environmental Quality Commission shall adopt rules to establish, and  
 18 the Department of Environmental Quality shall implement, the program described in section  
 19 3 of this 2025 Act no later than July 1, 2026.

20 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-  
 21 ated to the Department of Environmental Quality, for the biennium beginning July 1, 2025,  
 22 out of the General Fund, the amount of \$\_\_\_\_\_, which may be expended for carrying out  
 23 section 3 of this 2025 Act.

24 **SECTION 8.** This 2025 Act takes effect on the 91st day after the date on which the 2025  
 25 regular session of the Eighty-third Legislative Assembly adjourns sine die.