



SPONSOR: Rep. D. Short & Rep. Carson & Sen. Pettyjohn & Sen. Richardson & Sen. Wilson
Reps. Baumbach, Briggs King, Cooke, Dukes, Gray, Harris, Heffernan, Hensley, Hilovsky, Minor-Brown, Morris, Osienski, Phillips, Romer, Vanderwende, K. Williams; Sens. Hoffner, Lawson, Paradee

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 8

REQUESTING THE DELAWARE STATE FIRE SCHOOL TO DEVELOP A PROGRAM FOR THE DISPOSAL OF AQUEOUS FILM FORMING FOAM CURRENTLY IN THE POSSESSION OF THE STATE OF DELAWARE FIRE COMPANIES AND DEPARTMENTS.

1 WHEREAS, firefighting foam is an exceptionally effective fire suppression tool which helps to minimize the
2 impact of some of the worst possible fires, including flammable liquid fires; and

3 WHEREAS, unfortunately, the most effective of these firefighting foams, aqueous film forming foam (AFFF)
4 contains per- and polyfluoroalkyl substances (collectively, PFAS); and:

5 WHEREAS, PFAS were accidentally developed by chemists at 3M and Dupont during an experiment where a
6 coating was created and discovered to repel both oil and water, and was also resistant to any method designed to break apart
7 the atoms within the chemical PFOA (perfluorooctanoic acid); and

8 WHEREAS, on September 6, 2022, the Environmental Protection Agency (EPA) designated PFAS as “hazardous
9 substances” under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), also known as
10 the Superfund law; and

11 WHEREAS, PFAS are widely used anthropogenic chemicals – often referred to as “forever chemicals” because of
12 how long they persist in the environment and in the human body; and

13 WHEREAS, PFAS do not break down or biodegrade over time, and are exceptionally persistent, which is why
14 PFAS are so dangerous and may be linked to low infant birth weights; liver and kidney effects, reproductive and
15 developmental effects, cancer, thyroid hormone disruption and even immunological effects; and

16 WHEREAS, the United States Department of Defense has confirmed that AFFF is a major environmentally
17 contaminating source of PFAS and when AFFF is used to suppress a fire, the PFAS within the foam is able to seep into the
18 environment and groundwater contaminating anything in its path; and

19 WHEREAS, for these reasons, many states are considering restricting the use of and even banning AFFF, and the
20 Department of Defense has even mandated that military organizations phase out firefighting foams containing PFAS by
21 2024; and

22 WHEREAS, it should be known that the Delaware State Fire School had made its own effort to dispose of and
23 replace its supply of this AFFF years ago.

24 NOW THEREFORE:

25 BE IT RESOLVED by the House of Representatives of the 152nd General Assembly of the State of Delaware, the
26 Senate concurring therein, that the Delaware State Fire School ascertain the inventory of all Aqueous Film Forming Foam
27 currently stored within Delaware Fire Departments and Fire Companies, including the Wilmington Fire Department, is
28 requested to propose a plan for the safe disposal of the State of Delaware's inventory of Aqueous Film Forming Foam and
29 any variation of firefighting foam containing PFAS.

30 BE IT FURTHER RESOLVED that the proposed plan is requested to include the time required to collect and
31 dispose of the Aqueous Film Forming Foam, the proposed method of disposal and potential environmental impacts of such
32 disposal, the cost of disposal of the Aqueous Film Forming Form, safe and viable alternatives to the Aqueous Film Forming
33 Foam, as well as the necessary time and cost necessary to procure such alternatives.

34 BE IT FURTHER RESOLVED that the Delaware State Fire School shall obtain pricing of an adequate supply of
35 replacement to enable a replenishment of said foam on a prorata basis of equal amounts to each fire company or department
36 to enable them to continue to protect our communities without incurring any financial cost to each of these entities.

37 BE IT FURTHER RESOLVED that the Delaware State Fire School is requested to provide a proposed plan to the
38 President Pro Tempore of the Senate, Speaker of the House of Representatives, the Office of the Controller General and the
39 Director of the Office of Management and Budget no later than May 1, 2023.

40 BE IT FURTHER RESOLVED that, following final passage, a copy of this Concurrent Resolution be sent by the
41 Clerk of the House of Representatives to the Delaware Fire School and its Director.

SYNOPSIS

This Concurrent Resolution requests the Delaware State Fire School propose a plan for the safe disposal of aqueous film forming foam (AFFF), due to the per- and polyfluoroalkyl substances (PFAS) they contain from Delaware Fire Departments and companies. The Delaware State Fire School is to provide a report to the President Pro Tempore, the Speaker of the House of Representatives, the Office of the Controller General, and the Director of the Office of Management and Budget. The report is also to include the cost of disposal and the cost to obtain safe, viable, alternatives. The concept would be to fund this disposal foam and remove it from the Delaware Fire Service by a one-time exchange of this foam voluntarily and allowing the Fire Service the opportunity to replace AFFF with a new compliant supply at no cost to them. This report would establish a cost line item for the 2023-24 Bond Bill.