



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

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 20

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

8 WHEREAS, the Department of Natural Resources and Environmental Control (DNREC) has designated select
9 PFAS as “Hazardous Substances” under the state’s Hazardous Substance Cleanup Act (HSCA); and

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

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

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

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

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

23 NOW THEREFORE:

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

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

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

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

39 BE IT FURTHER RESOLVED that, following final passage, a copy of this Concurrent Resolution be sent by the
40 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.