



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4389 (Substitute H-2 as reported without amendment)
House Bill 4390 (Substitute H-1 as reported without amendment)
House Bill 4391 (Substitute S-1 as reported)
Sponsor: Representative Sue Allor (H.B. 4389)
Representative Jeff Yaroch (H.B. 4390 & 4391)
House Committee: Natural Resources and Outdoor Recreation
Ways and Means
Senate Committee: Environmental Quality

CONTENT

House Bill 4389 (H-2) would amend the Part 147 (Chemical Substances) of the Natural Resources and Environmental Protection Act to do the following:

- Require the fire chief of an organized fire department that used firefighting foam containing intentionally added perfluoroalkyl or polyfluoroalkyl (PFAS) to submit to the Department of Environment, Great Lakes, and Energy (DEGLE) a written report within 48 hours, and specify the contents of the written report.
- Prescribe a penalty for failing to submit the written report as described under the bill.
- Require DEGLE to establish a collection program for firefighting foam concentrate containing intentionally added PFAS and establish guidelines for the program.

House Bill 4390 (H-1) would amend the Firefighters Training Council Act to do the following:

- Include in minimum standards for certification as a fire service member certain provisions regarding firefighting foam and PFAS use.
- Prohibit firefighting foam concentrate containing intentionally added PFAS from being used in any firefighter training required under the Act.
- Require the firefighter training under the Act to include additional subjects related to firefighting foam until December 21, 2023.
- Require a veteran or person certified as a firefighter in another state who received an examination waiver to complete the firefighting foam training under the bill not later than one year after obtaining the waiver.

House Bill 4391 (S-1) would amend the Michigan Occupational Safety and Health Act to do the following:

- Specify that a section of the Act that governs conflicts between Federal and State occupational safety and health standards would not apply to rules promulgated to regulate a firefighters use of firefighting foam concentrate.
- Require the Director of the Department of Licensing and Regulatory Affairs (LARA) to promulgate rules regarding a firefighter's use of firefighting foam concentrate, and prescribe certain subject matter that would have to be addressed in those rules.

Proposed MCL 324.14701 et al. (H.B. 4389)
MCL 29.362 et al. (H.B. 4390)
MCL 408.1014 et al. (H.B. 4391)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

House Bill 4389 (H-2) could have a negative fiscal impact on the State. Under the bill, the Department of Environment, Great Lakes, and Energy would have to establish a new collection and disposal program for PFAS firefighting foam. The program would be contingent upon appropriations to cover program costs, which likely would result in a net zero fiscal impact to the Department. Program costs would depend upon the extent of PFAS firefighting foam in use by fire departments. The additional reporting requirements for fire chiefs after use of firefighting foam would have a negative fiscal impact on local governments, although the effect would not be significant.

House Bill 4390 (H-1) would have a minor negative fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. The Department estimates that the cost of providing the necessary training classes to current firefighters would be between \$100,000 and \$150,000. These costs would be borne by LARA. Future firefighters would obtain the necessary training when completing their required certifications.

House Bill 4391 (S-1) would have no fiscal impact on State or local government. The promulgation of rules required by the bill would be adequately funded by existing appropriations.

Date Completed: 10-31-19

Fiscal Analyst: Ryan Bergan
Abbey Frazier
Elizabeth Raczkowski