

Fluorinated firefighting foam ban – fire protection service providers' responsibilities

Issued January 2020

EPA 1122/20: A ban on fluorinated firefighting foams¹ in South Australia came into effect on 30 January 2018 following an amendment of the Environment Protection (Water Quality) Policy 2015 (WQ Policy) under the Environment Protection Act 1993 (EP Act). Legislative requirements are set out in Section 13A of the policy.

1 Introduction

The grace period of two years (up to 30 January 2020) following the ban was to assist industry in meeting the requirements of going fluorine free. The ban applies to all fluorinated firefighting foams (per- and poly-fluoroalkyl substances) including more modern \leq C6 type fluorotelomers. A person must not fill, or permit the filling of a fire extinguisher with a fluorinated firefighting foam, and a person must not supply a fluorinated firefighting foam.

2 Fire protection service providers

Fire protection service providers are required to remove small quantities of fluorinated foams, such as hand-held extinguishers or 20-litre drums. Fire protection service providers can also transport these small items containing fluorinated foam products without engaging an EPA licensed waste transporter. Bulk volumes of fluorinated firefighting foam products (or wash waters from the cleaning of fluorinated firefighting systems) may only be transported by an EPA licensed waste transporter.

To ensure compliance with the EP Act and WQ Policy, it is integral that fire protection service providers:

- **Prevent the release of firefighting foams to the environment** – this may be achieved by only handling fluorinated foam products, such as when decanting or decontaminating, in a bunded area with a readily accessible spill kit. Please refer to [Bunding and spill management guideline](#).
- **Dispose of fluorinated foams appropriately** by taking them to a licensed facility that is authorised to receive this waste. In South Australia, this currently includes:
 - Veolia Environmental Services (Australia) Pty Ltd – EPA licence #2897
 - Cleanaway Operations Pty Ltd – EPA licence #15195.
- **Only supply certified fluorine-free foams** that are accompanied by a product certification (ie fluorine content is clearly displayed on a label or document provided with the product).
- Ensure that any systems or extinguishers that are transitioned from a fluorinated foam to a fluorine-free foam are **decontaminated** (so as to remove PFAS contamination as far as reasonably practicable) in accordance with the WQ Policy, and wastewater from the decontamination process is disposed of appropriately.

¹ https://www.epa.sa.gov.au/environmental_info/perfluorinated-compounds

As this is an emerging area the EPA is continuing to work with industry on a case-by-case basis to achieve the best outcomes possible. Further information is available in the [Transitioning to Fluorine-Free Firefighting Foam Information Sheet](#) and the [PFAS FAQs page](#).

3 Non-compliance and penalties

Contravention of the WQ Policy (Appendix 1) is an offence under section 34 of the EP Act and may be associated with penalties of up to \$30,000 or 7 years imprisonment.

For the use, or causing or permitting the use of a prohibited firefighting foam, penalties may be up to \$250,000 in the case of a body corporate, or \$120,000 or imprisonment for 2 years (or both) in the case of a natural person.

Any incidents that lead to actual or potential environmental harm must be notified to the EPA as soon as possible on (08) 8204 2004 or epainfo@sa.gov.au

Further information

EPA website

https://www.epa.sa.gov.au/environmental_info/perfluorinated-compounds

Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet
Adelaide Service SA Centre
108 North Terrace
Adelaide SA 5000

Telephone: 13 23 24
Facsimile: (08) 8204 1909
Website: shop.service.sa.gov.au
Email: ServiceSAcustomerservice@sa.gov.au

General information

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8124 4670
Freecall: 1800 623 445 (country)
Website: <https://www.epa.sa.gov.au>
Email: epainfo@sa.gov.au

Appendix 1 Environment Protection (Water Quality) Policy 2015

Clause 13A – Prohibited firefighting foam and foam products

- 1 A person must not use, or cause or permit the use of, a prohibited firefighting foam.
Mandatory provision: Category A offence.
- 2 A person must not fill, or cause or permit the filling of, a fire extinguisher with a prohibited firefighting foam product.
Mandatory provision: Category B offence.
- 3 A person who refills, or causes or permits the refilling of, a fire extinguisher must ensure that, before transitioning the fire extinguisher from a prohibited firefighting foam product to a firefighting foam product that is fluorine-free—
 - (a) the fire extinguisher is thoroughly cleaned so as to remove, as far as reasonably practicable, any residual prohibited firefighting foam product or prohibited firefighting foam; and
 - (b) any prohibited firefighting foam product, prohibited firefighting foam or wastewater produced in the cleaning process is collected, securely contained and disposed of to a facility, or stored in a manner, approved by the Authority.

Mandatory provision: Category B offence.

- 4 A person must not supply a firefighting foam product unless the producer's certification of its fluorine content is clearly displayed on a label or document provided with the product.
Mandatory provision: Category B offence.
- 5 Subclause (1) does not apply until the relevant day in relation to the use of a prohibited firefighting foam by means of—
 - (a) a large fire extinguisher; or
 - (b) a small fire extinguisher, provided that the firefighting foam product used to produce the prohibited firefighting foam was in the fire extinguisher before the commencement of this clause.
- 6 Subclause (2) does not apply until the relevant day in relation to the filling or refilling of a large fire extinguisher.
- 7 In this clause—

class A fire means a fire involving ordinary combustible material (other than liquids or gases) including wood, paper, cloth, plastics, rubber or other material comprised of organic carbon based compounds;

class B fire means a fire involving flammable or combustible liquids (and their fumes) including gasoline, petroleum, grease, oils, paints or other material with a low flashpoint;

fire extinguisher means a small fire extinguisher or large fire extinguisher;

firefighting foam means foam for preventing, controlling or extinguishing a class A or class B fire;

firefighting foam product means a concentrate or aqueous solution for use in a fire extinguisher for the production of firefighting foam;

large fire extinguisher means a fire extinguisher with a capacity of 90L or more, and includes—

- (a) a fire extinguishing system on a fire truck; and

- (b) an on-site fixed fire extinguishing system; and
- (c) any pumps, pipes, hoses, nozzles, sprinklers, storage containers and any other equipment associated with such systems;

prohibited firefighting foam means firefighting foam produced from a prohibited firefighting foam product;

prohibited firefighting foam product means a firefighting foam product that contains a fluorinated organic compound or compounds, but does not include a firefighting foam product that is fluorine free;

relevant day means the second anniversary following the day fixed by the Governor for this clause to come into operation;

small fire extinguisher means a fire extinguisher with a capacity of less than 90 L, and includes a hand-held or mobile fire extinguisher.