

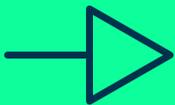
Regulation of PFAS firefighting foams

Consultation outcomes

This document presents an overview of the key outcomes from external consultation on the proposed Protection of the Environment Operations (General) Amendment (PFAS Firefighting Foam) Regulation 2020 (the proposed Regulation). The outcomes informed the preparation of the Protection of the Environment Operations (General) Amendment (PFAS Firefighting Foam) Regulation 2021 (the Regulation), which seeks to change how

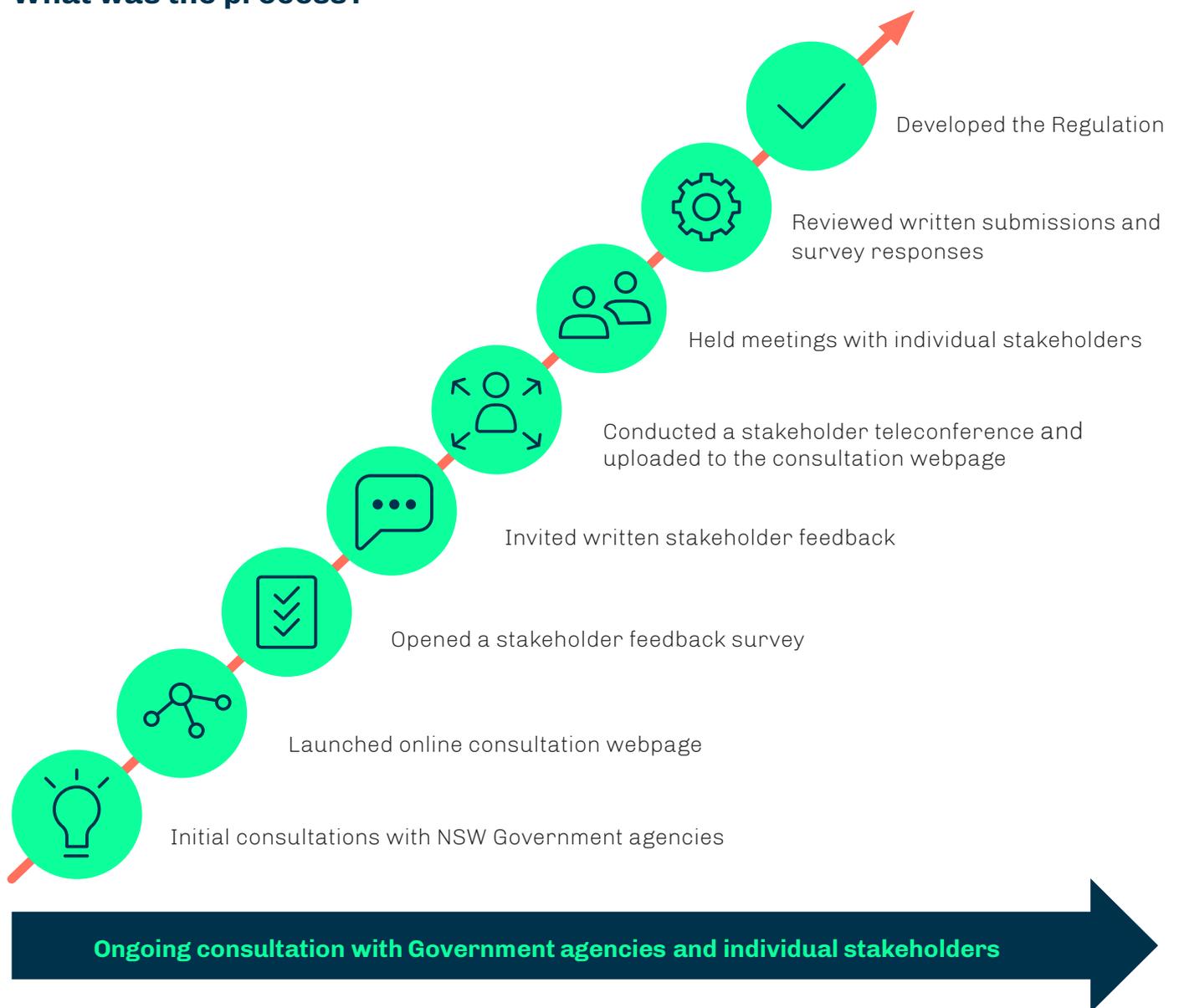
firefighting foams containing per- and poly-fluoroalkyl substances (PFAS) are used in NSW. The Regulation is the first step to achieving the agreed objectives in the National PFAS Position Statement.

Between 1 October and 21 December 2020, the NSW Environment Protection Authority (EPA) held a targeted consultation with invited stakeholders to seek feedback on the following proposals:

	A ban on the use of any PFAS firefighting foam for the purposes of training or demonstrations
	Restriction on the use of long-chain PFAS firefighting foam, unless used by a relevant authority in response to a catastrophic fire or by way of a portable fire extinguisher
	Labelling of portable fire extinguishers containing long-chain PFAS firefighting foam
	Restriction on the use of long-chain PFAS firefighting foam in portable fire extinguishers

This document provides a high-level overview of the consultation process and outcomes.

What was the process?



What were the outcomes?



112 visitors to the online consultation webpage



26 survey responses



16 written submissions



Approximately 350+ stakeholders contacted

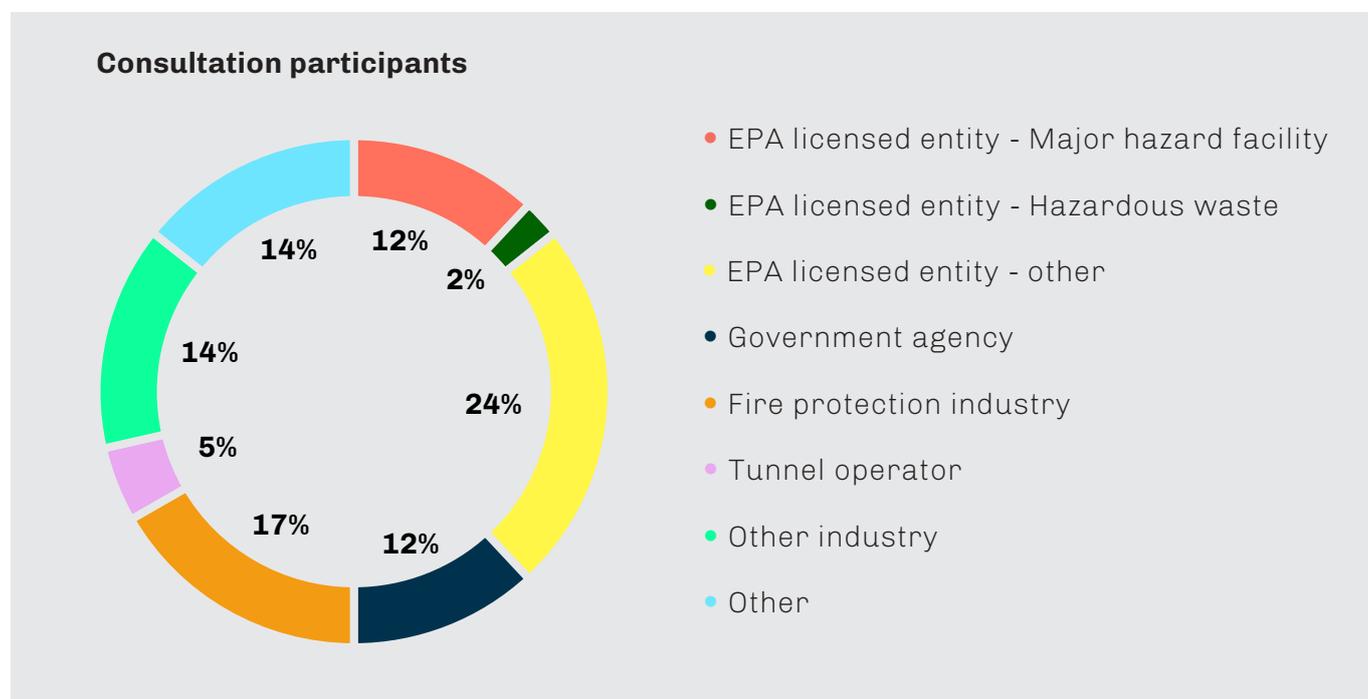


Individual meetings with stakeholders and Government agencies



Consultations with NSW Government agencies

What did we hear?

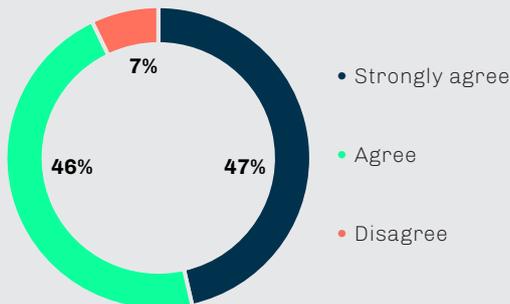


- The majority of consultation participants were supportive of the proposed objectives.
- Most participants supported the proposal to ban the use of any PFAS firefighting foam for the purposes of training or demonstrations.
- A significant number of participants told us they were actively transitioning away from long-chain PFAS firefighting foams to fluorine-free firefighting foams or those containing short-chain PFAS.
- Most participants supported expanding the restriction on long-chain portable fire extinguishers to include all portable fire extinguishers containing PFAS (both long and short-chain).
- Many participants requested that the mandatory labelling requirement for portable fire extinguishers be removed.
- Others suggested that the timeframes to comply with restrictions on the use of long-chain PFAS firefighting foams be extended.
- Several participants suggested there may be circumstances where it is appropriate for other non-relevant authorities (for example, private entities) to hold an exemption to use long-chain PFAS firefighting foams.

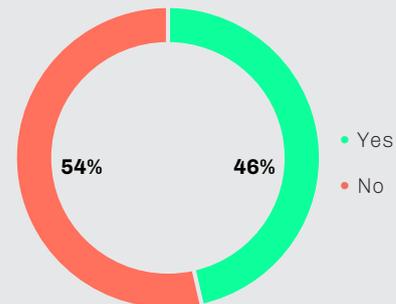
Key survey results

Note: the below results are from the survey only, they do not include the written submissions.

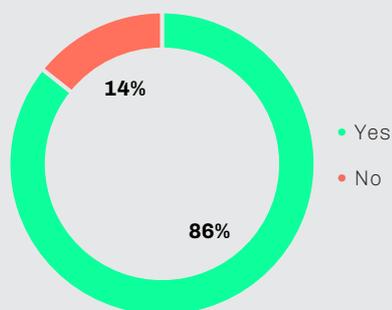
Do you agree with the proposal to ban the use of any PFAS firefighting foam for the purposes of training or demonstrations?



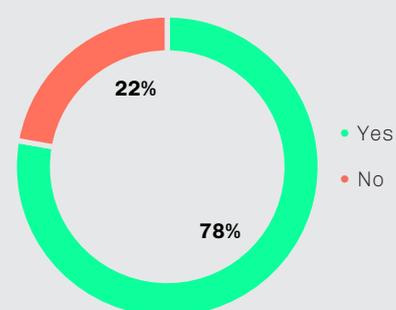
The proposed Regulation would restrict the use of long-chain PFAS firefighting foam, subject to exceptions, three months after commencement. Do you agree with that timing?



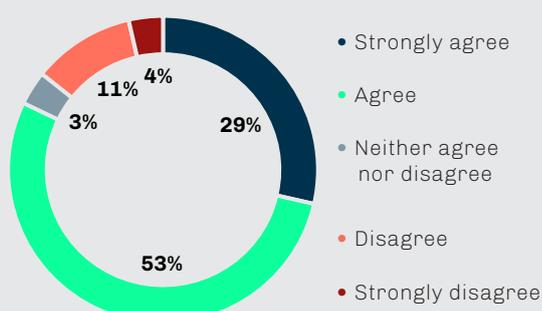
The proposed Regulation would ban the use of any PFAS firefighting foam for the purposes of training or demonstrations immediately, on commencement. Do you agree with that timing?



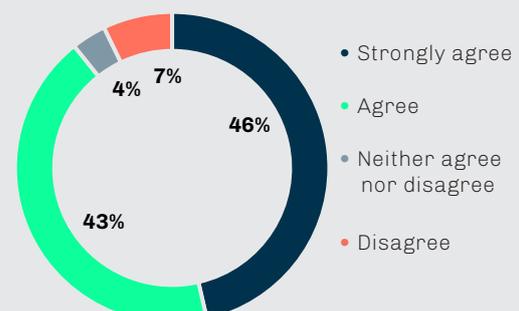
The EPA is considering changes to the proposed Regulation to allow certain private entities (e.g. road tunnel operators using automated deluge systems) to continue to use long-chain PFAS firefighting foam in response to a catastrophic fire. Should this be allowed?



Do you agree with the proposal to restrict the use of long-chain PFAS firefighting foam, subject to exceptions?



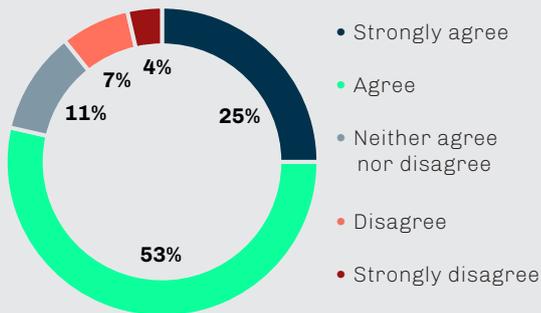
Do you agree with the proposal to require labelling on all portable fire extinguishers containing long-chain PFAS firefighting foam?



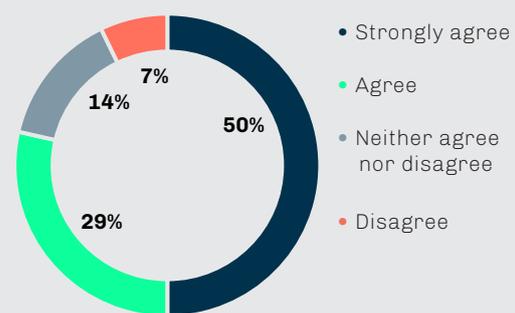
Key survey results (continued)

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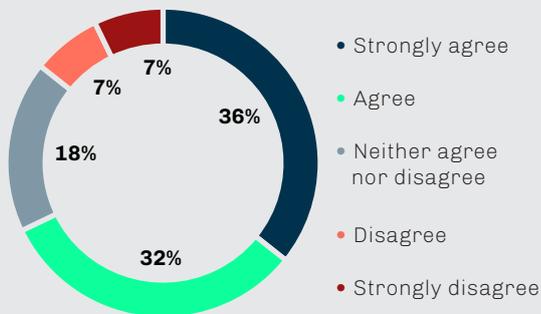
Do you agree with the proposal to allow relevant authorities to continue to use long-chain PFAS firefighting foam in response to a catastrophic fire?



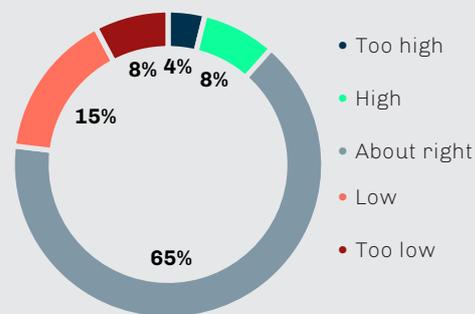
Do you agree with the proposal to restrict the use of portable fire extinguishers containing long-chain PFAS firefighting foam?



The EPA is considering changes to the proposed Regulation to extend the requirements referred to in question 7 and the restrictions referred to in question 9 to include portable fire extinguishers containing any PFAS firefighting foam, not just long-chain PFAS foam. Do you agree with this?



Are the penalty amounts and court-imposed penalties in the proposed Regulation for breaching the proposed restrictions and requirements appropriate?



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