

P.L. 2025, CHAPTER 266, *approved January 12, 2026*
Assembly, No. 5537 (*First Reprint*)

1 AN ACT concerning perfluoroalkyl and polyfluoroalkyl substances
2 in firefighting foam, and amending P.L.2023, c.243¹], and
3 making an appropriation]¹.
4

5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Section 1 of P.L.2023, c.243 (C.56:8-229) is amended to read
9 as follows:

10 1. a. (1) Beginning two years after the effective date of [this
11 act] P.L.2023, c.243 (C.56:8-229 et al.), no person shall use, or
12 shall sell, offer for sale, manufacture, or distribute for sale or use in
13 the State any class B firefighting foam containing intentionally
14 added PFAS, except as provided in paragraph (2) of this subsection.

15 (2) Beginning January 1, 2027, no fire department in the State
16 shall use any class B firefighting foam containing intentionally
17 added PFAS.

18 b. Subsection a. of this section shall not apply to the sale,
19 manufacture, distribution, or use of class B firefighting foam for
20 which the inclusion of PFAS is required by federal law, or by a rule
21 or regulation adopted pursuant thereto, including, but not limited to,
22 14 C.F.R. s.139.317. If a federal requirement to include PFAS in
23 class B firefighting foam is revoked, subsection a. of this section
24 shall apply one year after the requirement is revoked.

25 c. Notwithstanding the provisions of subsection a. to the
26 contrary, the owner or operator of a facility that uses a fixed foam
27 fire suppression system for class B fires, which system is designed
28 for 110 percent containment of any expected discharge volume,
29 may use any class B firefighting foam containing intentionally
30 added PFAS until four years after the effective date of [this act]
31 P.L.2023, c.243 (C.56:8-229 et al.), provided that the use complies
32 with the provisions of subsection e. of this section. A manufacturer
33 or distributor may manufacture class B firefighting foam for, or
34 distribute or sell class B firefighting foam to, a facility owner or
35 operator for use pursuant to this subsection.

36 d. (1) Notwithstanding the provisions of subsection a. to the
37 contrary, the owner or operator of an oil refinery or petroleum
38 terminal may use any class B firefighting foam containing
39 intentionally added PFAS for fire suppression on a storage tank for
40 combustible or flammable liquids with a surface area of 120 square
41 meters or greater, or for fire suppression on a fuel-in-depth pool

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly APS committee amendments adopted June 19, 2025.

1 until eight years after the effective date of **【this act】** P.L.2023,
2 c.243 (C.56:8-229 et al.), provided that the use complies with the
3 provisions of subsection e. of this section. A manufacturer or
4 distributor may manufacture class B firefighting foam for, or
5 distribute or sell class B firefighting foam to, a facility owner or
6 operator for use pursuant to this subsection.

7 (2) The owner or operator of an oil refinery or petroleum
8 terminal that intends to continue the use of class B firefighting foam
9 containing intentionally added PFAS pursuant to paragraph (1) of
10 this subsection shall disclose this information to the Commissioner
11 of Community Affairs no later than two years after the effective
12 date of **【this act】** P.L.2023, c.243 (C.56:8-229 et al.). If, after
13 providing this information to the Commissioner of Community
14 Affairs, the owner or operator of the oil refinery or petroleum
15 terminal intends to transition a facility to PFAS-free firefighting
16 foam, the owner or operator shall inform the Commissioner of
17 Community Affairs no later than 90 days prior to the proposed
18 transition date.

19 (3) (a) An owner or operator of an oil refinery or petroleum
20 terminal may apply to the Commissioner of Community Affairs for
21 a waiver to extend the exemption provided in paragraph (1) of this
22 subsection.

23 (b) An owner or operator of an oil refinery or petroleum terminal
24 that anticipates applying for a waiver pursuant to this paragraph
25 shall submit a notice of intent to the Commissioner of Community
26 Affairs no later than five years after the effective date of **【this act】**
27 P.L.2023, c.243 (C.56:8-229 et al.).

28 (c) The Commissioner of Community Affairs may grant a waiver
29 if the applicant provides:

30 (i) clear and convincing evidence that there is no commercially
31 available replacement that does not contain intentionally added
32 PFAS and that is capable of suppressing fire for that specific use;

33 (ii) information on the amount of firefighting foam containing
34 intentionally added PFAS stored, used, or released by the applicant
35 on an annual basis;

36 (iii) a detailed transition plan, including a timeline, for the owner
37 or operator of the oil refinery or petroleum terminal to transition to
38 firefighting foam that does not contain intentionally added PFAS
39 chemicals for that specific use; and

40 (iv) a plan for meeting the requirements of subsection e. of this
41 section.

42 (d) The Commissioner of Community Affairs shall provide an
43 applicant an opportunity to correct deficiencies in an application for
44 a waiver.

45 (e) The Commissioner of Community Affairs shall not grant a
46 waiver under this paragraph for a specific use if any other oil
47 refinery or petroleum terminal is known to have transitioned to
48 commercially available class B firefighting foam that does not

1 contain intentionally added PFAS chemicals for that specific use.
2 The applicant may provide evidence as to why this subparagraph is
3 inapplicable, including evidence that the specific use is different. In
4 making a decision on a waiver, the Commissioner of Community
5 Affairs shall consider both information provided by the applicant
6 and information provided through public comment.

7 (f) The term of a waiver under this paragraph shall not exceed
8 two years. A waiver may be extended for one additional
9 consecutive term. All waivers shall expire no later than twelve
10 years after the effective date of **[this act]** P.L.2023, c.243 (C.56:8-
11 229 et al.).

12 (g) The Commissioner of Community Affairs shall provide an
13 opportunity for public comment during the waiver application and
14 review process.

15 (h) The owner or operator of an oil refinery or petroleum
16 terminal that has received a waiver may provide and use class B
17 firefighting foam containing intentionally added PFAS chemicals in
18 the form of mutual aid to another oil refinery or petroleum terminal
19 at the request of authorities only if the other oil refinery or
20 petroleum terminal also has a waiver.

21 (i) The Commissioner of Community Affairs shall notify the
22 waiver applicant of a decision within one year after the date the
23 application is received.

24 (j) The Department of Community Affairs shall impose a fee on
25 an applicant who requests a waiver or waiver extension pursuant to
26 this paragraph, in an amount not to exceed the reasonable costs of
27 administering the provisions of this paragraph.

28 e. (1) A person that uses class B firefighting foam containing
29 intentionally added PFAS pursuant to subsection c. or d. of this
30 section shall report the use of the foam to the Commissioner of
31 Community Affairs within five business days after the use,
32 including the identity of the foam, the quantity used, the total PFAS
33 concentration, the application for which the foam was used, and the
34 duration of the fire.

35 (2) A person that uses, or plans to use, class B firefighting foam
36 containing intentionally added PFAS pursuant to subsection c. or d.
37 of this section shall:

38 (a) not release PFAS chemicals directly to the environment, such
39 as to unsealed ground, soakage pits, waterways, or uncontrolled
40 drains;

41 (b) fully contain all releases onsite;

42 (c) implement containment measures such as bunds and ponds
43 that are controlled, impervious to PFAS chemicals, and do not
44 allow water used for firefighting, wastewater, runoff, or other
45 wastes to be released to the environment, such as to soils,
46 groundwater, waterways, or stormwater;

1 (d) dispose of all water used for firefighting, wastewater, runoff,
2 and other wastes in a manner that prevents releases to the
3 environment;

4 (e) in the event of a release of PFAS chemicals, report the
5 identity of the foam, the quantity used, the total PFAS
6 concentration, and the form of any waste that contains PFAS
7 chemicals that is released into the environment immediately to the
8 Department of Environmental Protection; and

9 (f) document the measures undertaken to comply with the
10 provisions of this paragraph, which documentation shall be retained
11 by the person and made available to any State or local official
12 enforcing the provisions of **[this act]** P.L.2023, c.243 (C.56:8-229
13 et al.), upon request.

14 f. No later than one year after the effective date of **[this act]**
15 P.L.2023, c.243 (C.56:8-229 et al.), a manufacturer of class B
16 firefighting foam containing intentionally added PFAS shall notify,
17 in writing, persons that sell the manufacturer's products in the State
18 about the provisions of **[this act]** P.L.2023, c.243 (C.56:8-229 et
19 al.).

20 g. A manufacturer that manufactures, sells, or distributes class B
21 firefighting foam containing intentionally added PFAS in the State
22 after one year after the effective date of **[this act]** P.L.2023, c.243
23 (C.56:8-229 et al.), except as authorized pursuant to subsections c.
24 and d. of this section, shall recall the product no later than 27
25 months after the effective date of **[this act]** P.L.2023, c.243
26 (C.56:8-229 et al.), and shall reimburse the retailer or any other
27 purchaser for the product. A recall of the product shall include safe
28 transport and storage, and documentation of the amount and storage
29 location of the class B firefighting foam containing intentionally
30 added PFAS, until the Department of Environmental Protection
31 formally identifies a safe disposal technology. The manufacturer
32 shall retain this documentation and shall provide it to any State or
33 local official enforcing the provisions of **[this act]** P.L.2023, c.243
34 (C.56:8-229 et al.), upon request.

35 h. After the expiration of any applicable exemption or waiver
36 pursuant to subsections c. or d. of this section, the owner or
37 operator of a facility that uses a fixed foam fire suppression system
38 for class B fires, an oil refinery, or a petroleum terminal, as
39 applicable, shall safely store any remaining class B firefighting
40 foam containing intentionally added PFAS until the Department of
41 Environmental Protection formally identifies a safe disposal
42 technology. Safe storage shall include safe transport and
43 documentation of the amount and storage location of the class B
44 firefighting foam containing intentionally added PFAS. The
45 operator shall retain this documentation and shall provide it to any
46 State or local official enforcing the provisions of **[this act]**
47 P.L.2023, c.243 (C.56:8-229 et al.), upon request.

1 i. A violation of the provisions of this section shall constitute an
2 unlawful practice for the purposes of P.L.1960, c.39 (C.56:8-1 et
3 seq.), and the violator shall be subject to all remedies and penalties
4 available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

5 j. Nothing in this section shall be construed to impose liability
6 on any news media that accepts or publishes advertising for any
7 product that may fall within the scope of the provisions of this
8 section.

9 k. As used in this section:

10 "Class B firefighting foam" means foam designed to prevent or
11 extinguish a fire in flammable liquids, combustible liquids,
12 petroleum greases, tars, oils, oil-based paints, solvents, lacquers,
13 alcohols, and flammable gases.

14 "Fixed foam fire suppression system" means: (1) an engineered
15 or pre-engineered total flooding or local application system
16 consisting of a fixed supply of extinguishing agent permanently
17 connected for fixed agent distribution to fixed nozzles that are
18 arranged to discharge an extinguishing agent into an enclosure,
19 directly onto a hazard, or a combination of both; or (2) an automatic
20 sprinkler system.

21 "Fuel-in-depth pool" means fuel pooling in an area bounded by
22 contours of land or physical barriers that are at least six inches in
23 height, surround a surface area greater than 500 square meters, and
24 are designed to retain fuel.

25 "Intentionally added PFAS" means PFAS added to a product or
26 one of the product's components to provide a specific characteristic,
27 appearance, or quality or to perform a specific function.
28 "Intentionally added PFAS" also includes any degradation
29 byproducts of PFAS.

30 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"
31 means substances that include any member of the class of
32 fluorinated organic chemicals containing at least one fully
33 fluorinated carbon atom.

34 "Petroleum terminal" means: (1) a bulk liquid storage facility
35 exclusively engaged in the merchant wholesale distribution of
36 petroleum products, including liquefied petroleum gas, which
37 contains at least one storage tank containing petroleum products
38 with a surface area of 120 square meters or greater; or (2) a facility
39 engaged in the distribution of crude petroleum from extraction or
40 processing facilities, which includes at least one storage tank
41 containing crude petroleum with a surface area of 120 square meters
42 or greater.

43 (cf: P.L.2023, c.243, s.1)

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45 ¹[2. (New section) There is appropriated from the General Fund
46 to the Department of Environmental Protection the sum of \$500,000

1 to provide additional funding for the grant program established
2 pursuant to section 2 of P.L.2023, c.243 (C.13:1K-43) to reimburse
3 eligible municipalities for the costs of the replacement of class B
4 firefighting foam containing intentionally added perfluoroalkyl and
5 polyfluoroalkyl substances with firefighting foam that complies
6 with the provisions of section 1 of P.L.2023, c.243 (C.56:8-229).¹

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8 ¹**[3.] 2.**¹ This act shall take effect immediately.

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13 Permits fire departments to use certain Class B firefighting foam
14 for one year after prohibition takes effect.