

File No. 240299

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date May 1, 2024

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Referral FYI – FIR 4/3/2024
- Referral DHR – Meet and Confer 4/3/2024
- Presidential Action Memo – Transfer RLS-PSNS 4/17/2024
- Presidential Action Memo – Transfer PSNS-BFC 4/18/2024
- _____
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Completed by: Brent Jalipa Date April 19, 2024

Completed by: Brent Jalipa Date _____

1 [Administrative Code - Firefighter Personal Protective Equipment Containing PFAS]

2

3 **Ordinance amending the Administrative Code to prohibit the Fire Department from**
4 **providing or using personal protective equipment containing intentionally-added PFAS**
5 **(perfluoroalkyl and polyfluoroalkyl substances) by June 30, 2026; and requiring the Fire**
6 **Department to conduct regular meetings with labor representatives, and submit regular**
7 **reports to the Board of Supervisors and Fire Commission, regarding its progress**
8 **toward meeting the June 30, 2026, deadline.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

13

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. Findings.

17 (a) Decades of scientific research have demonstrated the toxic and carcinogenic
18 nature of perfluoroalkyl and polyfluoroalkyl substances known as PFAS, which are a family of
19 synthetic chemicals known as "forever chemicals" due to their persistent presence in both the
20 environment and the human body. Research has linked exposure to PFAS and accumulation
21 of PFAS in the human body to the development of tumors in the liver, reproductive organs,
22 and pancreas.

23 (b) In November 2023, the International Association for Research on Cancer (IARC)
24 declared perfluorooctanoic acid (PFOA), a polyfluoroalkyl substance found in firefighter
25 personal protective equipment, to be a Group 1 known human carcinogen.

1 (c) In addition to other industrial and commercial uses, PFAS have been utilized in
2 personal protective equipment of firefighters. Specifically, PFAS have been used within the
3 inner moisture barrier layer of the three-layer fabric of firefighter turnout gear in order to satisfy
4 an ultraviolet light degradation test under Section 8.62 of the National Fire Protection
5 Association (NFPA) Standard 1971.

6 (d) Firefighting is an inherently dangerous profession that brings repeated exposures
7 to numerous toxic substances, including benzene, asbestos, and hexavalent chromium.
8 These exposures lead to a higher rate of cancer among firefighters than among the general
9 population. The cancer risk for firefighters is so high that in July 2022, IARC declared
10 firefighter occupational exposure itself to be a Group 1 carcinogen that is known to cause
11 cancer and harm to human health.

12 (e) Fire agencies throughout the country have worked to reduce levels of occupational
13 exposure to harmful substances, including PFAS, through policies including requiring the
14 cleaning of apparatus cabs regularly and after every fire, requiring the cleaning of personal
15 protective equipment, requiring the use of Self-Contained Breathing Apparatus (SCBA) during
16 fire overhaul, and eliminating the use of aqueous film forming foam (AFFF) that contains
17 PFAS. California restricted the use of AFFF, also known as Class B firefighting foam,
18 containing PFAS, in favor of non-PFAS alternatives, through the enactment of SB 1044 in
19 September 2021.

20 (f) The Fire Department has received a \$2.3 million grant from the Federal Emergency
21 Management Agency (FEMA) to purchase new personal protective equipment (PPE), and is
22 preparing to submit a resolution for the Board of Supervisors' approval of the acceptance and
23 expenditure of this grant. The FEMA funds will assist the Fire Department in replacing current
24 PPE with new PPE that does not contain intentionally-added PFAS.

1 Section 2. Chapter 64 of the Administrative Code is hereby amended by adding
2 Section 64.2, to read as follows:

3 **SEC. 64.2. PROHIBITION ON FIRE DEPARTMENT PROVISION OR USE OF**
4 **PERSONAL PROTECTIVE EQUIPMENT CONTAINING PFAS.**

5 (a) **Definitions.** For purposes of this Section 64.2, the following definitions apply:

6 “Firefighter Personal Protective Equipment” means personal protective clothing and
7 equipment covered by the General Industry Safety Orders in Sections 3403 to 3407, inclusive, of Title 8
8 of the California Code of Regulations, as may be amended from time to time.

9 “PFAS” means perfluoroalkyl and polyfluoroalkyl substances, a class of fluorinated organic
10 compounds containing at least one fully fluorinated carbon atom.

11 (b) **Prohibition.** By no later than June 30, 2026, the Fire Department shall no longer provide
12 or use Firefighter Personal Protective Equipment containing intentionally-added PFAS.

13 (c) **Progress Meetings.** The Chief of the Fire Department, or the Chief’s designee, shall meet
14 with labor representatives at least every three months until June 30, 2026, to discuss and evaluate
15 progress toward phasing out Firefighter Personal Protective Equipment containing intentionally-added
16 PFAS, including with respect to the availability of, and securing funding for, Firefighter Personal
17 Protective Equipment that does not contain intentionally-added PFAS.

18 (d) **Progress Reports.** The Fire Department shall provide a report to the Board of Supervisors
19 and the Fire Commission on its progress toward meeting the deadline in subsection (b) every six
20 months until June 30, 2026. Following consultation with labor representatives, if the Fire Department
21 determines that factors beyond the Fire Department’s control will impede the Fire Department’s ability
22 to meet the June 30, 2026 deadline, the Fire Department shall recommend to the Board of Supervisors
23 by no later than March 1, 2026 to extend the June 30, 2026 deadline.

1 Section 4. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6
7 Section 5. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ _____
15 JEN HUBER
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Firefighter Personal Protective Equipment Containing PFAS]

Ordinance amending the Administrative Code to prohibit the Fire Department from providing or using personal protective equipment containing intentionally-added PFAS (perfluoroalkyl and polyfluoroalkyl substances) by June 30, 2026; and requiring the Fire Department to conduct regular meetings with labor representatives, and submit regular reports to the Board of Supervisors and Fire Commission, regarding its progress toward meeting the June 30, 2026, deadline.

Existing Law

Existing local law does not address firefighter personal protective equipment (“PPE”). Under California law, General Industry Safety Orders in Sections 3403 to 3407 of Title 8 of the California Code of Regulations set forth certain standards for firefighter PPE, but California law does not address the presence of perfluoroalkyl and polyfluoroalkyl substances (“PFAS”) in firefighter PPE.

Amendments to Current Law

The proposed legislation would require that, by no later than June 30, 2026, the Fire Department shall no longer provide or use firefighter PPE containing intentionally-added PFAS. The proposed ordinance would also require the Fire Department to meet with labor representatives at least every three months until June 30, 2026 to discuss and evaluate progress toward phasing out PPE containing intentionally-added PFAS, and submit regular reports to the Board of Supervisors and the Fire Commission on the Department’s progress toward meeting the June 30, 2026 deadline. The proposed ordinance would allow the Fire Department to recommend to the Board of Supervisors an extension of the deadline if the Department is unable to meet the deadline based on factors beyond the Department’s control.

Background Information

Scientific research has demonstrated the toxic and carcinogenic nature of PFAS, which are known as “forever chemicals” due to their persistent presence in the environment and human body. In addition to other industrial and commercial uses, PFAS have been utilized in firefighter PPE. Fire agencies throughout the country have worked to reduce levels of firefighter occupational exposure to harmful substances, including PFAS.

<p>Item 1 File 24-0299 <i>(Continued from 4/24/24 meeting)</i></p>	<p>Department: Fire Department (FIR)</p>
<p>EXECUTIVE SUMMARY</p>	
<p>Legislative Objectives</p> <ul style="list-style-type: none"> • The proposed ordinance would establish Chapter 64.2 of the Administrative Code to prohibit the Fire Department from using personal protective equipment (PPE) containing intentionally added PFAs (perfluoroalkyl and polyfluoroalkyl substances) after June 2026. <p>Key Points</p> <ul style="list-style-type: none"> • PFAs (perfluoroalkyl and polyfluoroalkyl substances) are “forever” chemicals considered hazardous to human health, some of which may cause cancer. According to Mark Corso, Deputy Director of Finance and Administration at the Fire Department, all firefighting personal protective equipment (PPE) on the market has PFAs, though manufacturers are currently testing PFA-free prototypes. Firefighting PPE consists primarily of a coat and pants and PFAs are used to make them water repellent. <p>Fiscal Impact</p> <ul style="list-style-type: none"> • The total cost to replace all fire fighting PPE is likely \$10.1 million. Cost would likely be mostly funded by the General Fund. • The Fire Department budgets \$850,000 for uniform replacement every year and has proposed to do so in the FY 2024-25 – FY 2025-26 budget. To meet the June 2026 deadline of phasing out PFAs, the Department would have to increase its uniform replacement budget by \$4.2 million each year to \$5 million. <p>Policy Consideration</p> <ul style="list-style-type: none"> • The National Institute of Standards and Technology released a report in May 2023 that tested twenty textiles of firefighting PPE. The report found that the concentration varied widely between the different textiles, which suggests that certain gear currently on the market is safer than others. As noted above, PFA-free firefighting PPE does not currently exist. In the meantime, the City could work with other governments to identify and jointly purchase PPE that has minimal PFAs. <p>Recommendation</p> <ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

PFAs (perfluoroalkyl and polyfluoroalkyl substances) are “forever” chemicals considered hazardous to human health, some of which may cause cancer. According to Mark Corso, Deputy Director of Finance and Administration at the Fire Department, all firefighting personal protective equipment (PPE) on the market has PFAs, though manufacturers are currently testing PFA-free prototypes. Firefighting PPE consists primarily of a coat and pants and PFAs are used to make them water repellent.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would establish Chapter 64.2 of the Administrative Code to prohibit the Fire Department from using PPE containing intentionally added PFAs.

The prohibition would take effect on June 30, 2026.

The ordinance also requires the Fire Chief to meet with labor representatives at least every three months to assess the availability and funding for such PPE.

In addition, the Fire Department is required to submit progress reports to the Board of Supervisors and the Fire Commission every six months and may recommend an extension of the June 2026 deadline.

FISCAL IMPACT

The Fire Department has 1,482 positions that use PPE with PFAs. Assuming each position requires two sets of PPE and the cost of PFA-free gear is \$3,400, the total cost to replace all firefighting is \$10.1 million.

The Fire Department budgets \$1.7 million for uniform replacement every year and has proposed to do so in the FY 2024-25 – FY 2025-26 budget. According to Deputy Director Corso, approximately half of this budget is spent on coats and pants for firefighters. To meet the June 2026 deadline of phasing out PFAs, the Department would have to increase its uniform replacement budget by \$4.2 million each year to \$5 million.

Exhibit 1: Estimated Cost

Uniform Replacement	FY 2024-25	FY 2025-26	Total
Budget	850,000	850,000	1,700,000
Required by Proposed Ordinance	5,038,800	5,038,800	10,077,600
Change	4,188,800	4,188,800	8,377,600

Source: BLA and FIR

Because no PFA-free gear is available for sale, we used the current cost of firefighting PPE (\$3,400). Actual costs will be different and likely higher, given that the product will be new, possibly unique, and in high demand due to its lifesaving potential.

Funding Sources

Most Fire Department costs are funded by the General Fund. According to the proposed ordinance, the Department has received a \$2.3 million grant from the Federal Emergency Management Agency (FEMA) to purchase new personal protective equipment.

Long-Term Liability for Worker’s Compensation

The City is self-insured for workers compensation. For fire suppression workers, State law provides a presumption of workers' compensation eligibility for cancer (Labor Code Section 3212.1). Over the past ten years (Jan 2014 – April 2024), the City has had 80 cancer claims from firefighters totaling \$9.9 million, or \$123,000 per claim. There also have been nine death claims totaling \$2.5 million, or \$281,500 per claim, over the same period. Over the long term, reducing exposure to PFAs may reduce the incidence of these illnesses and related claims.

POLICY CONSIDERATION

The National Institute of Standards and Technology released a report in May 2023 that tested twenty textiles of firefighting PPE.¹ The report found that the concentration varied widely between the different textiles, which suggests that certain gear currently on the market is safer than others. As noted above, no PFA-free fire-fighting PPE currently exists. In the meantime, the City could work with other governments to identify and jointly purchase PPE that has minimal PFAs.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

¹ NIST TN 2248

Item 3 File 24-0299	Department: Fire Department (FIR)
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EXECUTIVE SUMMARY

Legislative Objectives

- The proposed ordinance would establish Chapter 64.2 of the Administrative Code to prohibit the Fire Department from using personal protective equipment (PPE) containing intentionally added PFAs (perfluoroalkyl and polyfluoroalkyl substances) after June 2026.

Key Points

- PFAs (perfluoroalkyl and polyfluoroalkyl substances) are “forever” chemicals considered hazardous to human health, some of which may cause cancer. According to Mark Corso, Deputy Director of Finance and Administration at the Fire Department, all firefighting personal protective equipment (PPE) on the market has PFAs, though manufacturers are currently testing PFA-free prototypes. Firefighting PPE consists primarily of a coat and pants and PFAs are used to make them water repellent.

Fiscal Impact

- The total cost to replace all fire fighting PPE is likely \$10.1 million. Cost would likely be mostly funded by the General Fund.
- The Fire Department budgets \$850,000 for uniform replacement every year and has proposed to do so in the FY 2024-25 – FY 2025-26 budget. To meet the June 2026 deadline of phasing out PFAs, the Department would have to increase its uniform replacement budget by \$4.2 million each year to \$5 million.

Policy Consideration

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RECOMMENDATION

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¹ NIST TN 2248

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Chief Jeanine Nicholson, Fire Department
Maureen Conefrey, Commission Secretary, Fire Commission

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: April 3, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed Ordinance:

File No. 240299

Ordinance amending the Administrative Code to prohibit the Fire Department from providing or using personal protective equipment containing intentionally-added PFAS (perfluoroalkyl and polyfluoroalkyl substances) by June 30, 2026; and requiring the Fire Department to conduct regular meetings with labor representatives, and submit regular reports to the Board of Supervisors and Fire Commission, regarding its progress toward meeting the June 30, 2026, deadline.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

c: Theresa Ludwig, Fire Department

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: April 3, 2024

SUBJECT: Referral for Meet and Confer Determination

The Board of Supervisors' Rules Committee has received the following Ordinance. This matter is being **referred** to you as it may require the Department of Human Resources to fulfill "**Meet and Confer**" requirements. Please review, assess the impact, provide proper noticing as required, and report back to on the status of the "Meet and Confer" requirement.

File No. 240299

Ordinance amending the Administrative Code to prohibit the Fire Department from providing or using personal protective equipment containing intentionally-added PFAS (perfluoroalkyl and polyfluoroalkyl substances) by June 30, 2026; and requiring the Fire Department to conduct regular meetings with labor representatives, and submit regular reports to the Board of Supervisors and Fire Commission, regarding its progress toward meeting the June 30, 2026, deadline.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Mawuli Tugbenyoh, Department of Human Resources

President, District 3
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-6546

Aaron Peskin

PRESIDENTIAL ACTION

Date: 4/17/24

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 240299 Peskin
(Primary Sponsor)

Title. Administrative Code - Firefighter Personal Protective Equipment Containing PFAS

Transferring (Board Rule No 3.3)

File No. 240299 Peskin
(Primary Sponsor)

Title. Administrative Code - Firefighter Personal Protective Equipment
Containing PFAS

From: Rules Committee

To: Public Safety & Neighborhood Services Committee

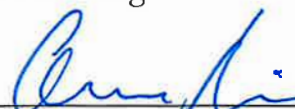
Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ Meeting
(Date) (Committee)

Start Time: _____ End Time: _____

Temporary Assignment: Partial Full Meeting



Aaron Peskin, President
Board of Supervisors

President, District 3
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-6546

Aaron Peskin

PRESIDENTIAL ACTION

Date: 4/18/24

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____

(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. _____

240299

Peskin

(Primary Sponsor)

Title. Administrative Code - Firefighter Personal Protective Equipment
Containing PFAS

From: Public Safety & Neighborhood Services



Committee

To: Budget & Finance



Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____

Replacing Supervisor: _____

For: _____

(Date)

(Committee)

Meeting

Start Time: _____

End Time: _____

Temporary Assignment: Partial Full Meeting

A handwritten signature in blue ink, appearing to read "Aaron Peskin".

Aaron Peskin, President
Board of Supervisors

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: