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AB-1181 Firefighters: personal protective equipment. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 13, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1181

Introduced by Assembly Member Haney

February 21, 2025

An act to amend Section 147.4 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as amended, Haney. Firefighters: personal protective equipment.

The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The act grants to the Occupational Safety and Health Standards Board, an independent entity within the department, exclusive authority to adopt occupational safety and health standards within the state.

Beginning July 1, 2018, and every 5 years thereafter, the act requires the board, in consultation with the department, to complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to certain personal protective equipment and requires the board to consider modifying existing safety orders and to render a decision regarding the adoption of necessary changes to safety orders, or other applicable standards and regulations, no later than July 1 of the subsequent year, if the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders.

This bill ~~would make a nonsubstantive change to those provisions:~~ *would, in addition to the above-described requirement, require the board to modify its existing safety order regarding firefighter personal protective equipment by January 1, 2027, to eliminate the use of perfluoroalkyl and polyfluoroalkyl substances and other regrettable substitutes, as provided. The bill would also require, by July 1, 2026, the Division of Occupational Safety and Health to report on progress toward implementation of the modified PPE safety standards, as provided. The bill would also make related findings and declarations.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) Decades of scientific research have demonstrated the toxic and carcinogenic nature of perfluoroalkyl and polyfluoroalkyl substances, known as PFAS, which are a family of synthetic chemicals known as "forever chemicals" due to their persistent nature in both the environment and the human body.

(b) Research has linked exposure to and accumulation of PFAS to development of tumors in the liver, reproductive organs, and pancreas.

(c) In November 2023, the International Agency for Research on Cancer declared perfluorooctanoic acid, which was been found in firefighter turnout gear, to be a Group 1 known human carcinogen.

(d) In addition to other industrial and commercial uses, PFAS are utilized in the personal protective equipment (PPE) of firefighters, specifically within the inner moisture barrier layer of the three-layer fabric, in order to pass stringent light-resistance and vertical flame tests to meet Section 8.62 of the National Fire Protection Association (NFPA) Standard 1971.

(e) In 2024, the NFPA updated the standards for PPE for firefighters, but the newly renumbered NFPA Standard 1970 standard still requires the overly burdensome vertical flame test and allows for the use of harmful chemicals such as PFAS and brominated flame retardants not explicitly named in the restricted substances list.

(f) Firefighting is an inherently dangerous profession that brings repeated exposures to numerous toxic substances, including benzene, asbestos, and hexavalent chromium. These exposures lead to a higher rate of cancer among firefighters than among the general population.

(g) Fire agencies throughout the country have worked to reduce levels of occupational exposure to harmful substances, including PFAS, through policies related to, among other things, clean cabs, strict gear cleaning, the use of self-contained breathing apparatuses during overhaul, and eliminating the use of aqueous film forming foam (AFFF) that contains PFAS.

(h) California restricted the use of AFFF, also known as Class B firefighting foam, containing PFAS through the enactment of Chapter 308 of the Statutes of 2020, which phases out their usage in both municipal and industrial firefighting settings in favor of non-PFAS alternatives.

~~SECTION 1.~~ SEC. 2. Section 147.4 of the Labor Code is amended to read:

147.4. (a) By January 1, 2016, the department shall convene an advisory committee to evaluate whether changes are needed to align the general industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations with the applicable and most recently promulgated standards of the National Fire Protection Association. The committee shall be composed of parties in both management and labor, represent a cross section of the fire protection industry and community, and be competent and knowledgeable regarding personal protective clothing and equipment for firefighters and firefighting practices generally.

(b) By July 1, 2016, the advisory committee shall present its findings and recommendations for consideration by the board. No later than July 1, 2017, the board shall render a decision regarding the adoption of changes to the general industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations, or other applicable standards and regulations, in order to maintain alignment with the applicable National Fire Protection Association standards.

(c) Beginning July 1, 2018, and every five years thereafter, the board, in consultation with the ~~department,~~ *department and subject to subdivision (d),* shall complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to personal protective equipment covered by the general industry safety orders in Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division 1 of Title 8 of the California Code of Regulations. If the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders, the board shall consider modifying existing safety orders and shall render a decision regarding the adoption of necessary changes to safety orders, or other applicable

standards and regulations, no later than July 1 of the subsequent year, in order to maintain alignment of the safety orders with the applicable National Fire Protection Association adopted standards.

(d) Notwithstanding subdivision (c), by January 1, 2027, the board, in consultation with the department, shall modify its existing safety order regarding firefighter personal protective equipment (PPE) in a manner that eliminates the use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other regrettable substitutes. In modifying the existing safety order, the board shall do both of the following:

(1) Use scientific research to create a standard for firefighter PPE used in California that is the most protective of firefighters' health and safety, using the 2025 NFPA 1970 Standard on Protective Ensembles for Structural and Proximity Firefighting, Work Apparel, Open-Circuit Self-Contained Breathing Apparatus for Emergency Services, and Personal Alert Safety Systems as a floor.

(2) Mandate that firefighter PPE certified for use in California be free of PFAS and any other regrettable substitutes known to pose long-term environmental and human health risks, including, but not limited to, brominated flame retardants. The modified safety order shall require manufacturers of firefighter PPE to certify that their products meet the new standards.

(e) (1) By July 1, 2026, the Division of Occupational Safety and Health shall provide a report to the Governor and Legislature on progress toward implementation of the modified PPE safety standards.

(2) The requirement for submitting a report imposed under this subdivision is inoperative on July 1, 2030, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.