

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

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:

From: [Horrell, Nate \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [HUBER, JEN \(CAT\)](#); [PEARSON, ANNE \(CAT\)](#)
Subject: PESKIN - Ordinance - PFAS Protections for SF Firefighters
Date: Tuesday, March 26, 2024 1:49:54 PM
Attachments: [Leg Digest for Ord re Fire PPE PFAS Phase Out.DOCX](#)
[Ordinance re PFAS PPE Phase Out - Final Approved.DOCX](#)
[PESKIN - Intro Form - PFAS Ordinance.pdf](#)

Good afternoon –

Please find attached the final legislation approved as to form, legislative digest and introduction form for the subject Ordinance. I am copying DCA Huber to confirm that she has reviewed and signed this legislation as to form.

Thank you and let me know if you have any questions.

Nate Horrell

Legislative Aide

Board President Aaron Peskin

direct: (415) 554-7419

cell: (315) 560-9558

nate.horrell@sfgov.org

[District 3 Website](#)

Sign up for our newsletter [here](#)!

From: [Huber, Jen \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Horrell, Nate \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#)
Subject: RE: PESKIN - Ordinance - PFAS Protections for SF Firefighters
Date: Tuesday, March 26, 2024 1:59:51 PM

Hi Arthur,

Confirmed that I approve as to form and that you may add my e signature.

Thank you,
Jen

Jen Huber (she/her)
Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4665 Direct
www.sfcityattorney.org

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, March 26, 2024 1:57 PM
To: Horrell, Nate (BOS) <nate.horrell@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Huber, Jen (CAT) <Jen.Huber@sfcityatty.org>; Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>
Subject: RE: PESKIN - Ordinance - PFAS Protections for SF Firefighters

Hello,

We are seeking approval from DCA Jen Huber for the use of her e signature for the subject submittal.

Regards,

Arthur Khoo

Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102
(415) 554-4447 | (415) 554-5163
arthur.khoo@sfgov.org | www.sfbos.org

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Horrell, Nate (BOS) <nate.horrell@sfgov.org>
Sent: Tuesday, March 26, 2024 1:50 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; HUBER, JEN (CAT) <Jen.Huber@sfcityatty.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>
Subject: PESKIN - Ordinance - PFAS Protections for SF Firefighters

Good afternoon –

Please find attached the final legislation approved as to form, legislative digest and introduction form for the subject Ordinance. I am copying DCA Huber to confirm that she has reviewed and signed this legislation as to form.

Thank you and let me know if you have any questions.

Nate Horrell
Legislative Aide
Board President Aaron Peskin
direct: (415) 554-7419
cell: (315) 560-9558
nate.horrell@sfgov.org

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From: [Low, Jen \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Horrell, Nate \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)
Subject: Adding Supervisor Melgar as Co-Sponsor to Firefighter Personal Protective Equipment Containing PFAS
Date: Tuesday, March 26, 2024 3:40:22 PM

Dear Clerk Staff,

Please add Supervisor Melgar as a co-sponsor to President Peskin's ordinance on Firefighter Personal Protective Equipment Containing PFAS that was introduced today.

Thank you,

Jen

Jen Low
Supervisor Myrna Melgar
415.554.6521

[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.

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

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

Section 1. Findings.

(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 presence in both the environment and the human body. Research has linked exposure to PFAS and accumulation of PFAS in the human body to the development of tumors in the liver, reproductive organs, and pancreas.

(b) In November 2023, the International Association for Research on Cancer (IARC) declared perfluorooctanoic acid (PFOA), a polyfluoroalkyl substance found in firefighter 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.

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
JEN HUBER
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Firefighter Personal Protective Equipment Containing PFAS]

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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.

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2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
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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

17 n:\legana\as2024\2400316\01745701.docx