

This is to provide guidance and references to documentation for hospitals on regulatory requirements from the Office of The State Fire Marshal (OSFM) and the Department of Health Care Access and Information (HCAI) for compliance with Senate Bill (SB)-1044 Restrictions on Aqueous Film-Forming Foam (AFFF) and requirements for helistops.

## **SB-1044 Compliance: Phasing Out PFAS in Class B Firefighting Foam on Helistops.**

### **Background**

Senate Bill 1044 (SB-1044) enacted Health and Safety Code Sections 13029, 13061, and 13062 to phase out the use of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in Class B firefighting foam. Firefighting foam in use on helistops. are typically Aqueous Film Forming Foam (AFFF) which contains PFAS.

The Office of the State Fire Marshal is responsible for monitoring PFAS use at designated facilities. HCAI enforces the regulations of the Office of the State Fire Marshal (SFM) for facility types OSHPD 1, 1R, 2, 4, and 5.

### **SB-1044 Restrictions on AFFF:**

**Date:** August 2024

**To:** Healthcare Facilities under OSHPD/HCAI jurisdiction with helistops.

**From:** Nanci Timmins  
HCAI/OSHPD  
Chief Fire and Life Safety Officer

**Subject:** Compliance with Senate Bill (SB)-1044 Restrictions on Aqueous Film-Forming Foam (AFFF) and requirements for helistops.

SB-1044 (Allen, 2020) restricts the use of AFFF in most California facilities. Facility owners must transition to fluorine-free foam unless exempt under Section 13061(b)(2) of the Health and Safety Code (HSC).

## Requirements for Heliports and Helistops:

Regulations addressing aircraft-related occupancies and aviation facilities, which include heliports and helistops, are contained within the California Code of Regulations, Title 24 (CCR, Title 24), California Building Code (CBC), and the CCR, Title 24, California Fire Code (CFC). Additional requirements may be found within nationally recognized standards such as National Fire Protection Association (NFPA) 418, as adopted by California.

## Compliance Steps:

OSFM has issued **Information Bulletin 24-007** as guidance for facilities required to replace AFFF by the required deadline.

1. **Please read the bulletin in its entirety, and review information on OSDM site prior to contacting OSHPD.** <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/fire-fighting-equipment-and-foam-pfas>
2. A project for the AFFF replacement is to be submitted to HCAI.
3. If an alternate replacement product is to be used, instead of a product meeting UL 162 or FM 5130 as well as MIL-F-24385 or equivalent (MIL-PRF-32725 supersedes MIL-F-24385) per NFPA 418, then a request for an AMP/AMC, with required supporting documentation, shall be submitted, with the AFFF replacement project submittal, in accordance with CBC 1.11.2.4, CBC 104.11, and OSFM requirements.

Required documentation, research reports, test reports and comparison analysis, prepared as required per IB 24-007, shall be submitted with the AMP/AMC, per CBC 1.11.2.4 and CBC 104.

Upon submittal of the documentation, HCAI will assess the design based on the adherence to the performance-based approach, prior to acceptance of the AMP/AMC. The required documentation is to include but is not limited to; required information as required per CBC 1.11.2.4 and CBC 104; the standard(s) the product is in compliance with; research and testing reports with manufacturer's technical data and installation requirements; components required for the product and that are listed for use with the product; a comparison chart clearly stating the itemized testing criteria of UL 162 or FM 5130 as well as MIL-F-24385 or equivalent, and other testing standards and the similarities and differences between the test criteria and the test results of the proposed product and the applicable test criteria and results of the code required test standards of

NFPA 418 5.7.6.2. The justification indicating the proposed equivalency is to be on the AMP/AMC.

This alternative design and comparison chart shall be prepared by a licensed professional engineer with experience in fire protection engineering, fire hazards, and risk assessments, per IB 24-007.

**Information Bulletin 24-007** includes information for submitting a request for Alternative Means of Protection (AMP) until foams are certified with UL 162 or FM 5130, MIL-F-24385, or an equivalent standard, complying with CBC, CFC, NFPA 418.

4. Project submittal shall include, but not be limited to, all required designs documents, existing and new construction, manufacturers' technical data and installation requirements, manufacture trench, pad, and containment size requirements, product data, listings, testing reports, all other code and referenced standards requirements, and AMP/AMC documentation.
5. Transition to fluorine-free foam per SB-1044 is to occur after project submittal, review, approval and permit issuance.
6. A justification for exceeding the SB-1044 deadlines shall be submitted with the project submittal.

### **References:**

2022 CCR, Title 24, Part 2 Volume 1, CBC Sections 1.10, 1.11: These sections outline enforcing responsibility. OSHPD enforces regulations of the Office of the State Fire Marshal.

2022 CCR, Title 24, Part 2 Volume 1, CBC Section 412.7: This section outlines the design, construction, and operational requirements for aviation-related infrastructure, ensuring compliance with safety and fire protection standards.

2022 CCR, Title 24, Part 9, CFC Section 2007: This section provides specific fire safety requirements for helistops and heliports, detailing essential operational and safety measures to address fire risks associated with these facilities.

2016 NFPA 418, Standard for Heliports

14 CFR Part 139, Certification of Airports guidelines

**For Questions, additional information see <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/fire-fighting-equipment-and-foam-pfas>:**

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Revised August 2024