



March 15, 2023

To Members of the Minnesota Senate Commerce and Consumer Protection Committee:

The American Petroleum Institute (API) appreciates the opportunity to provide comments to the Minnesota Senate Environment, Climate, and Legacy Committee on S.F. 776. API represents all segments of America's natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. For more than 90 years, API has led the development of petroleum, natural gas and petrochemical equipment and operating standards, including several on process safety and fire protection.

These standards, and others developed in partnership with the National Fire Protection Association, historically recognized aqueous firefighting foams (AFFF) and other PFAS-containing legacy firefighting foams as a critical tool in managing large fires for the protection of workers and surrounding communities. API engages in federal and state legislative and regulatory advocacy to address the potential health and environmental concerns associated with PFAS with a focus on scientific research; technical legal and economic analysis; and public issues communication. In support of that mission, we offer the following key points:

- Over the past 10 years, API has published 180 new and updated refining safety and operational standards, including more than 15 standards intended to minimize spills, release, or process incidents which could lead to hydrocarbon fires. Yet incidents do happen, and in the event of an emergency of a hydrocarbon fire, firefighting foams that allow swift and definitive extinguishing power are required to protect the lives of the first responders, workers, and the public, as well as the environment.
- Specifically, refiners need a Class B firefighting foam that provides fuel repellency and heat stability, allows for rapid extinguishment and burn back resistance. They require a foam that protects against vapor release, which helps to prevent re-ignition and protect responders working in the area as part of the rescue and recovery operations.
- Most Class B firefighting foams in the U.S. contain fluorosurfactants, a group within the PFAS family, that form a film on the surface of the hydrocarbon. This film creates a blanket that cools the fire, blocks oxygen, and suppresses fuel vapor, quickly extinguishing the fire and, importantly, keeping the fire extinguished. In contrast, other fluorosurfactant-free foams rely strictly on bubble action, which is much more easily disrupted than the fluorosurfactant layer that has proven so effective for the last 50 years.
- Fluorosurfactant firefighting foams have been so superior in saving lives and property that for decades, various entities encouraged inclusion of these ingredients in design of systems, including fire marshals, insurance companies, National Fire Protection Association (NFPA) standard(s), Federal Aviation Agency (FAA) regulations, and Department of Defense (DOD) military specifications (MILSPEC)).

- Currently available fluorine-free foam alternatives may not be effective on all types of industrial fires, and while progress is being made, the transition to newer formulations cannot occur overnight. While testing in controlled situations has occurred, fluorine-free foams have yet to be employed during a significant large-scale tank fire at an industrial facility, creating skepticism about their efficacy in such situations.

Therefore, firefighters and other first responders should be allowed to have the most effective firefighting tools available to them to help protect & save lives and any phase-out of fluorinated firefighting foams must ensure transition timelines are adequate, be considerate of the extensive resource requirement involved in switching entire firefighting systems, and include an exemption provision for refineries should acceptable substitutes not be available.

Sincerely,

Mike Karbo
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American Petroleum Institute