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Code:  Section:

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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959]** ( Division 12 enacted by Stats. 1939, Ch. 60. )

**PART 1. GENERAL PROVISIONS [13000 - 13083]** ( Part 1 enacted by Stats. 1939, Ch. 60. )

**CHAPTER 2. Fire Equipment [13025 - 13062]** ( Chapter 2 enacted by Stats. 1939, Ch. 60. )

**ARTICLE 2. Use of Fire Equipment [13050 - 13062]** ( Article 2 enacted by Stats. 1939, Ch. 60. )

**13050.** The apparatus, equipment and firefighting force of any public entity may be used for the purpose of providing fire protection or firefighting services:

(a) In any other public entity with the consent of the chief administrative officer of the office or department authorized by law to provide fire protection in such other public entity.

(b) Outside the limits of any public entity.

(Amended by Stats. 1965, Ch. 1203.)

**13050.1.** "Public entity" includes the state, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

(Added by Stats. 1965, Ch. 1203.)

**13051.** The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing firefighting services, may constitute a charge against the public entity in which the firefighting services are furnished.

(Amended by Stats. 1965, Ch. 1203.)

**13052.** (a) The public entity rendering the service may present a claim to the public entity liable therefor. If the claim is approved by the head of the fire department, if any, in the public entity to which the claim is presented, and by its governing body, it shall be paid in the same manner as other charges and if the claim is not paid, an action may be brought for its collection.

(b) Notwithstanding any other provision of this section, any claims against the state shall be presented to the Department of General Services in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

(Amended by Stats. 2016, Ch. 31, Sec. 162. (SB 836) Effective June 27, 2016.)

**13052.5.** The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable.

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of the city shall apply to the activities of any city fire fighting force or department while furnishing fire protection outside the city under any contract with a county fire protection district pursuant to this section.

(Added by Stats. 1953, Ch. 48.)

**13053.** Whenever a fire occurs in any county or within the boundaries of any national forest which is of such proportions that it cannot be adequately handled by the forestry department or fire warden of the county or the facilities of the Department of Forestry and Fire Protection or of the United States Forest Service, the personnel, equipment, and firefighting facilities of any county may be authorized by the state forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

*(Amended by Stats. 1992, Ch. 427, Sec. 93. Effective January 1, 1993.)*

**13054.** Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Department of Forestry and Fire Protection or the United States Forest Service, as the case may be.

*(Amended by Stats. 1992, Ch. 427, Sec. 94. Effective January 1, 1993.)*

**13055.** Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

*(Amended by Stats. 1981, Ch. 714.)*

**13060.** Any public entity may place blue reflective pavement markers in any highway, street, or road for marking fire hydrant locations and water supply locations. These blue reflective pavement markers shall not be used for any other purpose. This section shall not apply to freeways or freeway ramps.

A public entity shall not place blue reflective pavement markers on a state highway unless it first obtains an encroachment permit from the Department of Transportation.

*(Added by Stats. 1983, Ch. 570, Sec. 1. Effective August 29, 1983. Operative January 1, 1984, by Sec. 4 of Ch. 570.)*

**13061.** (a) For purposes of this section, the following definitions apply:

(1) "Class B firefighting foam" means foam designed to prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

(2) "Fixed foam fire suppression system" means an engineered or preengineered total flooding or local application system consisting of a fixed supply of extinguishing agent permanently connected for fixed agent distribution to fixed nozzles that are arranged to discharge an extinguishing agent into an enclosure (total flooding), directly onto a hazard (local application), or a combination of both; or an automatic sprinkler system.

(3) "Fuel-in-depth pool" means fuel pooling in an area bounded by contours of land or physical barriers that are at least six inches in height, surround a surface area greater than 500 square meters, and are designed to retain fuel.

(4) "Manufacturer" means a person that manufactures, imports, or distributes class B firefighting foam.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(6) "Person" has the same meaning as defined in Section 19 and includes a public entity.

(7) "Public entity" has the same meaning specified in Section 13050.1.

(8) "Terminal" means a bulk liquid storage facility exclusively engaged in the merchant wholesale distribution of petroleum products, including liquefied petroleum gas, that contains at least one storage tank containing petroleum products with a surface area of 120 square meters or greater or a facility engaged in the distribution of crude petroleum from extraction or processing facilities, that includes at least one storage tank containing crude petroleum with a surface area of 120 square meters or greater.

(b) (1) Except as provided in paragraphs (2) to (6), inclusive, commencing January 1, 2022, a manufacturer of class B firefighting foam shall not manufacture, or knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, and no person shall use in this state, class B firefighting foam containing intentionally added PFAS chemicals.

(2) This subdivision does not apply to any manufacture, sale, distribution, or use of class B firefighting foam for which the inclusion of PFAS chemicals is required by federal law, including, but not limited to, Section 139.317 of Title 14 of the Code of Federal Regulations. If a federal requirement to include PFAS chemicals in class B firefighting foam is revoked after January 1, 2021, this subdivision shall not apply for one year after the requirement is revoked.

(3) Paragraph (1) does not apply until January 1, 2024, to any part of a facility that does both of the following:

(A) Uses a fixed foam fire suppression system for class B fires.

(B) Has in place a system designed for 110 percent containment of any expected discharge volume.

(4) Paragraph (1) does not apply until January 1, 2028, to any manufacture, sale, or distribution of class B firefighting foam to, or to use by, a person at a terminal or an oil refinery, which may include the use of a fixed foam fire suppression system, for either of the following uses:

(A) For use on a storage tank for combustible or flammable liquids with a surface area of 120 square meters or greater.

(B) For use for fire suppression on a fuel-in-depth pool.

(5) The operator of a terminal or an oil refinery that meets the criteria specified in paragraph (4) shall disclose this information to the State Fire Marshal on or before January 1, 2022. If, after providing this information to the State Fire Marshal, the operator of a terminal or an oil refinery described in paragraph (4) intends to transition a facility to PFAS-free firefighting foam, the operator shall inform the State Fire Marshal no later than 90 days prior to the proposed transition date.

(6) (A) A person who operates a terminal or oil refinery may apply to the State Fire Marshal for a waiver to extend the exemption in paragraph (4) beyond January 1, 2028.

(B) (i) The State Fire Marshal may grant a waiver under subparagraph (A) for a specific use if the applicant provides all of the following:

(I) Clear and convincing evidence that there is no commercially available replacement that does not contain intentionally added PFAS chemicals and that is capable of suppressing fire for that specific use.

(II) Information on the amount of firefighting foam containing intentionally added PFAS chemicals stored, used, or released onsite on an annual basis.

(III) A detailed plan, with timelines, for the operator of the terminal or oil refinery to transition to firefighting foam that does not contain intentionally added PFAS chemicals for that specific use.

(IV) A plan for meeting the requirements of paragraph (8).

(ii) The State Fire Marshal shall provide an applicant an opportunity to correct deficiencies in the initial submission in relation to subclauses (II) to (IV), inclusive, of clause (i).

(C) The State Fire Marshal shall not grant a waiver under this paragraph for a specific use if any other oil refinery or terminal is known to have transitioned to commercially available class B firefighting foam that does not contain intentionally added PFAS chemicals for that specific use. The applicant may provide evidence as to why this subparagraph is inapplicable, including evidence that the specific use is different. In making a decision on a waiver, the State Fire Marshal shall consider both information provided by the applicant and information provided through public comment.

(D) The term of a waiver under this paragraph shall not exceed two years. A waiver may be extended for one additional consecutive term. All waivers shall expire by January 1, 2032.

(E) The State Fire Marshal shall ensure there is an opportunity for public comment during the waiver process.

(F) An oil refinery or terminal that has received a waiver may provide and use class B firefighting foam containing intentionally added PFAS chemicals in the form of mutual aid to another oil refinery or terminal at the request of authorities only if the other oil refinery or terminal also has a waiver.

(G) A person that anticipates applying for a waiver for an oil refinery or terminal shall submit a notice of intent to the State Fire Marshal by July 1, 2025, in order to be considered for a waiver beyond January 1, 2028.

(H) The State Fire Marshal shall notify the waiver applicant of a decision within one year of the waiver submission date.

(7) A person that uses class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (4) or (6) shall report the use of the foam to the State Fire Marshal within five business days of the use, including the identity of the foam, the quantity used, the total PFAS concentration, the application for which the foam was used, and the duration of the fire.

(8) (A) A person that uses class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (4) or (6) shall do all of the following:

(i) Allow no release directly to the environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains.

(ii) Fully contain all releases onsite.

(iii) Implement containment measures such as bunds and ponds that are controlled, impervious to PFAS chemicals, and do not allow firewater, wastewater, runoff, and other wastes to be released to the environment, such as to soils, groundwater, waterways, or stormwater.

(iv) Dispose of all firewater, wastewater, runoff, and other wastes in a way that prevents releases to the environment.

(v) If there is a release to the environment, report the identity of the foam, the quantity used, the total PFAS concentration, and the form of any waste that contains PFAS chemicals that is released into the environment to the State Fire Marshal within five business days of the release.

(vi) Document the measures undertaken pursuant to this subparagraph. In investigating compliance with this subparagraph, the Attorney General, a city attorney, a county counsel, or a district attorney may request the documentation. A person that operates an oil refinery or terminal shall provide the documents upon this request.

(B) A failure to meet the requirements of subparagraph (A) shall not preclude the use of class B firefighting foam containing intentionally added PFAS chemicals if the failure was a result of factors beyond the control of the person. Such a violation shall be subject to civil penalties pursuant to subdivision (i).

(9) The State Fire Marshal shall impose a fee on a person who requests a waiver or waiver extension pursuant to paragraph (6), not to exceed the reasonable costs of administering the waiver or waiver extension provisions. The State Fire Marshal shall impose a fee on a person who submits a report required pursuant to paragraph (7), or clause (v) of subparagraph (A) of paragraph (8), not to exceed the reasonable costs of administering the reporting requirement.

(c) On or before July 1, 2021, a manufacturer of class B firefighting foam containing intentionally added PFAS chemicals shall notify, in writing, persons that sell the manufacturer's products in the state about the provisions of this section. For products sold after July 1, 2021, a manufacturer shall provide that notification on or before December 31, 2021, if the manufacturer has not already provided the notification.

(d) A manufacturer that manufactures, sells, or distributes class B firefighting foam containing intentionally added PFAS chemicals subject to paragraph (1) of subdivision (b) after January 1, 2021, shall recall the product by March 1, 2022, and shall reimburse the retailer or any other purchaser for the product. A recall of the product shall include safe transport and storage and documentation of the amount and storage location of the PFAS-containing firefighting foam, until the California Environmental Protection Agency formally identifies a safe disposal technology. The manufacturer shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(e) A manufacturer that manufactures, sells, or distributes class B firefighting foam containing intentionally added PFAS chemicals pursuant to paragraph (3) of subdivision (b) shall recall the product by March 1, 2024. A recall of the product shall include safe transport and storage and documentation of the amount and storage location of the PFAS-containing firefighting foam, until the California Environmental Protection Agency formally identifies a safe disposal technology. The manufacturer shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(f) After the expiration of any applicable exemption or waiver pursuant to paragraph (4) or (6) of subdivision (b), a person that operates a terminal or oil refinery shall safely store any remaining class B firefighting foam containing intentionally added PFAS chemicals until the California Environmental Protection Agency formally identifies a safe disposal technology. Safe storage includes safe transport and documentation of the amount and storage location of the class B firefighting foam containing intentionally added PFAS chemicals. The person shall provide this documentation to the Attorney General, a city attorney, a county counsel, or a district attorney upon request.

(g) The Attorney General, a city attorney, a county counsel, or a district attorney may request from a manufacturer, and a manufacturer shall provide, a certificate of compliance that certifies that the manufacturer is in compliance with this section for that manufacturer's class B firefighting foam containing intentionally added PFAS chemicals.

(h) (1) Except as provided in paragraph (2), and upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person that violates subdivision (b), (c), (d), (e), (f), or (g) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(2) An individual firefighter shall not be personally liable for payment of the civil penalty imposed pursuant to paragraph (1).

(3) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

(i) The California Environmental Protection Agency's formal identification of a safe disposal technology for PFAS-containing firefighting foam, pursuant to subdivisions (d), (e), and (f), is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

*(Added by Stats. 2020, Ch. 308, Sec. 2. (SB 1044) Effective January 1, 2021.)*

**13062.** (a) Commencing January 1, 2022, a person shall not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

(b) (1) Except as provided in paragraph (2), and upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person that violates subdivision (a) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation.

(2) An individual firefighter shall not be personally liable for payment of the civil penalty imposed pursuant to paragraph (1).

(c) For purposes of this section, "person" has the same meaning specified in Section 19 and includes a public entity.

(d) For purposes of this section, "public entity" has the same meaning specified in Section 13050.1.

(e) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

*(Added by Stats. 2020, Ch. 308, Sec. 3. (SB 1044) Effective January 1, 2021.)*