

## EPA Advisory Letter

### RE: Fluorinated firefighting foam ban - fire protection service providers' responsibilities

To whom it may concern,

As you may be aware, a ban on fluorinated firefighting foams<sup>1</sup> in South Australia came into effect on 30 January 2018 following an amendment of the [Environment Protection \(Water Quality\) Policy 2015](#) (WQ Policy) under the [Environment Protection Act 1993](#) (EP Act). Legislative requirements are set out in Section 13A of the WQ Policy. The ban's grace period of two years, granted to help industry meet the requirements of going fluorine-free, ends on **30 January 2020**. From this day, a person must not fill, or permit the filling of a fire extinguisher with a fluorinated firefighting foam, and a person must not supply a fluorinated firefighting foam. The ban applies to **all** fluorinated firefighting foams (per- and poly-fluoroalkyl substances) including more modern  $\leq C6$  type fluorotelomers.

#### Fire protection service providers

As a fire protection service provider, you may be engaged through this transition to remove small quantities of fluorinated foams, such as hand-held extinguishers or 20-litre drums. Fire protection service providers can transport these small items containing fluorinated foam products without engaging an EPA licensed waste transporter. Bulk volumes of fluorinated firefighting foam products (or wash waters from the cleaning of fluorinated firefighting systems) may only be transported by an EPA licensed waste transporter.

**To ensure compliance with the EP Act and WQ Policy, it is integral that you, as a fire protection service provider:**

- **Prevent the release of firefighting foams to the environment** - this may be achieved by only handling fluorinated foam products (such as when decanting or decontaminating) in a bunded area with a readily accessible spill kit (see the EPA's [Bunding and spill management guideline](#))
- **Dispose of fluorinated foams appropriately** by taking them to a licensed facility that is authorised to receive this waste. In South Australia, this currently includes:  
  
VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD - EPA licence #2897  
CLEANAWAY OPERATIONS PTY LTD - EPA licence #15195
- **Only supply certified fluorine-free foams** that are accompanied by a product certification (ie fluorine content is clearly displayed on a label or document provided with the product)
- Ensure that any systems or extinguishers that are transitioned from a fluorinated foam to a fluorine-free foam are **decontaminated** (so as to remove PFAS contamination as far as reasonably practicable) in accordance with the WQ Policy, and wastewater from the decontamination process is disposed of appropriately

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<sup>1</sup> [https://www.epa.sa.gov.au/environmental\\_info/perfluorinated-compounds](https://www.epa.sa.gov.au/environmental_info/perfluorinated-compounds)



**Environment Protection Authority**  
GPO Box 2607 Adelaide SA 5001  
211 Victoria Square Adelaide SA 5000  
T (08) 8204 2004  
Country areas 1800 623 445

As this is an emerging area SA EPA is continuing to work with industry on a case by case basis to achieve the best outcomes possible. SA EPA has been proactive in communicating the ban and further information is available in the [Transitioning to Fluorine-Free Firefighting Foam Information Sheet](#) and the EPA's [PFAS FAQs page](#).

## **Non-compliance and penalties**

The EPA has become aware of non-compliant operations by fire protection service providers and has undertaken enforcement action. The purpose of this correspondence is to ensure that you are aware of your environmental obligations, and the potential penalties associated with non-compliance.

Contravention of the WQ Policy is an offence under Section 34 of the EP Act and may be associated with penalties of up to \$30,000 or 7 years imprisonment.

For the use, or causing or permitting the use of a prohibited firefighting foam, penalties may be up to \$250,000 in the case of a body corporate, or \$120,000 or imprisonment for 2 years (or both) in the case of a natural person.

Any incidents that lead to actual or potential environmental harm must be notified to the SA EPA as soon as possible on (08) 8204 2004 or [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au).

If you require any further information regarding this matter, please visit the [EPA website](#) or contact Dylan Stone [dylan.stone@sa.gov.au](mailto:dylan.stone@sa.gov.au) phone (08) 8463 7811, or Aiden Ryan [aiden.ryan@sa.gov.au](mailto:aiden.ryan@sa.gov.au) (08) 8204 2154.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Thomas'.

**Dr. Shaun Thomas**

**DELEGATE**

**ENVIRONMENT PROTECTION AUTHORITY**

Date: 9 December 2019