

National Foam inc.
141 Junny Road
Angier
NC, 27501

September 3, 2019

Dear Customer,

Re: Notice of California Proposition 65 Warning Requirements




California regulators recently adopted amendments to Proposition 65's "Clear and Reasonable Warning" requirements, which went into effect in August 2018. As part of the new rules, manufacturers and distributors may now satisfy their Proposition 65 warning obligation for listed chemicals by providing notice to downstream entities such as distributor or retailers. In accordance with the new rules, National Foam, Inc. ("National Foam") is providing you with the requisite notice in this letter, in addition to the on-label warning it has added to its products. If you sell any product identified below to a different distributor, retailer, contractor, etc., this letter must also be forwarded to that entity.

Please review the information contained in this letter carefully, acknowledge your receipt and understanding by signing in the designated area below, and send an executed copy of this letter to the address above.

All fluorinated firefighting foam products, including older C8 and newer C6 products sold by National Foam to you contain at least trace amounts of chemicals listed under Proposition 65 including Perfluorooctanoic Acid ("PFOA"). Accordingly, please take notice that use of fluorinated firefighting foam products without proper and appropriate protection may cause Proposition 65 exposures. If you intend to place fluorinated foam into commerce in California, or if you may incidentally sell fluorinated foam to someone located in California, please be advised that:

The use of fluorinated foam may result in an exposure to chemicals listed under Proposition 65 as known to the State of California to cause cancer and birth defects or other reproductive harm.

The below warning must be provided to persons in California prior to their purchase of fluorinated foam:

	WARNING: Cancer and Reproductive Harm - www.P65Warnings.ca.gov .
	ADVERTENCIA: Cáncer y Daño Reproductivo - www.P65Warnings.ca.gov .
	AVERTISSEMENT: Cancer et effet nocif sur la reproduction - www.P65Warnings.ca.gov .



Please be advised that National Foam now adds this warning to fluorinated foam labels. Thus, you are responsible for maintaining this warning until fluorinated foam reaches a retailer and is sold to an end user. Should you take the fluorinated foam out of its current container and place it into a different container, you are obligated to ensure that a clear and reasonable warning is provided in connection with the sale of fluorinated foam. Additionally, should you have old inventory of fluorinated foam, you are likewise responsible to add a clear and reasonable Proposition 65 warning prior to further use or sale of the product.

Moreover, the new regulations require warnings, in certain circumstances, in connection with online sales. As National Foam cannot be responsible for the placement of online warnings on your website, be advised that it is your responsibility to provide an online Proposition 65 warning for the fluorinated foam. For internet sales to a California address, the warning must be given (1) by providing the full text of the warning on the product display page, (2) by clearly marked hyperlink using the word **“WARNING”** on the product display page that links to the full text of the warning, or (3) by otherwise providing the warning to the purchaser prior to completing the purchase. We recommend that you retain legal counsel in the event you have any questions as to the obligations outlined in this notice.

We appreciate your efforts to ensure that sales of National Foam fluorinated foam complies with Proposition 65.

Acknowledged and Received

Title

Date

Use, Discharge, and Disposal of Firefighting Foam Products

This Notice is issued as a reminder concerning the use, discharge, and disposal of firefighting foam products containing fluorinated surfactants. All fluorinated firefighting foam products, including older C8 and newer C6 products, sold by National Foam to you contain at least trace amounts of Perfluorooctanoic Acid (PFOA), which are listed under Proposition 65 (such as AFFF, AR-AFFF, FFFP, AR-FFFP, FP, and AR-FP). Proposition 65 regulates chemical discharge into drinking water in California. Accordingly, National Foam informs you that it supplies firefighting foams based on the following use and discharge conditions intended to ensure that PFOA does not reach drinking water:

- You will use and discharge an appropriate foam during training exercises, for example non-fluorinated foams, or ensure measures are in place to eliminate environmental releases of fluorinated foams.
- You will take all reasonable steps to ensure fluorinated firefighting foam is removed from the environment following its use during non-training environments, including those steps recommended in National Fire Protection Association (NFPA) Code 11, including its Annex E, entitled, “Foam Environmental Issues”.

Additional resources are provided below:

Fluorinated surfactants are key raw materials within many foam concentrates that substantially reduce surface tension, enabling rapid extinguishment, low fuel pick-up as well as superior post fire security and protection.

As has been advised previously, these firefighting foam products may leave a fluorosurfactant chain, including certain per- and polyfluoroalkyl substances (PFAS), in the environment which can persist and potentially reach groundwater, including drinking water. In 2016, the US Environmental Protection Agency (US EPA) issued a Final Lifetime Health Advisory relating to the levels of certain PFAS, specifically PFOA and PFOS, which potentially may be found in drinking water, and various Countries, States and Territories have been setting their own levels, laws and regulations concerning PFAS. The regulatory landscape concerning PFAS and firefighting foam continues to evolve, with additional regulatory agencies reviewing the issues and some Countries, States and Territories or agencies setting or considering drinking water levels that are lower than the US EPA’s levels. The EPA’s health advisories containing its views relating to PFOA and PFOS may be found via the link below. PFAS

are ubiquitous in the environment and may be found in many commonly used products, in addition to firefighting foam products. Certain PFAS also may break down in the environment to form other PFAS chemicals. The applicable Safety Data Sheets (SDS), Guidance Documents and Technical Bulletins, as well as EPA's health advisories and any laws, regulations, and codes concerning PFAS or firefighting foam products applicable in your area, should continue to be consulted before usage, discharge, and disposal of these products.

As has been previously advised and following these regulatory developments, care should continue to be taken to avoid or minimize when possible the uncontrolled use, discharge or disposal of the product into the environment, including waterways. In addition, we remind our customers that for many years training foams not formulated with fluorinated surfactants have been available for use during training to simulate the usage of a variety of these products. These training foams should continue to be strongly considered for use during training.

If any foam product is released into the environment, efforts should continue to be made to control, contain and collect the discharge for proper disposal, while following all applicable laws, regulations, and codes.

As a further resource concerning the use, discharge, and disposal of these products, we remind our customers also to consult the Fire Fighting Foam Coalition's (FFFC) Best Practice Guidance for Use of Class B Firefighting Foam and the NFPA Code 11, including its Annex E, entitled, "Foam Environmental Issues".

External Resources *(accuracy of external links cannot be guaranteed)*

EPA health advisories:

<https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos>

EPA PFAS Action Plan:

<https://www.epa.gov/pfas/epas-pfas-action-plan>

FFFC best practice guide:

https://docs.wixstatic.com/ugd/331cad_188bf72c523c46adac082278ac019a7b.pdf

NFPA:

<https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Codes-and-Standards>