

**AMENDMENT TO RULES COMMITTEE PRINT 116-
45
OFFERED BY MR. SHIMKUS OF ILLINOIS**

Strike section 2 and all that follows and insert the following:

**1 SEC. 2. NATIONAL PRIMARY DRINKING WATER REGULA-
2 TIONS FOR PFAS.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is amended by adding at the end the
5 following:

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this paragraph,
10 the Administrator shall, after notice and oppor-
11 tunity for public comment, promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include standards
15 for—

16 “(i) perfluorooctanoic acid (commonly
17 referred to as ‘PFOA’); and

1 “(ii) perfluorooctane sulfonic acid
2 (commonly referred to as ‘PFOS’).

3 “(B) ALTERNATIVE PROCEDURES.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the validation by the Adminis-
6 trator of an equally effective quality con-
7 trol and testing procedure to ensure com-
8 pliance with the national primary drinking
9 water regulation promulgated under sub-
10 paragraph (A) to measure the levels de-
11 scribed in clause (ii) or other methods to
12 detect and monitor perfluoroalkyl and
13 polyfluoroalkyl substances in drinking
14 water, the Administrator shall add the pro-
15 cedure or method as an alternative to the
16 quality control and testing procedure de-
17 scribed in such national primary drinking
18 water regulation by publishing the proce-
19 dure or method in the Federal Register in
20 accordance with section 1401(1)(D).

21 “(ii) LEVELS DESCRIBED.—The levels
22 referred to in clause (i) are—

23 “(I) the level of a perfluoroalkyl
24 or polyfluoroalkyl substance;

1 “(II) the total levels of
2 perfluoroalkyl and polyfluoroalkyl sub-
3 stances; and

4 “(III) the total levels of organic
5 fluorine.

6 “(C) INCLUSIONS.—The Administrator
7 may include a perfluoroalkyl or polyfluoroalkyl
8 substance or class of perfluoroalkyl or
9 polyfluoroalkyl substances on—

10 “(i) the list of contaminants for con-
11 sideration of regulation under paragraph
12 (1)(B)(i), in accordance with such para-
13 graph; and

14 “(ii) the list of unregulated contami-
15 nants to be monitored under section
16 1445(a)(2)(B)(i), in accordance with such
17 section.

18 “(D) MONITORING.—When establishing
19 monitoring requirements for public water sys-
20 tems as part of a national primary drinking
21 water regulation under subparagraph (A) or
22 subparagraph (F)(ii), the Administrator shall
23 tailor the monitoring requirements for public
24 water systems that do not detect or are reliably
25 and consistently below the maximum contami-

1 nant level (as defined in section 1418(b)(2)(B))
2 for the perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances subject to the na-
5 tional primary drinking water regulation.

6 “(E) HEALTH RISK REDUCTION AND COST
7 ANALYSIS.—In meeting the requirements of
8 paragraph (3)(C), the Administrator may rely
9 on information available to the Administrator
10 with respect to 1 or more specific perfluoroalkyl
11 or polyfluoroalkyl substances to extrapolate rea-
12 soned conclusions regarding the health risks
13 and effects of a class of perfluoroalkyl or
14 polyfluoroalkyl substances of which the specific
15 perfluoroalkyl or polyfluoroalkyl substances are
16 a part.

17 “(F) REGULATION OF ADDITIONAL SUB-
18 STANCES.—

19 “(i) DETERMINATION.—The Adminis-
20 trator shall make a determination under
21 paragraph (1)(A), using the criteria de-
22 scribed in clauses (i) through (iii) of that
23 paragraph, whether to include a
24 perfluoroalkyl or polyfluoroalkyl substance
25 or class of perfluoroalkyl or polyfluoroalkyl

1 substances in the national primary drink-
2 ing water regulation under subparagraph
3 (A) not later than 18 months after the
4 later of—

5 “(I) the date on which the
6 perfluoroalkyl or polyfluoroalkyl sub-
7 stance or class of perfluoroalkyl or
8 polyfluoroalkyl substances is listed on
9 the list of contaminants for consider-
10 ation of regulation under paragraph
11 (1)(B)(i); and

12 “(II) the date on which—

13 “(aa) the Administrator has
14 received the results of monitoring
15 under section 1445(a)(2)(B) for
16 the perfluoroalkyl or
17 polyfluoroalkyl substance or class
18 of perfluoroalkyl or
19 polyfluoroalkyl substances; or

20 “(bb) the Administrator has
21 received reliable water data or
22 water monitoring surveys for the
23 perfluoroalkyl or polyfluoroalkyl
24 substance or class of
25 perfluoroalkyl or polyfluoroalkyl

1 substances from a Federal or
2 State agency that the Adminis-
3 trator determines to be of a qual-
4 ity sufficient to make a deter-
5 mination under paragraph
6 (1)(A).

7 “(ii) PRIMARY DRINKING WATER REG-
8 ULATIONS.—

9 “(I) IN GENERAL.—For each
10 perfluoroalkyl or polyfluoroalkyl sub-
11 stance or class of perfluoroalkyl or
12 polyfluoroalkyl substances that the
13 Administrator determines to regulate
14 under clause (i), the Administrator—

15 “(aa) not later than 18
16 months after the date on which
17 the Administrator makes the de-
18 termination, shall propose a na-
19 tional primary drinking water
20 regulation for the perfluoroalkyl
21 or polyfluoroalkyl substance or
22 class of perfluoroalkyl or
23 polyfluoroalkyl substances; and

24 “(bb) may publish the pro-
25 posed national primary drinking

1 water regulation described in
2 item (aa) concurrently with the
3 publication of the determination
4 to regulate the perfluoroalkyl or
5 polyfluoroalkyl substance or class
6 of perfluoroalkyl or
7 polyfluoroalkyl substances.

8 “(II) DEADLINE.—

9 “(aa) IN GENERAL.—Not
10 later than 1 year after the date
11 on which the Administrator pub-
12 lishes a proposed national pri-
13 mary drinking water regulation
14 under clause (i)(I) and subject to
15 item (bb), the Administrator
16 shall take final action on the pro-
17 posed national primary drinking
18 water regulation.

19 “(bb) EXTENSION.—The
20 Administrator, on publication of
21 notice in the Federal Register,
22 may extend the deadline under
23 item (aa) by not more than 6
24 months.

25 “(G) HEALTH ADVISORY.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the Administrator shall publish a
3 health advisory under paragraph (1)(F) for
4 a perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances not subject to a
7 national primary drinking water regulation
8 not later than 1 year after the later of—

9 “(I) the date on which the Ad-
10 ministrator finalizes a toxicity value
11 for the perfluoroalkyl or
12 polyfluoroalkyl substance or class of
13 perfluoroalkyl or polyfluoroalkyl sub-
14 stances; and

15 “(II) the date on which the Ad-
16 ministrator validates an effective qual-
17 ity control and testing procedure for
18 the perfluoroalkyl or polyfluoroalkyl
19 substance or class of perfluoroalkyl or
20 polyfluoroalkyl substances.

21 “(ii) WAIVER.—The Administrator
22 may waive the requirements of clause (i)
23 with respect to a perfluoroalkyl or
24 polyfluoroalkyl substance or class of
25 perfluoroalkyl and polyfluoroalkyl sub-

1 stances if the Administrator determines
2 that there is a substantial likelihood that
3 the perfluoroalkyl or polyfluoroalkyl sub-
4 stance or class of perfluoroalkyl or
5 polyfluoroalkyl substances will not occur in
6 drinking water with sufficient frequency to
7 justify the publication of a health advisory,
8 and publishes such determination, includ-
9 ing the information and analysis used, and
10 basis for, such determination, in the Fed-
11 eral Register.”.

