

AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MRS. DINGELL OF MICHIGAN

At the end of title XVII, insert the following new subtitle:

1 Subtitle F—PFAS Action Act

2 SECTION 1781. SHORT TITLE; TABLE OF CONTENTS.

3 (a) SHORT TITLE.—This subtitle may be cited as the
4 “PFAS Action Act of 2020”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this subtitle is as follows:

Subtitle F—PFAS Action Act

- Sec. 1781. Short title; table of contents.
- Sec. 1782. Designation as hazardous substances.
- Sec. 1783. Testing of perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 1784. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 1785. National primary drinking water regulations for PFAS.
- Sec. 1786. Enforcement.
- Sec. 1787. Establishment of PFAS infrastructure grant program.
- Sec. 1788. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 1789. Prohibition on unsafe waste incineration of PFAS.
- Sec. 1790. Label for PFAS-free products.
- Sec. 1791. Guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS.
- Sec. 1792. Investigation of prevention of contamination by GenX.
- Sec. 1793. Disclosure of introductions of PFAS.
- Sec. 1794. Household well water testing website.
- Sec. 1795. Risk-communication strategy.
- Sec. 1796. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 1797. Clean Water Act effluent standards, pretreatment standards, and water quality criteria for PFAS.

1 **SEC. 1782. DESIGNATION AS HAZARDOUS SUBSTANCES.**

2 (a) DESIGNATION.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator of the
4 Environmental Protection Agency shall designate
5 perfluorooctanoic acid and its salts, and
6 perfluoroactanesulfonic acid and its salts, as hazardous
7 substances under section 102(a) of the Comprehensive En-
8 vironmental Response, Compensation, and Liability Act of
9 1980 (42 U.S.C. 9602(a)).

10 (b) DEADLINE FOR ADDITIONAL DETERMINA-
11 TIONS.—Not later than 5 years after the date of enact-
12 ment of this Act, the Administrator of the Environmental
13 Protection Agency shall determine whether to designate
14 all perfluoroalkyl and polyfluoroalkyl substances, other
15 than those perfluoroalkyl and polyfluoroalkyl substances
16 designated pursuant to subsection (a), as hazardous sub-
17 stances under section 102(a) of the Comprehensive Envi-
18 ronmental Response, Compensation, and Liability Act of
19 1980 (42 U.S.C. 9602(a)) individually or in groups.

20 (c) AIRPORT SPONSORS.—

21 (1) IN GENERAL.—No sponsor, including a
22 sponsor of the civilian portion of a joint-use airport
23 or a shared-use airport (as such terms are defined
24 in section 139.5 of title 14, Code of Federal Regula-
25 tions (or a successor regulation)), shall be liable
26 under the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.
2 9601 et seq.) for the costs of responding to, or dam-
3 ages resulting from, a release to the environment of
4 a perfluoroalkyl or polyfluoroalkyl substance des-
5 igned as a hazardous substance under section
6 102(a) of such Act that resulted from the use of
7 aqueous film forming foam agent, if such use was—

8 (A) required by the Federal Aviation Ad-
9 ministration for compliance with part 139 of
10 title 14, Code of Federal Regulations; and

11 (B) carried out in accordance with Federal
12 Aviation Administration standards and guid-
13 ance on the use of such substance.

14 (2) SPONSOR DEFINED.—In this subsection, the
15 term “sponsor” has the meaning given such term in
16 section 47102 of title 49, United States Code.

17 (d) PUBLIC AVAILABILITY.—Not later than 60 days
18 after making a determination under subsection (b), the
19 Administrator of the Environmental Protection Agency
20 shall make the results of such determination publicly avail-
21 able on the website of the Environmental Protection Agen-
22 cy.

23 (e) REVIEW.—

24 (1) IN GENERAL.—Not later than 5 years after
25 the date of the enactment of this Act, the Adminis-

1 trator of the Environmental Protection Agency shall
2 submit to the appropriate congressional committees
3 a report containing a review of actions by the Envi-
4 ronmental Protection Agency to clean up contamina-
5 tion of the substances designated pursuant to sub-
6 section (a).

7 (2) MATTERS INCLUDED.— The report under
8 paragraph (1) shall include an assessment of clean-
9 up progress and effectiveness, including the fol-
10 lowing:

11 (A) The number of sites where the Envi-
12 ronmental Protection Agency has acted to re-
13 mediate contamination of the substances des-
14 ignated pursuant to subsection (a).

15 (B) Which types of chemicals relating to
16 such substances were present at each site and
17 the extent to which each site was contaminated.

18 (C) An analysis of discrepancies in cleanup
19 between Federal and non-Federal contamina-
20 tion sites.

21 (D) Any other elements the Administrator
22 may determine necessary.

23 (3) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term “ap-

1 appropriate congressional committees” means the fol-
2 lowing:

3 (A) The Committee on Energy and Com-
4 merce of the House of Representatives.

5 (B) The Committee on the Environment
6 and Public Works of the Senate.

7 **SEC. 1783. TESTING OF PERFLUOROALKYL AND**
8 **POLYFLUOROALKYL SUBSTANCES.**

9 (a) TESTING REQUIREMENTS.—Section 4(a) of the
10 Toxic Substances Control Act (15 U.S.C. 2603(a)) is
11 amended by adding at the end the following:

12 “(5) PERFLUOROALKYL AND
13 POLYFLUOROALKYL SUBSTANCES RULE.—

14 “(A) RULE.—Notwithstanding paragraphs
15 (1) through (3), the Administrator shall, by
16 rule, require that comprehensive toxicity testing
17 be conducted on all chemical substances that
18 are perfluoroalkyl or polyfluoroalkyl substances.

19 “(B) REQUIREMENTS.—In issuing a rule
20 under subparagraph (A), the Administrator—

21 “(i) may establish categories of
22 perfluoroalkyl and polyfluoroalkyl sub-
23 stances based on hazard characteristics or
24 chemical properties;

1 “(ii) shall require the development of
2 information relating to perfluoroalkyl and
3 polyfluoroalkyl substances that the Admin-
4 istrator determines is likely to be useful in
5 evaluating the hazard and risk posed by
6 such substances in land, air, and water (in-
7 cluding drinking water), as well as in prod-
8 ucts; and

9 “(iii) may allow for varied or tiered
10 testing requirements based on hazard char-
11 acteristics or chemical properties of
12 perfluoroalkyl and polyfluoroalkyl sub-
13 stances or categories of perfluoroalkyl and
14 polyfluoroalkyl substances.

15 “(C) DEADLINES.—The Administrator
16 shall issue—

17 “(i) a proposed rule under subpara-
18 graph (A) not later than 6 months after
19 the date of enactment of this paragraph;
20 and

21 “(ii) a final rule under subparagraph
22 (A) not later than 2 years after the date
23 of enactment of this paragraph.”.

1 (b) PERSONS SUBJECT TO RULE.—Section 4(b)(3) of
2 the Toxic Substances Control Act (15 U.S.C. 2603(b)(3))
3 is amended—

4 (1) in subparagraph (A), by striking “subpara-
5 graph (B) or (C)” and inserting “subparagraph (B),
6 (C), or (D)”; and

7 (2) by adding at the end the following:

8 “(D) A rule under subsection (a)(5) shall require the
9 development of information by any person who manufac-
10 tures or processes, or intends to manufacture or process,
11 a chemical substance that is a perfluoroalkyl or
12 polyfluoroalkyl substance.”.

13 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
14 STANCES.—Section 4 of the Toxic Substances Control Act
15 (15 U.S.C. 2603) is amended by adding at the end the
16 following:

17 “(i) PERFLUOROALKYL AND POLYFLUOROALKYL
18 SUBSTANCES.—

19 “(1) TESTING REQUIREMENT RULE.—

20 “(A) PROTOCOLS AND METHODOLOGIES.—

21 In determining the protocols and methodologies
22 to be included pursuant to subsection (b)(1) in
23 a rule under subsection (a)(5), the Adminis-
24 trator shall allow for protocols and methodolo-
25 gies that test chemical substances that are

1 perfluoroalkyl and polyfluoroalkyl substances as
2 a class.

3 “(B) PERIOD.—In determining the period
4 to be included pursuant to subsection (b)(1) in
5 a rule under subsection (a)(5), the Adminis-
6 trator shall ensure that the period is as short
7 as possible while allowing for completion of the
8 required testing.

9 “(2) EXEMPTIONS.—In carrying out subsection
10 (c) with respect to a chemical substance that is a
11 perfluoroalkyl or polyfluoroalkyl substance, the Ad-
12 ministrator—

13 “(A) may only determine under subsection
14 (c)(2) that information would be duplicative if
15 the chemical substance with respect to which
16 the application for exemption is submitted is in
17 the same category, as established under sub-
18 section (a)(5)(B)(i), as a chemical substance for
19 which information has been submitted to the
20 Administrator in accordance with a rule, order,
21 or consent agreement under subsection (a) or
22 for which information is being developed pursu-
23 ant to such a rule, order, or consent agreement;
24 and

1 “(B) shall publish a list of all such chem-
2 ical substances for which an exemption under
3 subsection (c) is granted.”.

4 **SEC. 1784. MANUFACTURING AND PROCESSING NOTICES**
5 **FOR PERFLUOROALKYL AND**
6 **POLYFLUOROALKYL SUBSTANCES.**

7 Section 5 of the Toxic Substances Control Act (15
8 U.S.C. 2604) is amended—

9 (1) in subsection (h), by adding at the end the
10 following:

11 “(7) This subsection does not apply to any chemical
12 substance that is a perfluoroalkyl or polyfluoroalkyl sub-
13 stance.”; and

14 (2) by adding at the end the following:

15 “(j) **PERFLUOROALKYL AND POLYFLUOROALKYL**
16 **SUBSTANCES.—**

17 “(1) **DETERMINATION.—**For a period of 5
18 years beginning on the date of enactment of this
19 subsection, any chemical substance that is a
20 perfluoroalkyl or polyfluoroalkyl substance for which
21 a notice is submitted under subsection (a) shall be
22 deemed to have been determined by the Adminis-
23 trator to present an unreasonable risk of injury to
24 health or the environment under paragraph (3)(A)
25 of such subsection.

1 “(2) ORDER.—Notwithstanding subsection
2 (a)(3)(A), for a chemical substance described in
3 paragraph (1) of this subsection, the Administrator
4 shall issue an order under subsection (f)(3) to pro-
5 hibit the manufacture, processing, and distribution
6 in commerce of such chemical substance.”.

7 **SEC. 1785. NATIONAL PRIMARY DRINKING WATER REGULA-**
8 **TIONS FOR PFAS.**

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

12 “(16) PERFLUOROALKYL AND
13 POLYFLUOROALKYL SUBSTANCES.—

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

22 “(i) perfluorooctanoic acid (commonly
23 referred to as ‘PFOA’); and

24 “(ii) perfluorooctane sulfonic acid
25 (commonly referred to as ‘PFOS’).

1 “(B) ALTERNATIVE PROCEDURES.—

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

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

21 “(I) the level of a perfluoroalkyl
22 or polyfluoroalkyl substance;

23 “(II) the total levels of
24 perfluoroalkyl and polyfluoroalkyl sub-
25 stances; and

1 “(III) the total levels of organic
2 fluorine.

3 “(C) INCLUSIONS.—The Administrator
4 may include a perfluoroalkyl or polyfluoroalkyl
5 substance or class of perfluoroalkyl or
6 polyfluoroalkyl substances on—

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

11 “(ii) the list of unregulated contami-
12 nants to be monitored under section
13 1445(a)(2)(B)(i), in accordance with such
14 section.

15 “(D) MONITORING.—When establishing
16 monitoring requirements for public water sys-
17 tems as part of a national primary drinking
18 water regulation under subparagraph (A) or
19 subparagraph (G)(ii), the Administrator shall
20 tailor the monitoring requirements for public
21 water systems that do not detect or are reliably
22 and consistently below the maximum contami-
23 nant level (as defined in section 1418(b)(2)(B))
24 for the perfluoroalkyl or polyfluoroalkyl sub-
25 stance or class of perfluoroalkyl or

1 polyfluoroalkyl substances subject to the na-
2 tional primary drinking water regulation.

3 “(E) HEALTH PROTECTION.—The national
4 primary drinking water regulation promulgated
5 under subparagraph (A) shall be protective of
6 the health of subpopulations at greater risk, as
7 described in section 1458.

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

19 “(G) REGULATION OF ADDITIONAL SUB-
20 STANCES.—

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

1 perfluoroalkyl or polyfluoroalkyl substance
2 or class of perfluoroalkyl or polyfluoroalkyl
3 substances in the national primary drink-
4 ing water regulation under subparagraph
5 (A) not later than 18 months after the
6 later of—

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

14 “(II) the date on which—

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

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

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

9 “(ii) PRIMARY DRINKING WATER REG-
10 ULATIONS.—

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

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

1 “(bb) may publish the pro-
2 posed national primary drinking
3 water regulation described in
4 item (aa) concurrently with the
5 publication of the determination
6 to regulate the perfluoroalkyl or
7 polyfluoroalkyl substance or class
8 of perfluoroalkyl or
9 polyfluoroalkyl substances.

10 “(II) DEADLINE.—

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

21 “(bb) EXTENSION.—The
22 Administrator, on publication of
23 notice in the Federal Register,
24 may extend the deadline under

1 item (aa) by not more than 6
2 months.

3 “(H) HEALTH ADVISORY.—

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

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

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

24 “(ii) WAIVER.—The Administrator
25 may waive the requirements of clause (i)

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

15 **SEC. 1786. ENFORCEMENT.**

16 Notwithstanding any other provision of law, the Ad-
17 ministrator of the Environmental Protection Agency may
18 not impose financial penalties for the violation of a na-
19 tional primary drinking water regulation (as defined in
20 section 1401 of the Safe Drinking Water Act (42 U.S.C.
21 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl
22 substance or class of perfluoroalkyl or polyfluoroalkyl sub-
23 stances for which a national primary drinking water regu-
24 lation has been promulgated under section 1412(b)(16) of
25 the Safe Drinking Water Act earlier than the date that

1 is 5 years after the date on which the Administrator pro-
2 mulgates the national primary drinking water regulation.

3 **SEC. 1787. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
4 **GRANT PROGRAM.**

5 Part E of the Safe Drinking Water Act (42 U.S.C.
6 300j et seq.) is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
9 **TEMS AFFECTED BY PFAS.**

10 “(a) ESTABLISHMENT.—Not later than 180 days
11 after the date of enactment of this section, the Adminis-
12 trator shall establish a program to award grants to af-
13 fected community water systems to pay for capital costs
14 associated with the implementation of eligible treatment
15 technologies.

16 “(b) APPLICATIONS.—

17 “(1) GUIDANCE.—Not later than 12 months
18 after the date of enactment of this section, the Ad-
19 ministrator shall publish guidance describing the
20 form and timing for community water systems to
21 apply for grants under this section.

22 “(2) REQUIRED INFORMATION.—The Adminis-
23 trator shall require a community water system ap-
24 plying for a grant under this section to submit—

1 “(A) information showing the presence of
2 PFAS in water of the community water system;
3 and

4 “(B) a certification that the treatment
5 technology in use by the community water sys-
6 tem at the time of application is not sufficient
7 to remove all detectable amounts of PFAS.

8 “(c) LIST OF ELIGIBLE TREATMENT TECH-
9 NOLOGIES.—Not later than 150 days after the date of en-
10 actment of this section, and every 2 years thereafter, the
11 Administrator shall publish a list of treatment tech-
12 nologies that the Administrator, after providing an oppor-
13 tunity for public comment, determines are effective at re-
14 moving all detectable amounts of PFAS from drinking
15 water.

16 “(d) PRIORITY FOR FUNDING.—In awarding grants
17 under this section, the Administrator shall prioritize af-
18 fected community water systems that—

19 “(1) serve a disadvantaged community or a dis-
20 proportionately exposed community;

21 “(2) will provide at least a 10-percent cost
22 share for the cost of implementing an eligible treat-
23 ment technology; or

1 “(3) demonstrate the capacity to maintain the
2 eligible treatment technology to be implemented
3 using the grant.

4 “(e) NO INCREASED BONDING AUTHORITY.—
5 Amounts awarded to affected community water systems
6 under this section may not be used as a source of payment
7 of, or security for (directly or indirectly), in whole or in
8 part, any obligation the interest on which is exempt from
9 the tax imposed under chapter 1 of the Internal Revenue
10 Code of 1986.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section not more
14 than—

15 “(A) \$125,000,000 for each of fiscal years
16 2020 and 2021; and

17 “(B) \$100,000,000 for each of fiscal years
18 2022 through 2024.

19 “(2) SPECIAL RULE.—Of the amounts author-
20 ized to be appropriated by paragraph (1),
21 \$25,000,000 are authorized to be appropriated for
22 each of fiscal years 2020 and 2021 for grants under
23 subsection (a) to pay for capital costs associated
24 with the implementation of eligible treatment tech-
25 nologies during the period beginning on October 1,

1 2014, and ending on the date of enactment of this
2 section.

3 “(g) DEFINITIONS.—In this section:

4 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
5 The term ‘affected community water system’ means
6 a community water system that is affected by the
7 presence of PFAS in the water in the community
8 water system.

9 “(2) DISADVANTAGED COMMUNITY.—The term
10 ‘disadvantaged community’ has the meaning given
11 that term in section 1452.

12 “(3) DISPROPORTIONATELY EXPOSED COMMU-
13 NITY.—The term ‘disproportionately exposed com-
14 munity’ means a community in which climate
15 change, pollution, or environmental destruction have
16 exacerbated systemic racial, regional, social, environ-
17 mental, and economic injustices by disproportion-
18 ately affecting indigenous peoples, communities of
19 color, migrant communities, deindustrialized commu-
20 nities, depopulated rural communities, the poor, low-
21 income workers, women, the elderly, the unhoused,
22 people with disabilities, or youth.

23 “(4) ELIGIBLE TREATMENT TECHNOLOGY.—
24 The term ‘eligible treatment technology’ means a

1 treatment technology included on the list published
2 under subsection (c).

3 “(5) PFAS.—The term ‘PFAS’ means a
4 perfluoroalkyl or polyfluoroalkyl substance with at
5 least one fully fluorinated carbon atom, including the
6 chemical GenX.”.

7 **SEC. 1788. LISTING OF PERFLUOROALKYL AND**
8 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
9 **ARDOUS AIR POLLUTANTS.**

10 (a) LISTING.—

11 (1) INITIAL LISTING.—Not later than 180 days
12 after the date of enactment of this Act, the Adminis-
13 trator of the Environmental Protection Agency shall
14 issue a final rule adding perfluorooctanoic acid and
15 its salts, and perfluoroactanesulfonic acid and its
16 salts, to the list of hazardous air pollutants under
17 section 112(b) of the Clean Air Act (42 U.S.C.
18 7412(b)).

19 (2) ADDITIONAL LISTINGS.—Not later than 5
20 years after the date of enactment of this Act, the
21 Administrator of the Environmental Protection
22 Agency shall determine whether to issue, in accord-
23 ance with section 112 of the Clean Air Act (42
24 U.S.C. 7412), any final rules adding perfluoroalkyl
25 and polyfluoroalkyl substances, other than those

1 perfluoroalkyl and polyfluoroalkyl substances listed
2 pursuant to paragraph (1), to the list of hazardous
3 air pollutants under section 112(b) of such Act.

4 (b) SOURCES CATEGORIES.—Not later than 365 days
5 after any final rule is issued pursuant to subsection (a),
6 the Administrator of the Environmental Protection Agen-
7 cy shall revise the list under section 112(c)(1) of the Clean
8 Air Act (42 U.S.C. 7412(c)(1)) to include categories and
9 subcategories of major sources and area sources of
10 perfluoroalkyl and polyfluoroalkyl substances listed pursu-
11 ant to such final rule.

12 **SEC. 1789. PROHIBITION ON UNSAFE WASTE INCINERATION**
13 **OF PFAS.**

14 Section 3004 of the Solid Waste Disposal Act (42
15 U.S.C. 6924) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(z) PFAS WASTES.—

18 “(1) FIREFIGHTING FOAM.—Not later than 6
19 months after the date of enactment of this sub-
20 section, the Administrator shall promulgate regula-
21 tions requiring that when materials containing
22 perfluoroalkyl and polyfluoroalkyl substances or
23 aqueous film forming foam are disposed—

24 “(A) all incineration is conducted in a
25 manner that eliminates perfluoroalkyl and

1 polyfluoroalkyl substances while also minimizing
2 perfluoroalkyl and polyfluoroalkyl substances
3 emitted into the air to the extent feasible;

4 “(B) all incineration is conducted in ac-
5 cordance with the requirements of the Clean Air
6 Act, including controlling hydrogen fluoride;

7 “(C) any materials containing
8 perfluoroalkyl and polyfluoroalkyl substances
9 that are designated for disposal are stored in
10 accordance with the requirement under part
11 264 of title 40, Code of Federal Regulations;
12 and

13 “(D) all incineration is conducted at a fa-
14 cility that has been permitted to receive waste
15 regulated under this subtitle.

16 “(2) PENALTIES.—For purposes of section
17 3008(d), a waste subject to a prohibition under this
18 subsection shall be considered a hazardous waste
19 identified or listed under this subtitle.”.

20 **SEC. 1790. LABEL FOR PFAS-FREE PRODUCTS.**

21 (a) LABEL FOR PFAS-FREE PRODUCTS.—Not later
22 than 1 year after the date of enactment of this Act, the
23 Administrator of the Environmental Protection Agency
24 shall—

1 (1) revise the Safer Choice Standard of the
2 Safer Choice Program to identify the requirements
3 for a pot, pan, cooking utensil, carpet, or rug, cloth-
4 ing, or upholstered furniture, or a stain resistant,
5 water resistant, or grease resistant coating not sub-
6 ject to requirements under section 409 of the Fed-
7 eral Food, Drug, and Cosmetic Act to meet in order
8 to be labeled with a Safer Choice label, including a
9 requirement that any such pot, pan, cooking utensil,
10 carpet, rug, clothing, or upholstered furniture, or
11 stain resistant, water resistant, or grease resistant
12 coating does not contain any PFAS; or

13 (2) establish a voluntary label that is available
14 to be used by any manufacturer of any pot, pan,
15 cooking utensil, carpet, rug, clothing, or upholstered
16 furniture, or stain resistant, water resistant, or
17 grease resistant coating not subject to requirements
18 under section 409 of the Federal Food, Drug, and
19 Cosmetic Act that the Administrator has reviewed
20 and found does not contain any PFAS.

21 (b) DEFINITION.—In this section, the term “PFAS”
22 means a perfluoroalkyl or polyfluoroalkyl substance with
23 at least one fully fluorinated carbon atom.

1 **SEC. 1791. GUIDANCE ON MINIMIZING THE USE OF FIRE-**
2 **FIGHTING FOAM AND OTHER RELATED**
3 **EQUIPMENT CONTAINING ANY PFAS.**

4 (a) GUIDANCE.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator of the Envi-
6 ronmental Protection Agency, in consultation with the
7 head of the U.S. Fire Administration, Federal Aviation
8 Administration, and other relevant Federal departments
9 or agencies and representatives of State and local building
10 and fire code enforcement jurisdictions, shall issue guid-
11 ance on minimizing the use of, or contact with, firefighting
12 foam and other related equipment containing any PFAS
13 by firefighters, police officers, paramedics, emergency
14 medical technicians, and other first responders, in order
15 to minimize the risk to such firefighters, police officers,
16 paramedics, emergency medical technicians, and other
17 first responders, and the environment, without jeopard-
18 izing firefighting efforts.

19 (b) ANNUAL REPORT.—Not later than 2 years after
20 the date of the enactment of this Act, and annually there-
21 after, the Administrator, in consultation with the head of
22 the U.S. Fire Administration, shall submit to Congress a
23 report on the effectiveness of the guidance issued under
24 subsection (a). Such report shall include recommendations
25 for congressional actions that the Administrator deter-
26 mines appropriate to assist efforts to reduce exposure to

1 PFAS by firefighters and the other persons described in
2 subsection (a).

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator of the Envi-
5 ronmental Protection Agency, in consultation with the
6 head of the U.S. Fire Administration and other relevant
7 Federal departments or agencies, shall report to Congress
8 on the efforts of the Environmental Protection Agency and
9 other relevant Federal departments and agencies to iden-
10 tify viable alternatives to firefighting foam and other re-
11 lated equipment containing any PFAS.

12 (d) DEFINITION.—In this section, the term “PFAS”
13 means perfluorooctanoic acid, perfluorooctanesulfonic
14 acid, and any other perfluoroalkyl or polyfluoroalkyl sub-
15 stance with at least one fully fluorinated carbon atom that
16 the Administrator of the Environmental Protection Agen-
17 cy determines is used in firefighting foam and other re-
18 lated equipment.

19 **SEC. 1792. INVESTIGATION OF PREVENTION OF CONTAMI-**
20 **NATION BY GENX.**

21 The Administrator of the Environmental Protection
22 Agency shall investigate methods and means to prevent
23 contamination by GenX of surface waters, including
24 source waters used for drinking water purposes.

1 **SEC. 1793. DISCLOSURE OF INTRODUCTIONS OF PFAS.**

2 (a) IN GENERAL.—The introduction of any
3 perfluoroalkyl or polyfluoroalkyl substance by the owner
4 or operator of an industrial source shall be unlawful unless
5 such owner or operator first notifies the owner or operator
6 of the applicable treatment works of—

7 (1) the identity and quantity of such substance;

8 (2) whether such substance is susceptible to
9 treatment by such treatment works; and

10 (3) whether such substance would interfere with
11 the operation of the treatment works.

12 (b) VIOLATIONS.—A violation of this section shall be
13 treated in the same manner as a violation of a regulation
14 promulgated under subsection 307(b) of the Federal
15 Water Pollution Control Act (33 U.S.C. 1317(b)).

16 (c) DEFINITIONS.—In this section:

17 (1) INTRODUCTION.—The term “introduction”
18 means the introduction of pollutants into treatment
19 works, as described in section 307(b) of the Federal
20 Water Pollution Control Act (33 U.S.C. 1317).

21 (2) TREATMENT WORKS.—The term “treatment
22 works” has the meaning given that term in section
23 212 of the Federal Water Pollution Control Act (33
24 U.S.C. 1292).

1 **SEC. 1794. HOUSEHOLD WELL WATER TESTING WEBSITE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator of the
4 Environmental Protection Agency shall establish a website
5 containing information relating to the testing of household
6 well water.

7 (b) CONTENTS.—The Administrator shall include on
8 the website established under subsection (a) the following:

9 (1) Information on how to get groundwater that
10 is the source for a household water well tested by a
11 well inspector who is certified by a qualified third
12 party.

13 (2) A list of laboratories that analyze water
14 samples and are certified by a State or the Adminis-
15 trator.

16 (3) State-specific information, developed in co-
17 ordination with each State, on naturally occurring
18 and human-induced contaminants.

19 (4) Information that, using accepted risk com-
20 munication techniques, clearly communicates wheth-
21 er a test result value exceeds a level determined by
22 the Administrator or the State to pose a health risk.

23 (5) Information on treatment options, including
24 information relating to water treatment systems cer-
25 tified by the National Science Foundation or the

1 American National Standards Institute, and people
2 who are qualified to install such systems.

3 (6) A directory of whom to contact to report a
4 test result value that exceeds a level determined by
5 the Administrator or the State to pose a health risk.

6 (7) Information on financial assistance that is
7 available for homeowners to support water treat-
8 ment, including grants under section 306E of the
9 Consolidated Farm and Rural Development Act (7
10 U.S.C. 1926e) and State resources.

11 (8) Any other information the Administrator
12 considers appropriate.

13 (c) COORDINATION.—The Administrator shall coordi-
14 nate with the Secretary of Health and Human Services,
15 the Secretary of Agriculture, and appropriate State agen-
16 cies in carrying out this section.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000 for fiscal year 2021.

20 **SEC. 1795. RISK-COMMUNICATION STRATEGY.**

21 The Administrator of the Environmental Protection
22 Agency shall develop a risk-communication strategy to in-
23 form the public about the hazards or potential hazards
24 of perfluoroalkyl and polyfluoroalkyl substances, or cat-

1 egories of perfluoroalkyl and polyfluoroalkyl substances,
2 by—

3 (1) disseminating information about the risks
4 or potential risks posed by such substances or cat-
5 egories in land, air, water (including drinking
6 water), and products;

7 (2) notifying the public about exposure path-
8 ways and mitigation measures through outreach and
9 educational resources; and

10 (3) consulting with States that have dem-
11 onstrated effective risk-communication strategies for
12 best practices in developing a national risk-commu-
13 nication strategy.

14 **SEC. 1796. ASSISTANCE TO TERRITORIES FOR ADDRESSING**
15 **EMERGING CONTAMINANTS, WITH A FOCUS**
16 **ON PERFLUOROALKYL AND**
17 **POLYFLUOROALKYL SUBSTANCES.**

18 Section 1452(t) of the Safe Drinking Water Act (42
19 U.S.C. 300j–12) is amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (3); and

22 (2) by inserting after paragraph (1) the fol-
23 lowing new paragraph:

24 “(2) ASSISTANCE TO TERRITORIES.—Of the
25 amounts made available under this subsection, the

1 Administrator may use funds to provide grants to
2 the Virgin Islands, the Commonwealth of the North-
3 ern Mariana Islands, American Samoa, and Guam
4 for the purpose of addressing emerging contami-
5 nants, with a focus on perfluoroalkyl and
6 polyfluoroalkyl substances.”.

7 **SEC. 1797. CLEAN WATER ACT EFFLUENT STANDARDS,**
8 **PRETREATMENT STANDARDS, AND WATER**
9 **QUALITY CRITERIA FOR PFAS.**

10 (a) REVIEW AND REGULATION OF SUBSTANCES AND
11 SOURCES.—

12 (1) REVIEW.—

13 (A) IN GENERAL.—As soon as practicable,
14 but not later than September 30, 2021, and bi-
15 ennially thereafter, the Administrator shall pub-
16 lish in the Federal Register a plan under sub-
17 section (m) of section 304 of the Federal Water
18 Pollution Control Act (33 U.S.C. 1314) that
19 contains the results of a review, conducted in
20 accordance with such section, of the introduc-
21 tion or discharge of perfluoroalkyl and
22 polyfluoroalkyl substances from classes and cat-
23 egories of point sources (other than publicly
24 owned treatment works).

1 (B) INCLUSIONS.—The Administrator shall
2 include in each plan published pursuant to sub-
3 paragraph (A)—

4 (i) information on potential introduc-
5 tion or discharges of perfluoroalkyl and
6 polyfluoroalkyl substances;

7 (ii) any information gaps on such in-
8 troduction or discharges and the process
9 by which the Administrator will address
10 such gaps;

11 (iii) for each measurable
12 perfluoroalkyl and polyfluoroalkyl sub-
13 stance that is not on the list of toxic pol-
14 lutants described in section 307(a) of the
15 Federal Water Pollution Control Act, a de-
16 termination, in accordance with the re-
17 quirements of such section, whether or not
18 to add the substance to such list; and

19 (iv) a determination, in accordance
20 with the requirements of the Federal
21 Water Pollution Control Act, whether or
22 not to establish effluent limitations and
23 pretreatment standards for the introduc-
24 tion or discharge of each substance de-
25 scribed in clause (iii) that the Adminis-

1 trator determines under such clause not to
2 add to such list and for which the Admin-
3 istrator has not developed such limitations
4 or standards.

5 (2) REGULATION.—Based on the results of
6 each review conducted under paragraph (1) and in
7 accordance with the requirements of the Federal
8 Water Pollution Control Act, the Administrator
9 shall—

10 (A) in accordance with the plan published
11 under paragraph (1), as soon as practicable—

12 (i) for each measurable perfluoroalkyl
13 and polyfluoroalkyl substance that the Ad-
14 ministrators determines under paragraph
15 (1)(B)(iii) to add to the list of toxic pollut-
16 ants described in section 307(a) of such
17 Act, initiate the process for adding the
18 substance to such list; and

19 (ii) for each measurable perfluoroalkyl
20 and polyfluoroalkyl substance that the Ad-
21 ministrators determines under paragraph
22 (1)(B)(iv) to establish effluent limitations
23 and pretreatment standards, establish such
24 effluent limitations and pretreatment
25 standards (which limitations and standards

1 may be established by substance or by
2 class or category of substances); and

3 (B) not later than 2 years after the date
4 on which each plan is published under para-
5 graph (1), publish human health water quality
6 criteria for measurable perfluoroalkyl and
7 polyfluoroalkyl substances and classes and cat-
8 egories of perfluoroalkyl and polyfluoroalkyl
9 substances for which the Administrator has not
10 published such criteria.

11 (b) DEADLINES FOR COVERED PERFLUOROALKYL
12 SUBSTANCES.—

13 (1) WATER QUALITY CRITERIA.—Not later than
14 2 years after the date of enactment of this section,
15 the Administrator shall publish in the Federal Reg-
16 ister human health water quality criteria for each
17 covered perfluoroalkyl substance.

18 (2) EFFLUENT LIMITATIONS AND
19 PRETREATMENT STANDARDS FOR PRIORITY INDUS-
20 TRY CATEGORIES.—As soon as practicable, but not
21 later than 4 years after the date of enactment of
22 this section, the Administrator shall publish in the
23 Federal Register a final rule establishing, for each
24 priority industry category, effluent limitations and

1 pretreatment standards for the introduction or dis-
2 charge of each covered perfluoroalkyl substance.

3 (c) NOTIFICATION.—The Administrator shall notify
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on Envi-
6 ronment and Public Works of the Senate of each publica-
7 tion made under this section.

8 (d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
9 OWNED TREATMENT WORKS.—

10 (1) IN GENERAL.—The Administrator shall
11 award grants, in amounts not to exceed \$100,000,
12 to owners and operators of publicly owned treatment
13 works, to be used for the implementation of a
14 pretreatment standard developed by the Adminis-
15 trator for a perfluoroalkyl or polyfluoroalkyl sub-
16 stance.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to the Ad-
19 ministrator to carry out this subsection
20 \$100,000,000 for each of fiscal years 2021 through
21 2025, to remain available until expended.

22 (e) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 (2) COVERED PERFLUOROALKYL SUBSTANCE.—

2 The term “covered perfluoroalkyl substance” means
3 perfluorooctanoic acid, perfluorooctane sulfonic acid,
4 or a salt associated with perfluorooctanoic acid or
5 perfluorooctane sulfonic acid.

6 (3) EFFLUENT LIMITATION.—The term “efflu-
7 ent limitation” means an effluent limitation under
8 section 301(b) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1311).

10 (4) INTRODUCTION.—The term “introduction”
11 means the introduction of pollutants into treatment
12 works, as described in section 307(b) of the Federal
13 Water Pollution Control Act (33 U.S.C. 1317).

14 (5) MEASURABLE.—The term “measurable”
15 means, with respect to a chemical substance or class
16 or category of chemical substances, capable of being
17 measured using—

18 (A) test procedures established under sec-
19 tion 304(h) of the Federal Water Pollution
20 Control Act (33 U.S.C. 1314);

21 (B) applicable protocols and methodologies
22 required pursuant to section 4(a) of the Toxic
23 Substances Control Act (15 U.S.C. 2603); or

24 (C) any other analytical method developed
25 by the Administrator for detecting pollutants,

1 as such term is defined in section 502 of the
2 Federal Water Pollution Control Act (33 U.S.C.
3 1362).

4 (6) PRETREATMENT STANDARD.—The term
5 “pretreatment standard” means a pretreatment
6 standard under section 307(b) of the Federal Water
7 Pollution Control Act (33 U.S.C. 1317).

8 (7) PRIORITY INDUSTRY CATEGORY.—The term
9 “priority industry category” means the following
10 point source categories:

11 (A) Organic chemicals, plastics, and syn-
12 thetic fibers, as identified in part 414 of title
13 40, Code of Federal Regulations.

14 (B) Pulp, paper, and paperboard, as iden-
15 tified in part 430 of title 40, Code of Federal
16 Regulations.

17 (C) Textile mills, as identified in part 410
18 of title 40, Code of Federal Regulations.

19 (8) TREATMENT WORKS.—The term “treatment
20 works” has the meaning given that term in section
21 212 of the Federal Water Pollution Control Act (33
22 U.S.C. 1292).

23 (9) WATER QUALITY CRITERIA.—The term
24 “water quality criteria” means criteria for water

- 1 quality under section 304(a)(1) of the Federal
- 2 Water Pollution Control Act (33 U.S.C. 1314).

