

AMENDMENT TO RULES COMMITTEE PRINT 116-

57

OFFERED BY MR. FITZPATRICK OF

PENNSYLVANIA

Add at the end of subtitle E of title XVII the following:

1 SEC. 1762. NATIONAL PRIMARY DRINKING WATER REGULA-
2 TIONS FOR PFAS.

3 (a) NATIONAL DRINKING WATER REGULATIONS.—
4 Section 1412(b) of the Safe Drinking Water Act (42
5 U.S.C. 300g-1(b)) is amended by adding at the end the
6 following:

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

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

1 “(i) perfluorooctanoic acid (commonly
2 referred to as ‘PFOA’); and

3 “(ii) perfluorooctane sulfonic acid
4 (commonly referred to as ‘PFOS’).

5 “(B) ALTERNATIVE PROCEDURES.—

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

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

1 “(I) the level of a perfluoroalkyl
2 or polyfluoroalkyl substance;

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

6 “(III) the total levels of organic
7 fluorine.

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

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

16 “(ii) the list of unregulated contami-
17 nants to be monitored under section
18 1445(a)(2)(B)(i), in accordance with such
19 section.

20 “(D) MONITORING.—When establishing
21 monitoring requirements for public water sys-
22 tems as part of a national primary drinking
23 water regulation under subparagraph (A) or
24 subparagraph (G)(ii), the Administrator shall
25 tailor the monitoring requirements for public

1 water systems that do not detect or are reliably
2 and consistently below the maximum contami-
3 nant level (as defined in section 1418(b)(2)(B))
4 for the perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances subject to the na-
7 tional primary drinking water regulation.

8 “(E) HEALTH PROTECTION.—The national
9 primary drinking water regulation promulgated
10 under subparagraph (A) shall be protective of
11 the health of subpopulations at greater risk, as
12 described in section 1458.

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

24 “(G) REGULATION OF ADDITIONAL SUB-
25 STANCES.—

1 “(i) DETERMINATION.—The Adminis-
2 trator shall make a determination under
3 paragraph (1)(A), using the criteria de-
4 scribed in clauses (i) through (iii) of that
5 paragraph, whether to include a
6 perfluoroalkyl or polyfluoroalkyl substance
7 or class of perfluoroalkyl or polyfluoroalkyl
8 substances in the national primary drink-
9 ing water regulation under subparagraph
10 (A) not later than 18 months after the
11 later of—

12 “(I) the date on which the
13 perfluoroalkyl or polyfluoroalkyl sub-
14 stance or class of perfluoroalkyl or
15 polyfluoroalkyl substances is listed on
16 the list of contaminants for consider-
17 ation of regulation under paragraph
18 (1)(B)(i); and

19 “(II) the date on which—

20 “(aa) the Administrator has
21 received the results of monitoring
22 under section 1445(a)(2)(B) for
23 the perfluoroalkyl or
24 polyfluoroalkyl substance or class

1 of perfluoroalkyl or
2 polyfluoroalkyl substances; or

3 “(bb) the Administrator has
4 received reliable water data or
5 water monitoring surveys for the
6 perfluoroalkyl or polyfluoroalkyl
7 substance or class of
8 perfluoroalkyl or polyfluoroalkyl
9 substances from a Federal or
10 State agency that the Adminis-
11 trator determines to be of a qual-
12 ity sufficient to make a deter-
13 mination under paragraph
14 (1)(A).

15 “(ii) PRIMARY DRINKING WATER REG-
16 ULATIONS.—

17 “(I) IN GENERAL.—For each
18 perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances that the
21 Administrator determines to regulate
22 under clause (i), the Administrator—

23 “(aa) not later than 18
24 months after the date on which
25 the Administrator makes the de-

1 termination, shall propose a na-
2 tional primary drinking water
3 regulation for the perfluoroalkyl
4 or polyfluoroalkyl substance or
5 class of perfluoroalkyl or
6 polyfluoroalkyl substances; and

7 “(bb) may publish the pro-
8 posed national primary drinking
9 water regulation described in
10 item (aa) concurrently with the
11 publication of the determination
12 to regulate the perfluoroalkyl or
13 polyfluoroalkyl substance or class
14 of perfluoroalkyl or
15 polyfluoroalkyl substances.

16 “(II) DEADLINE.—

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

1 posed national primary drinking
2 water regulation.

3 “(bb) EXTENSION.—The
4 Administrator, on publication of
5 notice in the Federal Register,
6 may extend the deadline under
7 item (aa) by not more than 6
8 months.

9 “(H) HEALTH ADVISORY.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), the Administrator shall publish a
12 health advisory under paragraph (1)(F) for
13 a perfluoroalkyl or polyfluoroalkyl sub-
14 stance or class of perfluoroalkyl or
15 polyfluoroalkyl substances not subject to a
16 national primary drinking water regulation
17 not later than 1 year after the later of—

18 “(I) the date on which the Ad-
19 ministrator finalizes a toxicity value
20 for the perfluoroalkyl or
21 polyfluoroalkyl substance or class of
22 perfluoroalkyl or polyfluoroalkyl sub-
23 stances; and

24 “(II) the date on which the Ad-
25 ministrator validates an effective qual-

1 ity control and testing procedure for
2 the perfluoroalkyl or polyfluoroalkyl
3 substance or class of perfluoroalkyl or
4 polyfluoroalkyl substances.

5 “(ii) WAIVER.—The Administrator
6 may waive the requirements of clause (i)
7 with respect to a perfluoroalkyl or
8 polyfluoroalkyl substance or class of
9 perfluoroalkyl and polyfluoroalkyl sub-
10 stances if the Administrator determines
11 that there is a substantial likelihood that
12 the perfluoroalkyl or polyfluoroalkyl sub-
13 stance or class of perfluoroalkyl or
14 polyfluoroalkyl substances will not occur in
15 drinking water with sufficient frequency to
16 justify the publication of a health advisory,
17 and publishes such determination, includ-
18 ing the information and analysis used, and
19 basis for, such determination, in the Fed-
20 eral Register.”.

21 (b) ENFORCEMENT.—Notwithstanding any other
22 provision of law, the Administrator of the Environmental
23 Protection Agency may not impose financial penalties for
24 the violation of a national primary drinking water regula-
25 tion (as defined in section 1401 of the Safe Drinking

1 Water Act (42 U.S.C. 300f) with respect to a
2 perfluoroalkyl or polyfluoroalkyl substance or class of
3 perfluoroalkyl or polyfluoroalkyl substances for which a
4 national primary drinking water regulation has been pro-
5 mulgated under section 1412(b)(16) of the Safe Drinking
6 Water Act earlier than the date that is 5 years after the
7 date on which the Administrator promulgates the national
8 primary drinking water regulation.

