

**AMENDMENT TO RULES COMMITTEE PRINT 117-
13
OFFERED BY MR. FITZPATRICK OF
PENNSYLVANIA**

Add at the end the following:

1 **SEC. 6013. 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—

17 “(i) perfluorooctanoic acid (commonly
18 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 (G)(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 PROTECTION.—The national
7 primary drinking water regulation promulgated
8 under subparagraph (A) shall be protective of
9 the health of subpopulations at greater risk, as
10 described in section 1458.

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

22 “(G) REGULATION OF ADDITIONAL SUB-
23 STANCES.—

24 “(i) DETERMINATION.—The Adminis-
25 trator shall make a determination under

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

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

17 “(II) the date on which—

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

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

13 “(ii) PRIMARY DRINKING WATER REG-
14 ULATIONS.—

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

21 “(aa) not later than 18
22 months after the date on which
23 the Administrator makes the de-
24 termination, shall propose a na-
25 tional primary drinking water

1 regulation for the perfluoroalkyl
2 or polyfluoroalkyl substance or
3 class of perfluoroalkyl or
4 polyfluoroalkyl substances; and

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

14 “(II) DEADLINE.—

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

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

7 “(H) HEALTH ADVISORY.—

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

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

22 “(II) the date on which the Ad-
23 ministrator validates an effective qual-
24 ity control and testing procedure for
25 the perfluoroalkyl or polyfluoroalkyl

1 substance or class of perfluoroalkyl or
2 polyfluoroalkyl substances.

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

19 (b) ENFORCEMENT.—Notwithstanding any other
20 provision of law, the Administrator of the Environmental
21 Protection Agency may not impose financial penalties for
22 the violation of a national primary drinking water regula-
23 tion (as defined in section 1401 of the Safe Drinking
24 Water Act (42 U.S.C. 300f)) with respect to a
25 perfluoroalkyl or polyfluoroalkyl substance or class of

1 perfluoroalkyl or polyfluoroalkyl substances for which a
2 national primary drinking water regulation has been pro-
3 mulgated under section 1412(b)(16) of the Safe Drinking
4 Water Act earlier than the date that is 5 years after the
5 date on which the Administrator promulgates the national
6 primary drinking water regulation.

