AMENDMENT TO
RULES COMMITTEE PRINT 117-13
OFFERED BY M. ____________

Page 125, line 25, before the period at the end insert the following: “and complying with section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2701 note)”.

Page 126, line 11, strike “the date on which the Administrator of the Environmental Protection Agency publishes the final rule specified in subsection (a)(2)” and insert “the enactment of this Act”.

Page 126, line 15, insert “and the Committees on Armed Services of the Senate and House of Representatives” after “Administrator”.

Page 126, line 21, strike “and”.

Page 126, line 23, strike the period and insert a semicolon.

Page 126, after line 23, insert the following:

1 (4) details on actions taken by the Department of Defense to comply with section 330 of the Na-
tional Defense Authorization Act for Fiscal Year 2020; and

(5) recommendations for the safe storage of PFAS and PFAS-containing materials until identified uncertainties are addressed and appropriate destruction and disposal technologies can be recommended.

(d) SCOPE.—The prohibition in subsection (a) and reporting requirements in subsection (e) shall apply not only to materials sent directly by the Department of Defense to an incinerator, but also to materials sent to another entity or entities, including any waste processing facility, subcontractor, or fuel blending facility.

Page 126, line 24, strike “(d)” and insert “(e)”.

Page 127, line 4, strike “legacy”.

At the end of subtitle B of title III, insert the following:

SEC. 3. REPORT ON AIR FORCE PROGRESS REGARDING CONTAMINATED REAL PROPERTY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Air Force has contaminated property across the United States with harmful
perfluorooctanoic acid and perfluorooctane sulfonate chemicals;

(2) perfluorooctanoic acid and perfluorooctane sulfonate contamination threatens the jobs, lives, and livelihoods of citizens and livestock who live in contaminated areas;

(3) property owners, especially those facing severe financial hardship, cannot wait any longer for the Air Force to acquire contaminated property; and

(4) the Air Force should, in an expeditious manner, use the authority under section 344 of the National Defense Authorization Act 2020 (Public Law 116–92; 10 U.S.C. 2701 note) to acquire contaminated property and provide relocation assistance.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress of the Air Force in carrying out section 344 of the National Defense Authorization Act 2020 (Public Law 116–92; 10 U.S.C. 2701 note). Such report shall include—
(1) a detailed description of any real property contaminated by perfluorooctanoic acid and perfluorooctane sulfonate by the Air Force;

(2) a description of any progress made by the Air Force to acquire property or provide relocation assistance pursuant to such section 344; and

(3) if the Air Force has not acquired property or provided relocation assistance pursuant to such section, an explanation of why it has not.

Add at the end of subtitle C of title VII the following new section:

SEC. 7. MANDATORY TRAINING ON HEALTH EFFECTS OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

The Secretary of Defense shall provide to each medical provider of the Department of Defense mandatory training with respect to the potential health effects of perfluorooalkyl or polyfluorooalkyl substances.

Add at the end of title LX the following:

SEC. 6. THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

Section 7321 of the PFAS Act of 2019 (15 U.S.C. 8921) is amended—
(1) in subsection (b), by adding at the end the following:

“(3) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to a chemical described in paragraph (1) unless the Administrator, in accordance with paragraph (2)(B), revises the threshold for reporting such chemical to 10,000 pounds.”;

(2) in subsection (c), by adding at the end the following:

“(3) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to the substances and classes of substances included in the toxics release inventory under paragraph (1) unless the Administrator, in accordance with paragraph (2)(B), revises the threshold for reporting such substances and class of substances to 10,000 pounds.”; and

(3) in subsection (d), by adding at the end the following:

“(4) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to the substances and classes of substances described in paragraph (2) unless the
Administrator sets a 10,000 pound reporting threshold for such substances and classes of substances.”.

SEC. 6. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

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

“(16) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

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

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

“(B) ALTERNATIVE PROCEDURES.—

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

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

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

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

“(III) the total levels of organic
fluorine.
“(C) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—

“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (G)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.
“(E) HEALTH PROTECTION.—The national primary drinking water regulation promulgated under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.

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

“(G) REGULATION OF ADDITIONAL SUBSTANCES.—

“(i) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl...
substances in the national primary drinking water regulation under subparagraph (A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances;
substances from a Federal or State agency that the Administrator determines to be of a quality sufficient to make a determination under paragraph (1)(A).

“(ii) PRIMARY DRINKING WATER REGULATIONS.—

“(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

“(aa) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) may publish the proposed national primary drinking
(I) DEADLINE.—

(aa) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under clause (i)(I) and subject to item (bb), the Administrator shall take final action on the proposed national primary drinking water regulation.

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

(H) HEALTH ADVISORY.—
“(i) IN GENERAL.—Subject to clause (ii), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl sub-
stances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl sub-
stance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, including the information and analysis used, and basis for, such determination, in the Fed-
eral Register.’’.

(b) ENFORCEMENT.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not impose financial penalties for the violation of a national primary drinking water regula-
tion (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been pro-
mulgated under section 1412(b)(16) of the Safe Drinking Water Act earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.
SEC. 6. PFAS DATA CALL.

Section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)) is amended by inserting “that contains at least one fully fluorinated carbon atom,” after “perfluoroalkyl or polyfluoroalkyl substance”.

SEC. 6. EPA REQUIREMENT FOR SUBMISSION OF ANALYTICAL REFERENCE STANDARDS FOR PFAS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall require each covered entity to submit to the Administrator an analytical reference standard for each perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom manufactured by the covered entity after the date that is 10 years prior to the date of enactment of this Act.

(b) USES.—The Administrator may—

(1) use an analytical reference standard submitted under this section only for—

(A) the development of information, protocols, and methodologies, which may be carried out by an entity determined appropriate by the Administrator; and

(B) activities relating to the implementation or enforcement of Federal requirements; and
(2) provide an analytical reference standard submitted under this section to a State, to be used only for—

(A) the development of information, protocols, and methodologies, which may be carried out by an entity determined appropriate by the State; and

(B) activities relating to the implementation or enforcement of State requirements.

(c) PROHIBITION.—No person receiving an analytical reference standard submitted under this section may use or transfer the analytical reference standard for a commercial purpose.

(d) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED ENTITY.—The term “covered entity” means a manufacturer of a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(3) MANUFACTURE; STATE.—The terms “manufacture” and “State” have the meanings given