



1 tional Defense Authorization Act for Fiscal Year  
2 2020; and

3 (5) recommendations for the safe storage of  
4 PFAS and PFAS-containing materials until identi-  
5 fied uncertainties are addressed and appropriate de-  
6 struction and disposal technologies can be rec-  
7 ommended.

8 (d) SCOPE.—The prohibition in subsection (a) and  
9 reporting requirements in subsection (c) shall apply not  
10 only to materials sent directly by the Department of De-  
11 fense to an incinerator, but also to materials sent to an-  
12 other entity or entities, including any waste processing fa-  
13 cility, 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 fol-  
lowing:

14 **SEC. 3 \_\_\_\_ . REPORT ON AIR FORCE PROGRESS REGARDING**  
15 **CONTAMINATED REAL PROPERTY.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that—

18 (1) the Air Force has contaminated property  
19 across the United States with harmful

1 perfluorooctanoic acid and perfluorooctane sulfonate  
2 chemicals;

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

7 (3) property owners, especially those facing se-  
8 vere financial hardship, cannot wait any longer for  
9 the Air Force to acquire contaminated property; and

10 (4) the Air Force should, in an expeditious  
11 manner, use the authority under section 344 of the  
12 National Defense Authorization Act 2020 (Public  
13 Law 116–92; 10 U.S.C. 2701 note) to acquire con-  
14 taminated property and provide relocation assist-  
15 ance.

16 (b) REPORT.—Not later than 90 days after the date  
17 of the enactment of this Act, the Secretary of the Air  
18 Force shall submit to the Committees on Armed Services  
19 of the Senate and House of Representatives a report on  
20 the progress of the Air Force in carrying out section 344  
21 of the National Defense Authorization Act 2020 (Public  
22 Law 116–92; 10 U.S.C. 2701 note). Such report shall in-  
23 clude—

1 (1) a detailed description of any real property  
2 contaminated by perfluorooctanoic acid and  
3 perfluorooctane sulfonate by the Air Force;

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

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

Add at the end of subtitle C of title VII the fol-  
lowing new section:

10 **SEC. 7\_\_\_ . MANDATORY TRAINING ON HEALTH EFFECTS**  
11 **OF PERFLUOROALKYL OR**  
12 **POLYFLUOROALKYL SUBSTANCES.**

13 The Secretary of Defense shall provide to each med-  
14 ical provider of the Department of Defense mandatory  
15 training with respect to the potential health effects of  
16 perfluoroalkyl or polyfluoroalkyl substances.

Add at the end of title LX the following:

17 **SEC. 6\_\_\_\_ . THRESHOLD FOR REPORTING ADDITIONS TO**  
18 **TOXICS RELEASE INVENTORY.**

19 Section 7321 of the PFAS Act of 2019 (15 U.S.C.  
20 8921) is amended—

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

3           “(3) LIMITATION.—Section 372.38 of title 40,  
4 Code of Federal Regulations (or any successor regu-  
5 lation), shall not apply to a chemical described in  
6 paragraph (1) unless the Administrator, in accord-  
7 ance with paragraph (2)(B), revises the threshold  
8 for reporting such chemical to 10,000 pounds.”;

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

11           “(3) LIMITATION.—Section 372.38 of title 40,  
12 Code of Federal Regulations (or any successor regu-  
13 lation), shall not apply to the substances and classes  
14 of substances included in the toxics release inventory  
15 under paragraph (1) unless the Administrator, in ac-  
16 cordance with paragraph (2)(B), revises the thresh-  
17 old for reporting such substances and class of sub-  
18 stances to 10,000 pounds.”; and

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

21           “(4) LIMITATION.—Section 372.38 of title 40,  
22 Code of Federal Regulations (or any successor regu-  
23 lation), shall not apply to the substances and classes  
24 of substances described in paragraph (2) unless the

1 Administrator sets a 10,000 pound reporting thresh-  
2 old for such substances and classes of substances.”.

3 **SEC. 6 \_\_\_\_\_. NATIONAL PRIMARY DRINKING WATER REGU-**  
4 **LATIONS FOR PFAS.**

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

9 “(16) PERFLUOROALKYL AND  
10 POLYFLUOROALKYL SUBSTANCES.—

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

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

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

23 “(B) ALTERNATIVE PROCEDURES.—

24 “(i) IN GENERAL.—Not later than 1  
25 year after the validation by the Adminis-

1                   trator of an equally effective quality con-  
2                   trol and testing procedure to ensure com-  
3                   pliance with the national primary drinking  
4                   water regulation promulgated under sub-  
5                   paragraph (A) to measure the levels de-  
6                   scribed in clause (ii) or other methods to  
7                   detect and monitor perfluoroalkyl and  
8                   polyfluoroalkyl substances in drinking  
9                   water, the Administrator shall add the pro-  
10                  cedure or method as an alternative to the  
11                  quality control and testing procedure de-  
12                  scribed in such national primary drinking  
13                  water regulation by publishing the proce-  
14                  dure or method in the Federal Register in  
15                  accordance with section 1401(1)(D).

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

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

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

23                                 “(III) the total levels of organic  
24                                 fluorine.

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

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

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

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



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

6           “(F) 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 one or more specific  
11 perfluoroalkyl or polyfluoroalkyl substances to  
12 extrapolate reasoned conclusions regarding the  
13 health risks and effects of a class of  
14 perfluoroalkyl or polyfluoroalkyl substances of  
15 which the specific perfluoroalkyl or  
16 polyfluoroalkyl substances are a part.

17           “(G) 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 “(H) 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.”.

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

1 **SEC. 6\_\_\_\_\_ . PFAS DATA CALL.**

2 Section 8(a)(7) of the Toxic Substances Control Act  
3 (15 U.S.C. 2607(a)(7)) is amended by inserting “that con-  
4 tains at least one fully fluorinated carbon atom,” after  
5 “perfluoroalkyl or polyfluoroalkyl substance”.

6 **SEC. 6\_\_\_\_\_ . EPA REQUIREMENT FOR SUBMISSION OF ANA-**  
7 **LYTICAL REFERENCE STANDARDS FOR PFAS.**

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

17 (b) USES.—The Administrator may—

18 (1) use an analytical reference standard sub-  
19 mitted under this section only for—

20 (A) the development of information, proto-  
21 cols, and methodologies, which may be carried  
22 out by an entity determined appropriate by the  
23 Administrator; and

24 (B) activities relating to the implementa-  
25 tion or enforcement of Federal requirements;  
26 and

1           (2) provide an analytical reference standard  
2 submitted under this section to a State, to be used  
3 only for—

4           (A) the development of information, proto-  
5 cols, and methodologies, which may be carried  
6 out by an entity determined appropriate by the  
7 State; and

8           (B) activities relating to the implementa-  
9 tion or enforcement of State requirements.

10       (c) PROHIBITION.—No person receiving an analytical  
11 reference standard submitted under this section may use  
12 or transfer the analytical reference standard for a com-  
13 mercial purpose.

14       (d) DEFINITIONS.—In this section:

15           (1) ADMINISTRATOR.—The term “Adminis-  
16 trator” means the Administrator of the Environ-  
17 mental Protection Agency.

18           (2) COVERED ENTITY.—The term “covered en-  
19 tity” means a manufacturer of a perfluoroalkyl or  
20 polyfluoroalkyl substance with at least one fully  
21 fluorinated carbon atom.

22           (3) MANUFACTURE; STATE.—The terms “man-  
23 ufacture” and “State” have the meanings given



- 1 those terms in section 3 of the Toxic Substances
- 2 Control Act (15 U.S.C. 2602).

