

JANUARY 2, 2020

RULES COMMITTEE PRINT 116–45
TEXT OF H.R. 535, PFAS ACTION ACT OF 2019

**[Showing the text of H.R. 535, as ordered reported by the
Committee on Energy and Commerce.]**

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “PFAS Action Act of 2019”.

4 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Designation as hazardous substances.
- Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 5. National primary drinking water regulations for PFAS.
- Sec. 6. Monitoring and detection.
- Sec. 7. Enforcement.
- Sec. 8. Drinking water state revolving funds.
- Sec. 9. Additions to toxics release inventory.
- Sec. 10. PFAS data call.
- Sec. 11. Significant new use rule for long-chain PFAS.
- Sec. 12. PFAS destruction and disposal guidance.
- Sec. 13. Establishment of PFAS infrastructure grant program.
- Sec. 14. Cooperative agreements with States for removal and remedial actions to address drinking, surface, and ground water and soil contamination from PFAS.
- Sec. 15. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 16. Prohibition on waste incineration of PFAS.
- Sec. 17. Label for pots, pans, and cooking utensils.
- Sec. 18. Guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS.

5 SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

6 (a) DESIGNATION.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of the
8 Environmental Protection Agency shall designate

1 perfluorooctanoic acid and its salts, and
2 perfluoroactanesulfonic acid and its salts, as hazardous
3 substances under section 102(a) of the Comprehensive En-
4 vironmental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9602(a)).

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

16 **SEC. 3. TESTING OF PERFLUOROALKYL AND**
17 **POLYFLUOROALKYL SUBSTANCES.**

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

21 “(5) PERFLUOROALKYL AND
22 POLYFLUOROALKYL SUBSTANCES RULE.—

23 “(A) RULE.—Notwithstanding paragraphs
24 (1) through (3), the Administrator shall, by
25 rule, require that comprehensive toxicity testing

1 be conducted on all chemical substances that
2 are perfluoroalkyl or polyfluoroalkyl substances.

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

5 “(i) may establish categories of
6 perfluoroalkyl and polyfluoroalkyl sub-
7 stances based on hazard characteristics or
8 chemical properties;

9 “(ii) shall require the development of
10 information relating to perfluoroalkyl and
11 polyfluoroalkyl substances that the Admin-
12 istrator determines is likely to be useful in
13 evaluating the hazard and risk posed by
14 such substances in land, air, and water (in-
15 cluding drinking water), as well as in prod-
16 ucts; and

17 “(iii) may allow for varied or tiered
18 testing requirements based on hazard char-
19 acteristics or chemical properties of
20 perfluoroalkyl and polyfluoroalkyl sub-
21 stances or categories of perfluoroalkyl and
22 polyfluoroalkyl substances.

23 “(C) DEADLINES.—The Administrator
24 shall issue—

1 “(i) a proposed rule under subpara-
2 graph (A) not later than 6 months after
3 the date of enactment of this paragraph;
4 and

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

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

11 (1) in subparagraph (A), by striking “subpara-
12 graph (B) or (C)” and inserting “subparagraph (B),
13 (C), or (D)”; and

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

15 “(D) A rule under subsection (a)(5) shall require the
16 development of information by any person who manufac-
17 tures or processes, or intends to manufacture or process,
18 a chemical substance that is a perfluoroalkyl or
19 polyfluoroalkyl substance.”.

20 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
21 STANCES.—Section 4 of the Toxic Substances Control Act
22 (15 U.S.C. 2603) is amended by adding at the end the
23 following:

24 “(i) PERFLUOROALKYL AND POLYFLUOROALKYL
25 SUBSTANCES.—

1 “(1) TESTING REQUIREMENT RULE.—

2 “(A) PROTOCOLS AND METHODOLOGIES.—

3 In determining the protocols and methodologies
4 to be included pursuant to subsection (b)(1) in
5 a rule under subsection (a)(5), the Adminis-
6 trator shall allow for protocols and methodolo-
7 gies that test chemical substances that are
8 perfluoroalkyl and polyfluoroalkyl substances as
9 a class.

10 “(B) PERIOD.—In determining the period
11 to be included pursuant to subsection (b)(1) in
12 a rule under subsection (a)(5), the Adminis-
13 trator shall ensure that the period is as short
14 as possible while allowing for completion of the
15 required testing.

16 “(2) EXEMPTIONS.—In carrying out subsection
17 (c) with respect to a chemical substance that is a
18 perfluoroalkyl or polyfluoroalkyl substance, the Ad-
19 ministrator—

20 “(A) may only determine under subsection
21 (c)(2) that information would be duplicative if
22 the chemical substance with respect to which
23 the application for exemption is submitted is in
24 the same category, as established under sub-
25 section (a)(5)(B)(i), as a chemical substance for

1 which information has been submitted to the
2 Administrator in accordance with a rule, order,
3 or consent agreement under subsection (a) or
4 for which information is being developed pursu-
5 ant to such a rule, order, or consent agreement;
6 and

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

10 **SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR**
11 **PERFLUOROALKYL AND POLYFLUOROALKYL**
12 **SUBSTANCES.**

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

15 (1) in subsection (h), by adding at the end the
16 following:

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

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

21 “(j) **PERFLUOROALKYL AND POLYFLUOROALKYL**
22 **SUBSTANCES.—**

23 “(1) **DETERMINATION.—**For a period of 5
24 years beginning on the date of enactment of this
25 subsection, any chemical substance that is a

1 perfluoroalkyl or polyfluoroalkyl substance for which
2 a notice is submitted under subsection (a) shall be
3 deemed to have been determined by the Adminis-
4 trator to present an unreasonable risk of injury to
5 health or the environment under paragraph (3)(A)
6 of such subsection.

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

13 **SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULA-**
14 **TIONS FOR PFAS.**

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

18 “(16) PERFLUOROALKYL AND
19 POLYFLUOROALKYL SUBSTANCES.—

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this paragraph,
22 the Administrator shall, after notice and oppor-
23 tunity for public comment, promulgate a na-
24 tional primary drinking water regulation for
25 perfluoroalkyl and polyfluoroalkyl substances,

1 which shall, at a minimum, include standards
2 for—

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

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

7 “(B) ALTERNATIVE PROCEDURES.—

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

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

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

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

8 “(III) the total levels of organic
9 fluorine.

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

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

18 “(ii) the list of unregulated contami-
19 nants to be monitored under section
20 1445(a)(2)(B)(i), in accordance with such
21 section.

22 “(D) MONITORING.—When establishing
23 monitoring requirements for public water sys-
24 tems as part of a national primary drinking
25 water regulation under subparagraph (A) or

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

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

15 “(F) HEALTH RISK REDUCTION AND COST
16 ANALYSIS.—In meeting the requirements of
17 paragraph (3)(C), the Administrator may rely
18 on information available to the Administrator
19 with respect to 1 or more specific perfluoroalkyl
20 or polyfluoroalkyl substances to extrapolate rea-
21 soned conclusions regarding the health risks
22 and effects of a class of perfluoroalkyl or
23 polyfluoroalkyl substances of which the specific
24 perfluoroalkyl or polyfluoroalkyl substances are
25 a part.

1 “(G) REGULATION OF ADDITIONAL SUB-
2 STANCES.—

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

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

21 “(II) the date on which—

22 “(aa) the Administrator has
23 received the results of monitoring
24 under section 1445(a)(2)(B) for
25 the perfluoroalkyl or

1 polyfluoroalkyl substance or class
2 of perfluoroalkyl or
3 polyfluoroalkyl substances; or

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

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

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

24 “(aa) not later than 18
25 months after the date on which

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

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

17 “(II) DEADLINE.—

18 “(aa) IN GENERAL.—Not
19 later than 1 year after the date
20 on which the Administrator pub-
21 lishes a proposed national pri-
22 mary drinking water regulation
23 under clause (i)(I) and subject to
24 item (bb), the Administrator
25 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 **SEC. 6. MONITORING AND DETECTION.**

22 (a) MONITORING PROGRAM FOR UNREGULATED
23 CONTAMINANTS.—

24 (1) IN GENERAL.—The Administrator of the
25 Environmental Protection Agency shall include each

1 substance described in paragraph (2) in the fifth
2 publication of the list of unregulated contaminants
3 to be monitored under section 1445(a)(2)(B)(i) of
4 the Safe Drinking Water Act (42 U.S.C. 300j–
5 4(a)(2)(B)(i)).

6 (2) SUBSTANCES DESCRIBED.—The substances
7 referred to in paragraph (1) are perfluoroalkyl and
8 polyfluoroalkyl substances and classes of
9 perfluoroalkyl and polyfluoroalkyl substances—

10 (A) for which a method to measure the
11 level in drinking water has been validated by
12 the Administrator of the Environmental Protec-
13 tion Agency; and

14 (B) that are not subject to a national pri-
15 mary drinking water regulation under subpara-
16 graph (A) or (G)(ii) of paragraph (16) of sec-
17 tion 1412(b) of the Safe Drinking Water Act
18 (42 U.S.C. 300g–1(b)).

19 (3) EXCEPTION.—The perfluoroalkyl and
20 polyfluoroalkyl substances and classes of
21 perfluoroalkyl and polyfluoroalkyl substances in-
22 cluded in the list of unregulated contaminants to be
23 monitored under section 1445(a)(2)(B)(i) of the
24 Safe Drinking Water Act (42 U.S.C. 300j–
25 4(a)(2)(B)(i)) under paragraph (1) shall not count

1 towards the limit of 30 unregulated contaminants to
2 be monitored by public water systems under that
3 section.

4 (b) APPLICABILITY.—

5 (1) IN GENERAL.—The Administrator of the
6 Environmental Protection Agency shall—

7 (A) require public water systems serving
8 more than 10,000 persons to monitor for the
9 substances described in subsection (a)(2);

10 (B) subject to paragraph (2) and the avail-
11 ability of appropriations, require public water
12 systems serving not fewer than 3,300 and not
13 more than 10,000 persons to monitor for the
14 substances described in subsection (a)(2); and

15 (C) subject to paragraph (2) and the avail-
16 ability of appropriations, ensure that only a
17 representative sample of public water systems
18 serving fewer than 3,300 persons are required
19 to monitor for the substances described in sub-
20 section (a)(2).

21 (2) REQUIREMENT.—If the Administrator of
22 the Environmental Protection Agency determines
23 that there is not sufficient laboratory capacity to
24 carry out the monitoring required under subpara-
25 graphs (B) and (C) of paragraph (1), the Adminis-

1 trator may waive the monitoring requirements in
2 those subparagraphs.

3 (3) FUNDS.—The Administrator of the Envi-
4 ronmental Protection Agency shall pay the reason-
5 able cost of such testing and laboratory analysis as
6 is necessary to carry out the monitoring required
7 under subparagraphs (B) and (C) of paragraph (1)
8 using—

9 (A) funds made available pursuant to sub-
10 section (a)(2)(H) or subsection (j)(5) of section
11 1445 of the Safe Drinking Water Act (42
12 U.S.C. 300j-4); or

13 (B) any other funds made available for
14 that purpose.

15 **SEC. 7. ENFORCEMENT.**

16 Notwithstanding any other provision of law, the Ad-
17 ministrators 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 clause (i) or (vi) of
25 subparagraph (D) of section 1412(b)(2) of the Safe

1 Drinking Water Act (42 U.S.C. 300g–1(b)(2)) earlier
2 than the date that is 5 years after the date on which the
3 Administrator promulgates the national primary drinking
4 water regulation.

5 **SEC. 8. DRINKING WATER STATE REVOLVING FUNDS.**

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

8 (1) in subsection (a)(2), by adding at the end
9 the following:

10 “(G) EMERGING CONTAMINANTS.—

11 “(i) IN GENERAL.—Notwithstanding
12 any other provision of law and subject to
13 clause (ii), amounts deposited under sub-
14 section (t) in a State loan fund established
15 under this section may only be used to pro-
16 vide grants for the purpose of addressing
17 emerging contaminants, with a focus on
18 perfluoroalkyl and polyfluoroalkyl sub-
19 stances.

20 “(ii) REQUIREMENTS.—

21 “(I) SMALL AND DISADVAN-
22 TAGED COMMUNITIES.—Not less than
23 25 percent of the amounts described
24 in clause (i) shall be used to provide
25 grants to—

1 “(aa) disadvantaged commu-
2 nities (as defined in subsection
3 (d)(3)); or

4 “(bb) public water systems
5 serving fewer than 25,000 per-
6 sons.

7 “(II) PRIORITIES.—In selecting
8 the recipient of a grant using amounts
9 described in clause (i), a State shall
10 use the priorities described in sub-
11 section (b)(3)(A).

12 “(iii) NO INCREASED BONDING AU-
13 THORITY.—The amounts deposited in the
14 State loan fund of a State under sub-
15 section (t) may not be used as a source of
16 payment of, or security for (directly or in-
17 directly), in whole or in part, any obliga-
18 tion the interest on which is exempt from
19 the tax imposed under chapter 1 of the In-
20 ternal Revenue Code of 1986.”;

21 (2) in subsection (m)(1), in the matter pre-
22 ceding subparagraph (A), by striking “this section”
23 and inserting “this section, except for subsections
24 (a)(2)(G) and (t)”;

25 (3) by adding at the end the following:

1 “(t) EMERGING CONTAMINANTS.—

2 “(1) IN GENERAL.—Amounts made available
3 under this subsection shall be allotted to a State as
4 if allotted under subsection (a)(1)(D) as a capital-
5 ization grant, for deposit into the State loan fund of
6 the State, for the purposes described in subsection
7 (a)(2)(G).

8 “(2) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this subsection \$100,000,000 for each of fiscal years
11 2020 through 2024, to remain available until ex-
12 pended.”.

13 **SEC. 9. ADDITIONS TO TOXICS RELEASE INVENTORY.**

14 (a) DEFINITION OF TOXICS RELEASE INVENTORY.—
15 In this section, the term “toxics release inventory” means
16 the list of toxic chemicals subject to the requirements of
17 section 313(c) of the Emergency Planning and Commu-
18 nity Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

19 (b) IMMEDIATE INCLUSION.—

20 (1) IN GENERAL.—Subject to subsection (e),
21 beginning January 1 of the calendar year following
22 the date of enactment of this Act, the Administrator
23 of the Environmental Protection Agency shall deem
24 the following chemicals to be included in the toxics
25 release inventory:

1 (A) Perfluorooctanoic acid (commonly re-
2 ferred to as “PFOA”) (Chemical Abstracts
3 Service No. 335–67–1).

4 (B) The salts associated with the chemical
5 described in subparagraph (A) (Chemical Ab-
6 stracts Service Nos. 3825–26–1, 335–95–5, and
7 68141–02–6).

8 (C) Perfluorooctane sulfonic acid (com-
9 monly referred to as “PFOS”) (Chemical Ab-
10 stracts Service No. 1763–23–1).

11 (D) The salts associated with the chemical
12 described in subparagraph (C) (Chemical Ab-
13 stracts Service Nos. 2795–39–3, 29457–72–5,
14 56773–42–3, 29081–56–9, and 70225–14–8).

15 (E) A perfluoroalkyl or polyfluoroalkyl sub-
16 stance or class of perfluoroalkyl or
17 polyfluoroalkyl substances that is—

18 (i) listed as an active chemical sub-
19 stance in the February 2019 update to the
20 inventory under section 8(b)(1) of the
21 Toxic Substances Control Act (15 U.S.C.
22 2607(b)(1)); and

23 (ii) on the date of enactment of this
24 Act, subject to the provisions of—

1 (I) section 721.9582 of title 40,
2 Code of Federal Regulations; or

3 (II) section 721.10536 of title
4 40, Code of Federal Regulations.

5 (F) Hexafluoropropylene oxide dimer acid
6 (commonly referred to as “GenX”) (Chemical
7 Abstracts Service No. 13252–13–6).

8 (G) The compound associated with the
9 chemical described in subparagraph (F) identi-
10 fied by Chemical Abstracts Service No. 62037–
11 80–3.

12 (H) Perfluorononanoic acid (commonly re-
13 ferred to as “PFNA”) (Chemical Abstracts
14 Service No. 375–95–1).

15 (I) Perfluorohexanesulfonic acid (com-
16 monly referred to as “PFHxS”) (Chemical Ab-
17 stracts Service No. 355–46–4).

18 (2) THRESHOLD FOR REPORTING.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the threshold for reporting the
21 chemicals described in paragraph (1) under sec-
22 tion 313 of the Emergency Planning and Com-
23 munity Right-To-Know Act of 1986 (42 U.S.C.
24 11023) is 100 pounds.

1 (B) REVISIONS.—Not later than 5 years
2 after the date of enactment of this Act, the Ad-
3 ministrator of the Environmental Protection
4 Agency shall—

5 (i) determine whether revision of the
6 threshold under subparagraph (A) is war-
7 ranted for any chemical described in para-
8 graph (1); and

9 (ii) if the Administrator determines a
10 revision to be warranted under clause (i),
11 initiate a revision under section 313(f)(2)
12 of the Emergency Planning and Commu-
13 nity Right-To-Know Act of 1986 (42
14 U.S.C. 11023(f)(2)).

15 (c) INCLUSION FOLLOWING ASSESSMENT.—

16 (1) IN GENERAL.—

17 (A) DATE OF INCLUSION.—Subject to sub-
18 section (e), notwithstanding section 313 of the
19 Emergency Planning and Community Right-To-
20 Know Act of 1986, the Administrator of the
21 Environmental Protection Agency shall deem a
22 perfluoroalkyl or polyfluoroalkyl substance or
23 class of perfluoroalkyl or polyfluoroalkyl sub-
24 stances not described in subsection (b)(1) to be
25 included in the toxics release inventory begin-

1 ning January 1 of the calendar year after any
2 of the following dates:

3 (i) FINAL TOXICITY VALUE.—The
4 date on which the Administrator finalizes a
5 toxicity value for the perfluoroalkyl or
6 polyfluoroalkyl substance or class of
7 perfluoroalkyl or polyfluoroalkyl sub-
8 stances.

9 (ii) SIGNIFICANT NEW USE RULE.—
10 The date on which the Administrator
11 makes a covered determination for the
12 perfluoroalkyl or polyfluoroalkyl substance
13 or class of perfluoroalkyl or polyfluoroalkyl
14 substances.

15 (iii) ADDITION TO EXISTING SIGNIFI-
16 CANT NEW USE RULE.—The date on which
17 the perfluoroalkyl or polyfluoroalkyl sub-
18 stance or class of perfluoroalkyl or
19 polyfluoroalkyl substances is added to a
20 list of substances covered by a covered de-
21 termination.

22 (iv) ADDITION AS ACTIVE CHEMICAL
23 SUBSTANCE.—The date on which the
24 perfluoroalkyl or polyfluoroalkyl substance
25 or class of perfluoroalkyl or polyfluoroalkyl

1 substances to which a covered determina-
2 tion applies is—

3 (I) added to the list published
4 under paragraph (1) of section 8(b) of
5 the Toxic Substances Control Act and
6 designated as an active chemical sub-
7 stance under paragraph (5)(A) of
8 such section; or

9 (II) designated as an active
10 chemical substance on such list under
11 paragraph (5)(B) of such section.

12 (B) COVERED DETERMINATION.—For pur-
13 poses of this paragraph, a covered determina-
14 tion is a determination made, by rule, under
15 section 5(a)(2) of the Toxic Substances Control
16 Act that a use of a perfluoroalkyl or
17 polyfluoroalkyl substance or class of
18 perfluoroalkyl or polyfluoroalkyl substances is a
19 significant new use (except such a determina-
20 tion made in connection with a determination
21 described in section 5(a)(3)(B) or section
22 5(a)(3)(C) of such Act).

23 (2) THRESHOLD FOR REPORTING.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), notwithstanding subsection (f)(1) of

1 section 313 of the Emergency Planning and
2 Community Right-To-Know Act of 1986 (42
3 U.S.C. 11023), the threshold for reporting
4 under such section 313 the substances and
5 classes of substances included in the toxics re-
6 lease inventory under paragraph (1) is 100
7 pounds.

8 (B) REVISIONS.—Not later than 5 years
9 after the date on which a perfluoroalkyl or
10 polyfluoroalkyl substance or class of
11 perfluoroalkyl or polyfluoroalkyl substances is
12 included in the toxics release inventory under
13 paragraph (1), the Administrator of the Envi-
14 ronmental Protection Agency shall—

15 (i) determine whether revision of the
16 threshold under subparagraph (A) is war-
17 ranted for the substance or class of sub-
18 stances; and

19 (ii) if the Administrator determines a
20 revision to be warranted under clause (i),
21 initiate a revision under section 313(f)(2)
22 of the Emergency Planning and Commu-
23 nity Right-To-Know Act of 1986 (42
24 U.S.C. 11023(f)(2)).

25 (d) INCLUSION FOLLOWING DETERMINATION.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 of the Environmental Protection Agency shall deter-
4 mine whether the substances and classes of sub-
5 stances described in paragraph (2) meet any one of
6 the criteria described in section 313(d)(2) of the
7 Emergency Planning and Community Right-To-
8 Know Act of 1986 (42 U.S.C. 11023(d)(2)) for in-
9 clusion in the toxics release inventory.

10 (2) SUBSTANCES DESCRIBED.—The substances
11 and classes of substances referred to in paragraph
12 (1) are perfluoroalkyl and polyfluoroalkyl substances
13 and classes of perfluoroalkyl and polyfluoroalkyl sub-
14 stances not described in subsection (b)(1), includ-
15 ing—

16 (A) perfluoro[(2-pentafluoroethoxy-
17 ethoxy)acetic acid] ammonium salt (Chemical
18 Abstracts Service No. 908020–52–0);

19 (B) 2,3,3,3-tetrafluoro 2–(1,1,2,3,3,3-
20 hexafluoro)–2–(trifluoromethoxy) propanoyl flu-
21 oride (Chemical Abstracts Service No. 2479–
22 75–6);

23 (C) 2,3,3,3-tetrafluoro 2–(1,1,2,3,3,3-
24 hexafluoro)–2–(trifluoromethoxy) propionic acid
25 (Chemical Abstracts Service No. 2479–73–4);

1 (D) 3H-perfluoro-3-[(3-methoxy-propoxy)
2 propanoic acid] (Chemical Abstracts Service
3 No. 919005-14-4);

4 (E) the salts associated with the chemical
5 described in subparagraph (D) (Chemical Ab-
6 stracts Service Nos. 958445-44-8, 1087271-
7 46-2, and NOCAS 892452);

8 (F) 1-octanesulfonic acid
9 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium
10 salt (Chemical Abstracts Service No. 59587-
11 38-1);

12 (G) perfluorobutanesulfonic acid (Chemical
13 Abstracts Service No. 375-73-5);

14 (H) 1-Butanesulfonic acid,
15 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt
16 (Chemical Abstracts Service No. 29420-49-3);

17 (I) the component associated with the
18 chemical described in subparagraph (H) (Chem-
19 ical Abstracts Service No. 45187-15-3);

20 (J) heptafluorobutyric acid (Chemical Ab-
21 stracts Service No. 375-22-4);

22 (K) perfluorohexanoic acid (Chemical Ab-
23 stracts Service No. 307-24-4);

24 (L) the compound associated with the
25 chemical described in subsection (b)(1)(F) iden-

1 tified by Chemical Abstracts Service No. 2062–
2 98–8;

3 (M) perfluoroheptanoic acid (commonly re-
4 ferred to as “PFHpA”) (Chemical Abstracts
5 Service No. 375–85–9);

6 (N) each perfluoroalkyl or polyfluoroalkyl
7 substance or class of perfluoroalkyl or
8 polyfluoroalkyl substances for which a method
9 to measure levels in drinking water has been
10 validated by the Administrator; and

11 (O) a perfluoroalkyl and polyfluoroalkyl
12 substance or class of perfluoroalkyl or
13 polyfluoroalkyl substances other than the
14 chemicals described in subparagraphs (A)
15 through (N) that is used to manufacture
16 fluorinated polymers, as determined by the Ad-
17 ministrator.

18 (3) ADDITION TO TOXICS RELEASE INVEN-
19 TORY.—Subject to subsection (e), if the Adminis-
20 trator determines under paragraph (1) that a sub-
21 stance or a class of substances described in para-
22 graph (2) meets any one of the criteria described in
23 section 313(d)(2) of the Emergency Planning and
24 Community Right-To-Know Act of 1986 (42 U.S.C.
25 11023(d)(2)), the Administrator shall revise the

1 toxics release inventory in accordance with such sec-
2 tion 313(d) to include that substance or class of sub-
3 stances not later than 2 years after the date on
4 which the Administrator makes the determination.

5 (e) CONFIDENTIAL BUSINESS INFORMATION.—

6 (1) IN GENERAL.—Prior to including on the
7 toxics release inventory pursuant to subsection
8 (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or
9 polyfluoroalkyl substance or class of perfluoroalkyl
10 or polyfluoroalkyl substances the chemical identity of
11 which is subject to a claim of a person of protection
12 from disclosure under subsection (a) of section 552
13 of title 5, United States Code, pursuant to sub-
14 section (b)(4) of that section, the Administrator of
15 the Environmental Protection Agency shall—

16 (A) review any such claim of protection
17 from disclosure; and

18 (B) require that person to reassert and
19 substantiate or resubstantiate that claim in ac-
20 cordance with section 14(f) of the Toxic Sub-
21 stances Control Act (15 U.S.C. 2613(f)).

22 (2) NONDISCLOSURE OF PROTECTION INFORMA-
23 TION.—If the Administrator determines that the
24 chemical identity of a perfluoroalkyl or
25 polyfluoroalkyl substance or class of perfluoroalkyl

1 or polyfluoroalkyl substances qualifies for protection
2 from disclosure pursuant to paragraph (1), the Ad-
3 ministrator shall include the substance or class of
4 substances, as applicable, on the toxics release inven-
5 tory in a manner that does not disclose the protected
6 information.

7 (f) EMERGENCY PLANNING AND COMMUNITY RIGHT-
8 TO-KNOW ACT OF 1986.—Section 313(c) of the Emer-
9 gency Planning and Community Right-To-Know Act of
10 1986 (42 U.S.C. 11023(c)) is amended—

11 (1) by striking the period at the end and insert-
12 ing “; and”;

13 (2) by striking “are those chemicals” and in-
14 serting the following: “are—

15 “(1) the chemicals”; and

16 (3) by adding at the end the following:

17 “(2) the chemicals included on such list under
18 subsections (b)(1), (c)(1), and (d)(3) of section 9 of
19 the PFAS Action Act of 2019.”.

20 **SEC. 10. PFAS DATA CALL.**

21 Section 8(a) of the Toxic Substances Control Act (15
22 U.S.C. 2607(a)) is amended by adding at the end the fol-
23 lowing:

24 “(7) PFAS DATA.—Not later than January 1,
25 2023, the Administrator shall promulgate a rule in

1 accordance with this subsection requiring each per-
2 son who has manufactured a chemical substance
3 that is a perfluoroalkyl or polyfluoroalkyl substance
4 in any year since January 1, 2011, to submit to the
5 Administrator a report that includes, for each year
6 since January 1, 2011, the information described in
7 subparagraphs (A) through (G) of paragraph (2).”.

8 **SEC. 11. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN**
9 **PFAS.**

10 Not later than June 22, 2020, the Administrator of
11 the Environmental Protection Agency shall take final ac-
12 tion on the proposed rule entitled “Long-Chain
13 Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate
14 Chemical Substances; Significant New Use Rule” (80 Fed.
15 Reg. 2885 (January 21, 2015)).

16 **SEC. 12. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Environmental Protection Agency shall publish interim
20 guidance on the destruction and disposal of perfluoroalkyl
21 and polyfluoroalkyl substances and materials containing
22 perfluoroalkyl and polyfluoroalkyl substances, including—

23 (1) soil and biosolids;

24 (2) textiles treated with perfluoroalkyl and
25 polyfluoroalkyl substances;

1 (3) spent filters, membranes, resins, granular
2 carbon, and other waste from water treatment;

3 (4) landfill leachate containing perfluoroalkyl
4 and polyfluoroalkyl substances; and

5 (5) solid, liquid, or gas waste streams con-
6 taining perfluoroalkyl and polyfluoroalkyl substances
7 from facilities manufacturing or using perfluoroalkyl
8 and polyfluoroalkyl substances.

9 (b) CONSIDERATIONS; INCLUSIONS.—The interim
10 guidance under subsection (a) shall—

11 (1) take into consideration—

12 (A) the potential for releases of
13 perfluoroalkyl and polyfluoroalkyl substances
14 during destruction or disposal, including
15 through volatilization, air dispersion, or leach-
16 ate; and

17 (B) potentially vulnerable populations liv-
18 ing near likely destruction or disposal sites; and

19 (2) provide guidance on testing and monitoring
20 air, effluent, and soil near potential destruction or
21 disposal sites for releases described in paragraph
22 (1)(A).

23 (c) REVISIONS.—The Administrator shall publish re-
24 visions to the interim guidance under subsection (a) as

1 the Administrator determines to be appropriate, but not
2 less frequently than once every 3 years.

3 **SEC. 13. 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 two years thereafter,
11 the Administrator shall publish a list of treatment tech-
12 nologies that the Administrator determines are effective
13 at removing all detectable amounts of PFAS from drink-
14 ing water.

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

18 “(1) serve a disadvantaged community;

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

22 “(3) demonstrate the capacity to maintain the
23 eligible treatment technology to be implemented
24 using the grant.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 not more than \$100,000,000 for each of fiscal years 2020
4 through 2021.

5 “(f) DEFINITIONS.—In this section:

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

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

14 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
15 The term ‘eligible treatment technology’ means a
16 treatment technology included on the list published
17 under subsection (c).

18 “(4) PFAS.—The term ‘PFAS’ means a
19 perfluoroalkyl or polyfluoroalkyl substance with at
20 least one fully fluorinated carbon atom.”.

1 **SEC. 14. COOPERATIVE AGREEMENTS WITH STATES FOR**
2 **REMOVAL AND REMEDIAL ACTIONS TO AD-**
3 **DRESS DRINKING, SURFACE, AND GROUND**
4 **WATER AND SOIL CONTAMINATION FROM**
5 **PFAS.**

6 (a) DEFINITIONS.—In this section:

7 (1) FEDERAL FACILITY.—

8 (A) IN GENERAL.—The term “Federal fa-
9 cility” means a facility (as defined in section
10 101 of the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9601)) that is owned or oper-
13 ated by the Federal Government.

14 (B) INCLUSION.—The term “Federal facil-
15 ity” includes—

16 (i) a facility or site—

17 (I) owned by, leased to, or other-
18 wise possessed by the United States;
19 or

20 (II) under the jurisdiction of the
21 Secretary of Defense;

22 (ii) a facility or site that, at the time
23 of the actions leading to contamination or
24 suspected contamination of drinking water,
25 surface water, or groundwater or land sur-

1 face or subsurface strata from a
2 perfluorinated compound, was—

3 (I) owned by, leased to, or other-
4 wise possessed by the United States;

5 or

6 (II) under the jurisdiction of the
7 Secretary of Defense; and

8 (iii) land owned and operated by a
9 State when the land is used for training
10 the National Guard pursuant to chapter 5
11 of title 32, United States Code, with funds
12 provided by the Secretary of Defense or
13 the Secretary of a military department,
14 even though that land is not under the ju-
15 risdiction of the Secretary of Defense.

16 (2) FULLY FLUORINATED CARBON ATOM.—The
17 term “fully fluorinated carbon atom” means a car-
18 bon atom on which all the hydrogen substituents
19 have been replaced by fluorine.

20 (3) PERFLUORINATED COMPOUND.—The term
21 “perfluorinated compound” means a perfluoroalkyl
22 substance or a polyfluoroalkyl substance (or
23 “PFAS”) that is manmade with at least 1 fully
24 fluorinated carbon atom.

1 (4) STATE.—The term “State” has the mean-
2 ing given the term in section 101 of the Comprehen-
3 sive Environmental Response, Compensation, and
4 Liability Act of 1980 (42 U.S.C. 9601).

5 (b) COOPERATIVE AGREEMENT.—

6 (1) IN GENERAL.—On request by the Governor
7 or chief executive of a State, a Federal department
8 or agency shall work expeditiously to finalize a coop-
9 erative agreement for, or to amend an existing coop-
10 erative agreement to address, testing, monitoring,
11 removal, and remedial actions to address contamina-
12 tion or suspected contamination of drinking water,
13 surface water, or groundwater or land surface or
14 subsurface strata from a perfluorinated compound
15 originating from a Federal facility.

16 (2) MINIMUM STANDARDS.—A cooperative
17 agreement finalized or amended under paragraph
18 (1) shall require the area subject to the cooperative
19 agreement to meet or exceed the most stringent of
20 the following standards for perfluorinated com-
21 pounds in any environmental media:

22 (A) An enforceable State standard, in ef-
23 fect in that State, for drinking water, surface
24 water, or groundwater or land surface or sub-
25 surface strata, as required under section 121(d)

1 of the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980 (42
3 U.S.C. 9621(d)).

4 (B) A health advisory under section
5 1412(b)(1)(F) of the Safe Drinking Water Act
6 (42 U.S.C. 300g–1(b)(1)(F)).

7 (C) Any Federal standard, requirement,
8 criterion, or limit, including a standard, re-
9 quirement, criterion, or limit issued under—

10 (i) the Toxic Substances Control Act
11 (15 U.S.C. 2601 et seq.);

12 (ii) the Safe Drinking Water Act (42
13 U.S.C. 300f et seq.);

14 (iii) the Clean Air Act (42 U.S.C.
15 7401 et seq.);

16 (iv) the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1251 et seq.);

18 (v) the Marine Protection, Research,
19 and Sanctuaries Act of 1972 (commonly
20 known as the “Ocean Dumping Act”) (33
21 U.S.C. 1401 et seq.); or

22 (vi) the Solid Waste Disposal Act (42
23 U.S.C. 6901 et seq.).

24 (3) OTHER AUTHORITY.—In addition to the re-
25 quirements for a cooperative agreement under para-

1 graph (1), when otherwise authorized to expend
2 funds for the purpose of addressing ground or sur-
3 face water contaminated by a perfluorinated com-
4 pound, the head of a Federal department or agency
5 may, to expend those funds, enter into a grant
6 agreement, cooperative agreement, or contract
7 with—

8 (A) the local water authority with jurisdic-
9 tion over the contamination site, including—

10 (i) a public water system (as defined
11 in section 1401 of the Safe Drinking
12 Water Act (42 U.S.C. 300f)); and

13 (ii) a publicly owned treatment works
14 (as defined in section 212 of the Federal
15 Water Pollution Control Act (33 U.S.C.
16 1292)); or

17 (B) a State, local, or Tribal government.

18 (c) NOTIFICATION REQUIREMENT.—

19 (1) DEFINITION OF APPROPRIATE CONGRES-
20 SIONAL COMMITTEES.—In this subsection, the term
21 “appropriate congressional committees” means—

22 (A) the Committee on Environment and
23 Public Works of the Senate;

24 (B) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 (C) the Committee on Energy and Com-
2 merce of the House of Representatives; and

3 (D) the Committee on Oversight and Re-
4 form of the House of Representatives.

5 (2) REPORT.—

6 (A) IN GENERAL.—If a cooperative agree-
7 ment is not finalized or amended under sub-
8 section (b) by the date that is 1 year after the
9 date on which a request by the Governor or
10 chief executive of a State was made, the Presi-
11 dent shall submit a report described in subpara-
12 graph (B) to—

13 (i) the appropriate congressional com-
14 mittees;

15 (ii) each Senator from the State af-
16 fected by the perfluorinated compound con-
17 tamination; and

18 (iii) each member of Congress that
19 represents a district affected by the
20 perfluorinated compound contamination.

21 (B) REPORT DESCRIBED.—The report re-
22 ferred to in subparagraph (A) shall include—

23 (i) a detailed explanation of why a co-
24 operative agreement has not been finalized
25 or amended, as applicable; and

1 (ii) a projected timeline for finalizing
2 or amending a cooperative agreement, as
3 applicable.

4 **SEC. 15. LISTING OF PERFLUOROALKYL AND**
5 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
6 **ARDOUS AIR POLLUTANTS.**

7 (a) LISTING.—Not later than 180 days after the date
8 of enactment of this Act, the Administrator of the Envi-
9 ronmental Protection Agency shall issue a final rule add-
10 ing as a class all perfluoroalkyl and polyfluoroalkyl sub-
11 stances with at least one fully fluorinated carbon atom to
12 the list of hazardous air pollutants under section 112(b)
13 of the Clean Air Act (42 U.S.C. 7412(b)).

14 (b) SOURCES CATEGORIES.—Not later than 365 days
15 after the final rule is issued pursuant to subsection (a),
16 the Administrator of the Environmental Protection Agen-
17 cy shall revise the list under section 112(c)(1) of the Clean
18 Air Act (42 U.S.C. 7412(c)(1)) to include categories and
19 subcategories of major sources and area sources of
20 perfluoroalkyl and polyfluoroalkyl substances listed pursu-
21 ant to such final rule.

22 **SEC. 16. PROHIBITION ON WASTE INCINERATION OF PFAS.**

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

1 “(z) PFAS WASTES.—

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

8 “(A) all incineration is conducted in a
9 manner that eliminates perfluoroalkyl and
10 polyfluoroalkyl substances while also minimizing
11 perfluoroalkyl and polyfluoroalkyl substances
12 emitted into the air to the extent feasible;

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

16 “(C) any materials containing
17 perfluoroalkyl and polyfluoroalkyl substances
18 that are designated for disposal are stored in
19 accordance with the requirement under part
20 264 of title 40, Code of Federal Regulations;
21 and

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

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

5 **SEC. 17. LABEL FOR POTS, PANS, AND COOKING UTENSILS.**

6 (a) LABEL FOR POTS, PANS, AND COOKING UTEN-
7 SILS.—Not later than 1 year after the date of enactment
8 of this Act, the Administrator of the Environmental Pro-
9 tection Agency shall—

10 (1) revise the Safer Choice Standard of the
11 Safer Choice Program to identify the requirements
12 for a pot, pan, or cooking utensil to meet in order
13 to be labeled with a Safer Choice label, including a
14 requirement that any such pot, pan, or cooking
15 utensil does not contain any PFAS; or

16 (2) establish voluntary label available to be used
17 by any manufacturer of any pot, pan, or cooking
18 utensil that the Administrator has reviewed and
19 found does not contain any PFAS.

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

1 **SEC. 18. GUIDANCE ON MINIMIZING THE USE OF FIRE-**
2 **FIGHTING FOAM AND OTHER RELATED**
3 **EQUIPMENT CONTAINING ANY PFAS.**

4 (a) GUIDANCE.—Not later than one year after the
5 date of enactment of this Act, the Administrator of the
6 Environmental Protection Agency, in consultation with
7 the head of the U.S. Fire Administration and other rel-
8 evant Federal departments or agencies, shall issue guid-
9 ance on minimizing the use of firefighting foam and other
10 related equipment containing any PFAS by firefighters,
11 police officers, paramedics, emergency medical techni-
12 cians, and other first responders, in order to minimize the
13 risk to such firefighters, police officers, paramedics, emer-
14 gency medical technicians, and other first responders, and
15 the environment, without jeopardizing firefighting efforts.

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

