

116th Congress
2d Session

H. Res. ____

H.R. 535 - PFAS Action Act of 2019

1. Structured rule.
 2. Provides one hour of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.
 3. Waives all points of order against consideration of the bill.
 4. Provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-45, modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read.
 5. Waives all points of order against provisions in the bill, as amended.
 6. Makes in order only those further amendments printed in Part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.
 7. Waives all points of order against the amendments printed in Part B of the report.
 8. Provides one motion to recommit with or without instructions.
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RESOLUTION

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 535) to require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-45, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SUMMARY OF AMENDMENT IN PART A PROPOSED TO BE CONSIDERED AS ADOPTED

Sponsor	# Description
1. Pallone (NJ)	#22 (MANAGER'S) Makes technical changes in recognition of the fact that several sections of the bill have already been enacted into law and

creates an exemption from liability for federally required uses of PFAS at airports, so long as such use follows FAA standards and guidance.

SUMMARY OF AMENDMENTS IN PART B PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

Sponsor	# Description	Debate Time
1. Woodall (GA), DeSaulnier (CA)	#14 Amends Section 18 to ensure the FAA and State and local building code inspectors and fire marshals are at the guidance-making table. This will result in a broader collaborative dialogue that includes the risks posed by the use of foam suppression systems in aviation hangars.	(10 minutes)
2. Burgess (TX)	#8 Strikes Section 2, which directs the EPA to designate PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act.	(10 minutes)
3. Shimkus (IL)	#37 (LATE) Replaces section 5 of the Rules Committee Print with the same language except for the deletion of subparagraph (E) Health Protection, and subparagraph (H) Health Advisory.	(10 minutes)
4. Hudson (NC), Rouzer (NC)	#15 Directs the EPA to investigate methods to prevent contamination by GenX of surface waters, including source waters used for drinking water purposes.	(10 minutes)
5. Hudson (NC), Rouzer (NC)	#16 (REVISED) Clarifies that communities impacted by contamination of the chemical GenX are eligible for grants under this section.	(10 minutes)
6. Balderson (OH)	#28 Prevents implementation of the underlying bill until after the EPA Administrator certifies that its own PFAS Action Plan is completed.	(10 minutes)
7. Delgado (NY), Pappas	#27 Makes it illegal for an industrial facility to introduce PFAS into a sewage treatment system without first disclosing information about that	(10 minutes)

- substance.
- (NH),
Rouda
(CA),
Fitzpatrick
(PA),
Cisneros
(CA),
Kildee (MI)**
- 8. Pingree
(ME),
Spanberger
(VA)** #24 Expands EPA’s Safer Choice Program to include carpets, rugs, clothing, and upholstered furniture that do not contain PFAS. (10 minutes)
- 9. Kildee
(MI), Kind
(WI),
Gallagher
(WI)** #25 Creates a tool on EPA’s website to help people understand testing results for their well water and connect them to local health and government resources and authorizes \$1 million to be appropriated for fiscal year 2021 to carry this out. (10 minutes)
- 10.
Lawrence
(MI)** #10 Requires the EPA to make publicly available on its website, the results of a determination under subsection 2(b) no later than 60 days after such determination is made. (10 minutes)
- 11. Rice,
Kathleen
(NY), King,
Peter (NY),
Fitzpatrick
(PA),
Grijalva
(AZ),
Suozzi
(NY),
Cisneros
(CA),
Stevens
(MI)** #3 Increases authorization of appropriations for the PFAS Infrastructure Grant Program by 25 percent and designates the increase for reimbursing affected community water systems that have previously implemented eligible treatment technologies. (10 minutes)
- 12. Brown
(MD)** #19 **(REVISED)** Requires the Administrator of the Environmental Protection Agency to develop a national risk-communication strategy to inform the public about the hazards of PFAS substances. (10 minutes)
- 13. Pappas
(NH),
Rouda** #12 Requires the Administrator of the Environmental Protection Agency to review and develop effluent standards, pretreatment standards, and water (10 minutes)

(CA),
Delgado
(NY),
Fitzpatrick
(PA),
Kuster
(NH),
Cisneros
(CA),
Kildee (MI)

quality criteria for PFAS under the Federal Water Pollution Control Act. Authorizes \$100,000,000 in federal grants for each of the fiscal years 2021 through 2025, to publicly owned treatment works to implement pretreatment standards.

14. Plaskett (VI) #41 **(LATE)** Makes U.S. territories eligible for additional Safe Drinking Water Act funding to address emerging contaminants including PFAS. (10 minutes)

15. Brindisi (NY), Gallagher (WI), Reed (NY) #35 **(LATE)** Requires the EPA, within 180 days, to issue a final rule listing PFOS and PFOA as hazardous air pollutants under the Clean Air Act, while ensuring that EPA has access to the needed science before making regulatory decisions on other PFAS chemicals, to harmonize with other Comprehensive Environmental Response, Compensation, and Liability Act provisions in the bill. (10 minutes)

16. Kim (NJ) #11 Requires the EPA Administrator to offer for public comment those technologies deemed as effective at removing detectable amounts of PFAS from drinking water. (10 minutes)

17. Golden (ME) #32 Directs the EPA Administrator, in consultation with the U.S. Fire Administration, to submit an annual report to Congress on the effectiveness of the guidance required under Section 18 of the bill. The report shall include recommendations for congressional actions that the Administrator determines appropriate to assist efforts to reduce exposure to PFAS by firefighters and other first responders. (10 minutes)

18. Axne (IA) #38 **(LATE)** Authorizes the PFAS Infrastructure Grant Program for an additional three years. (10 minutes)

19. Tlaib (MI), Ocasio-Cortez (NY), Barragán #33 **(REVISED)** Adds the term “disproportionately exposed communities” to “disadvantaged communities.” Disproportionately exposed communities are defined as those in which climate change, pollution, or environmental destruction have exacerbated systemic racial, (10 minutes)

(CA)

regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth.

20. Malinowski (NJ)

#26 (REVISED) Adds stain resistant, water resistant, and grease resistant coatings that are not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act to the list of products eligible for a voluntary label indicating an absence of PFAS. (10 minutes)

21. Levin, Andy (MI)

#40 (LATE) (REVISED) Requires within 5 years a study of EPA actions under CERCLA to clean up PFAS contamination sites. (10 minutes)

22. Slotkin (MI)

#31 (REVISED) Requires the Administrator of the Environmental Protection Agency (EPA), in consultation with other relevant government agencies, to report to Congress on efforts to identify viable alternatives to firefighting foam and other related equipment containing PFAS. (10 minutes)