

116TH CONGRESS
1ST SESSION

H. R. 2608

To require the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To require the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Testing Act of
5 2019”.

6 **SEC. 2. TESTING OF PERFLUOROALKYL AND**
7 **POLYFLUOROALKYL SUBSTANCES.**

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

1 “(5) PERFLUOROALKYL AND
2 POLYFLUOROALKYL SUBSTANCES ORDER.—Notwith-
3 standing paragraphs (1) through (4), not later than
4 60 days after the date of enactment of this para-
5 graph, the Administrator shall, by order, require
6 that comprehensive toxicity testing be conducted on
7 all chemical substances that are perfluoroalkyl and
8 polyfluoroalkyl substances.”.

9 (b) PERSONS SUBJECT TO ORDER.—Section 4(b)(3)
10 of the Toxic Substances Control Act (15 U.S.C.
11 2603(b)(3)) is amended—

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

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

16 “(D) An order under subsection (a)(5) shall require
17 the development of information by any person who manu-
18 factures or processes, or intends to manufacture or proc-
19 ess, a chemical substance that is a perfluoroalkyl or
20 polyfluoroalkyl substance.”.

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

1 “(i) PERFLUOROALKYL AND POLYFLUOROALKYL
2 SUBSTANCES.—

3 “(1) TESTING REQUIREMENT ORDER.—

4 “(A) PROTOCOLS AND METHODOLOGIES.—

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

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

18 “(2) EXEMPTIONS.—Notwithstanding sub-
19 section (c)(2)(A), the Administrator may only make
20 a determination under subsection (c)(2)(B) that sub-
21 mission of information on a chemical substance that
22 is a perfluoroalkyl or polyfluoroalkyl substance re-
23 quired by an order under subsection (a)(5) would be
24 duplicative of information that has been submitted
25 to the Administrator in accordance with such order,

1 or which is being developed pursuant to such order,
 2 if the information concerns the chemical substance
 3 with the same specific chemical identity as the chem-
 4 ical substance for which the application for an ex-
 5 emption is submitted.”.

6 **SEC. 3. REPORTING AND RETENTION OF INFORMATION.**

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

10 “(7) PERFLUOROALKYL AND
 11 POLYFLUOROALKYL SUBSTANCES.—

12 “(A) SUBMISSION OF INFORMATION.—Not-
 13 withstanding any other requirement of law, not
 14 later than 60 days after the date of enactment
 15 of this paragraph, each person who manufac-
 16 tures or processes a chemical substance that is
 17 a perfluoroalkyl or polyfluoroalkyl substance
 18 shall submit to the Administrator—

19 “(i) all records of significant adverse
 20 reactions to health or the environment al-
 21 leged to have been caused by such chemical
 22 substances; and

23 “(ii) all health and safety studies re-
 24 lated to such chemical substances of which
 25 the person is aware.

1 “(B) AVAILABILITY.—Not later than 4
2 months after the date of enactment of this
3 paragraph, the Administrator shall make stud-
4 ies submitted under subparagraph (A)(ii) avail-
5 able to the public.”.

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