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116TH CONGRESS
1ST SESSION

S. 1507

To include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Mrs. CAPITO (for herself, Mrs. GILLIBRAND, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JUNE 19, 2019

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, 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 Release Diselo-
5 sure Act”.

1 **SEC. 2. ADDITIONS TO TOXICS RELEASE INVENTORY.**

2 (a) DEFINITIONS.—In this section:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) TOXICS RELEASE INVENTORY.—The term
7 “toxics release inventory” means the toxics release
8 inventory under section 313(c) of the Emergency
9 Planning and Community Right-To-Know Act of
10 1986 (42 U.S.C. 11023(c)).

11 (b) IMMEDIATE INCLUSION.—

12 (1) IN GENERAL.—Subject to subsection (c),
13 beginning January 1 of the calendar year following
14 the date of enactment of this Act, the following
15 chemicals shall be deemed to be included in the
16 toxics release inventory:

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

20 (B) The salt associated with the chemical
21 described in subparagraph (A) (Chemical Ab-
22 stracts Service No. 3825–26–1).

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

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Abstract Service Nos. ~~45298-90-6~~, ~~29457-72-5~~, ~~56773-42-3~~, ~~29081-56-9~~, ~~4021-47-0~~, ~~111873-33-7~~, and ~~91036-71-4~~).

(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)); and

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

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

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

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 313(f)(1) of the Emergency Planning and

Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) is 100 pounds.

(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted; and

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

(c) INCLUSION FOLLOWING ASSESSMENT.—

(1) IN GENERAL.—Subject to subsection (e), a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances shall be automatically included in the toxics release inventory beginning January 1 of the calendar year after any of the following dates:

(A) ESTABLISHMENT OF TOXICITY VALUE.—The date on which the Administrator establishes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or

1 class of perfluoroalkyl or polyfluoroalkyl sub-
2 stances.

3 (B) SIGNIFICANT NEW USE RULE.—The
4 date on which the Administrator finalizes a sig-
5 nificant new use rule under subsection (a)(2) or
6 (f) of section 5 of the Toxic Substances Control
7 Act (15 U.S.C. 2604) for the perfluoroalkyl or
8 polyfluoroalkyl substance or class of
9 perfluoroalkyl or polyfluoroalkyl substances.

10 (C) ADDITION TO EXISTING SIGNIFICANT
11 NEW USE RULE.—The date on which the
12 perfluoroalkyl or polyfluoroalkyl substance or
13 class of perfluoroalkyl or polyfluoroalkyl sub-
14 stances is added to a list of substances covered
15 by a significant new use rule under subsection
16 (a)(2) or (f) of section 5 of the Toxic Sub-
17 stances Control Act (15 U.S.C. 2604).

18 (D) ADDITION AS ACTIVE CHEMICAL SUB-
19 STANCE.—The date on which the perfluoroalkyl
20 or polyfluoroalkyl substance or class of
21 perfluoroalkyl or polyfluoroalkyl substances that
22 is on a list of substances covered by a signifi-
23 cant new use rule under subsection (a)(2) or (f)
24 of section 5 of the Toxic Substances Control
25 Act (15 U.S.C. 2604) is added as an active

chemical substance on the inventory under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)).

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the thresholds under subparagraph (A) is warranted; and

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

(d) INCLUSION FOLLOWING DETERMINATION.—

(1) IN GENERAL.—To the extent not already subject to subsection (b), not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)) for inclusion in the toxics release inventory.

(2) SUBSTANCES DESCRIBED.—The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances, including—

(A) hexafluoropropylene oxide dimer acid (Chemical Abstracts Service No. 13252-13-6);

(B) the compounds associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 62037-80-3 and 2062-98-8);

(C) perfluoro[(2-pentafluoroethoxyethoxy)acetic acid] ammonium salt (Chemical Abstracts Service No. 908020-52-0);

(D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluo-

1 ride (Chemical Abstracts Service No. 2479-75-
2 6);

3 (E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
4 hexafluoro)-2-(trifluoromethoxy) propionic acid
5 (Chemical Abstracts Service No. 2479-73-4);

6 (F) 3H-perfluoro-3-[(3-methoxy-propoxy)
7 propanoic acid] (Chemical Abstracts Service
8 No. 919005-14-4);

9 (G) the salts associated with the chemical
10 described in subparagraph (F) (Chemical Ab-
11 stracts Service Nos. 958445-44-8, 1087271-
12 46-2, and NOCAS__892452);

13 (H) 1-octanesulfonic acid
14 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium
15 salt (Chemical Abstracts Service No. 59587-
16 38-1);

17 (I) perfluorobutanesulfonic acid (Chemical
18 Abstracts Service No. 375-73-5);

19 (J) 1-Butanesulfonic acid;
20 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt
21 (Chemical Abstracts Service No. 29420-49-3);

22 (K) the component associated with the
23 chemical described in subparagraph (J) (Chem-
24 ical Abstracts Service No. 45187-15-3);

1 (L) heptafluorobutyric acid (Chemical Ab-
2 stracts Service No. 375-22-4);

3 (M) perfluorohexanoic acid (Chemical Ab-
4 stracts Service No. 307-24-4); and

5 (N) a perfluoroalkyl and polyfluoroalkyl
6 substance or class of perfluoroalkyl or
7 polyfluoroalkyl substances other than those
8 chemicals described in subparagraphs (A)
9 through (M) that is used to manufacture
10 fluoropolymers, as determined by the Adminis-
11 trator.

12 ~~(3) ADDITION TO TOXICS RELEASE INVEN-~~
13 ~~TORY.—Subject to subsection (c), if the Adminis-~~
14 ~~trator determines under paragraph (1) that a sub-~~
15 ~~stance or a class of substances described in para-~~
16 ~~graph (2) meets the criteria described in section~~
17 ~~313(d)(2) of the Emergency Planning and Commu-~~
18 ~~nity Right-To-Know Act of 1986 (42 U.S.C.~~
19 ~~11023(d)(2)), the Administrator shall revise the~~
20 ~~toxics release inventory to include that substance or~~
21 ~~class of substances not later than 2 years after the~~
22 ~~date on which the Administrator makes the deter-~~
23 ~~mination.~~

24 ~~(c) CONFIDENTIAL BUSINESS INFORMATION.—~~

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

11 (A) review that claim of protection from
12 disclosure; and

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

17 (2) NONDISCLOSURE OF PROTECTION INFORMA-
18 TION.—If the Administrator determines that the
19 chemical identity of a perfluoroalkyl or
20 polyfluoroalkyl substance or class of perfluoroalkyl
21 or polyfluoroalkyl substances qualifies for protection
22 from disclosure under paragraph (1), the Adminis-
23 trator shall include the substance or class of sub-
24 stances, as applicable, on the toxics release inventory

1 in a manner that does not disclose the protected in-
 2 formation.

3 ~~(f) EMERGENCY PLANNING AND COMMUNITY RIGHT-~~
 4 ~~TO-KNOW ACT OF 1986.—Section 313(c) of the Emer-~~
 5 ~~gency Planning and Community Right-To-Know Act of~~
 6 ~~1986 (42 U.S.C. 11023(c)) is amended—~~

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

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

11 “(1) the chemicals”; and

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

13 “(2) the chemicals included under subsections
 14 (b)(1), (c)(1), and (d)(3) of section 2 of the PFAS
 15 Release Disclosure Act.”.

16 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

17 (a) *SHORT TITLE.*—*This Act may be cited as the*
 18 *“PFAS Release Disclosure and Protection Act of 2019”.*

19 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 20 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Administrator.

TITLE I—PFAS RELEASE DISCLOSURE

Sec. 101. Additions to toxics release inventory.

TITLE II—DRINKING WATER

Sec. 201. National primary drinking water regulations for PFAS.

Sec. 202. Monitoring and detection.

Sec. 203. Enforcement.

Sec. 204. Drinking water state revolving funds.

TITLE III—PFAS DETECTION

Sec. 301. Definitions.

Sec. 302. Performance standard for the detection of perfluorinated compounds.

Sec. 303. Nationwide sampling.

Sec. 304. Data usage.

Sec. 305. Collaboration.

Sec. 306. Authorization of appropriations.

TITLE IV—SAFE DRINKING WATER ASSISTANCE

Sec. 401. Definitions.

Sec. 402. Research and coordination plan for enhanced response on emerging contaminants.

TITLE V—MISCELLANEOUS

Sec. 501. Department of Defense authorities.

Sec. 502. PFAS data call.

Sec. 503. Significant new use rule for long-chain PFAS.

Sec. 504. PFAS destruction and disposal guidance.

Sec. 505. PFAS research and development.

1 **SEC. 2. DEFINITION OF ADMINISTRATOR.**

2 *In this Act, the term “Administrator” means the Ad-*
 3 *ministrator of the Environmental Protection Agency.*

4 **TITLE I—PFAS RELEASE**
 5 **DISCLOSURE**

6 **SEC. 101. ADDITIONS TO TOXICS RELEASE INVENTORY.**

7 (a) *DEFINITION OF TOXICS RELEASE INVENTORY.—In*
 8 *this section, the term “toxics release inventory” means the*
 9 *toxics release inventory under section 313(c) of the Emer-*
 10 *gency Planning and Community Right-To-Know Act of*
 11 *1986 (42 U.S.C. 11023(c)).*

12 (b) *IMMEDIATE INCLUSION.—*

13 (1) *IN GENERAL.—Subject to subsection (e), be-*
 14 *ginning January 1 of the calendar year following the*
 15 *date of enactment of this Act, the following chemicals*

1 *shall be deemed to be included in the toxics release in-*
2 *ventory:*

3 *(A) Perfluorooctanoic acid (commonly re-*
4 *ferred to as “PFOA”) (Chemical Abstracts Serv-*
5 *ice No. 335–67–1).*

6 *(B) The salt associated with the chemical*
7 *described in subparagraph (A) (Chemical Ab-*
8 *stracts Service No. 3825–26–1).*

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

12 *(D) The salts associated with the chemical*
13 *described in subparagraph (C) (Chemical Ab-*
14 *stract Service Nos. 45298–90–6, 29457–72–5,*
15 *56773–42–3, 29081–56–9, 4021–47–0, 111873–*
16 *33–7, and 91036–71–4).*

17 *(E) A perfluoroalkyl or polyfluoroalkyl sub-*
18 *stance or class of perfluoroalkyl or*
19 *polyfluoroalkyl substances that is—*

20 *(i) listed as an active chemical sub-*
21 *stance in the February 2019 update to the*
22 *inventory under section 8(b)(1) of the Toxic*
23 *Substances Control Act (15 U.S.C.*
24 *2607(b)(1)); and*

1 (ii) on the date of enactment of this
2 Act, subject to the provisions of—

3 (I) section 721.9582 of title 40,
4 Code of Federal Regulations; or
5 (II) section 721.10536 of title 40,
6 Code of Federal Regulations.

7 (2) *THRESHOLD FOR REPORTING.*—

8 (A) *IN GENERAL.*—Subject to subparagraph
9 (B), the threshold for reporting the chemicals de-
10 scribed in paragraph (1) under section 313(f)(1)
11 of the Emergency Planning and Community
12 Right-To-Know Act of 1986 (42 U.S.C.
13 11023(f)(1)) is 100 pounds.

14 (B) *REVISIONS.*—Not later than 5 years
15 after the date of enactment of this Act, the Ad-
16 ministrator shall—

17 (i) determine whether revision of the
18 threshold under subparagraph (A) is war-
19 ranted; and

20 (ii) if the Administrator determines a
21 revision to be warranted under clause (i),
22 initiate a revision under section 313(f)(2) of
23 the Emergency Planning and Community
24 Right-To-Know Act of 1986 (42 U.S.C.
25 11023(f)(2)).

1 (c) *INCLUSION FOLLOWING ASSESSMENT.*—

2 (1) *IN GENERAL.*—Subject to subsection (e), a
3 perfluoroalkyl or polyfluoroalkyl substance or class of
4 perfluoroalkyl or polyfluoroalkyl substances shall be
5 automatically included in the toxics release inventory
6 beginning January 1 of the calendar year after any
7 of the following dates:

8 (A) *ESTABLISHMENT OF TOXICITY VALUE.*—

9 The date on which the Administrator establishes
10 a toxicity value for the perfluoroalkyl or
11 polyfluoroalkyl substance or class of
12 perfluoroalkyl or polyfluoroalkyl substances.

13 (B) *SIGNIFICANT NEW USE RULE.*—The

14 date on which the Administrator finalizes a sig-
15 nificant new use rule under subsection (a)(2) of
16 section 5 of the Toxic Substances Control Act (15
17 U.S.C. 2604), except a significant new use rule
18 promulgated in connection with an order issued
19 under subsection (e) of that section, for the
20 perfluoroalkyl or polyfluoroalkyl substance or
21 class of perfluoroalkyl or polyfluoroalkyl sub-
22 stances.

23 (C) *ADDITION TO EXISTING SIGNIFICANT*

24 *NEW USE RULE.*—The date on which the
25 perfluoroalkyl or polyfluoroalkyl substance or

1 *class of perfluoroalkyl or polyfluoroalkyl sub-*
2 *stances is added to a list of substances covered by*
3 *a significant new use rule previously promul-*
4 *gated under subsection (a)(2) of section 5 of the*
5 *Toxic Substances Control Act (15 U.S.C. 2604),*
6 *except a significant new use rule promulgated in*
7 *connection with an order issued under subsection*
8 *(e) of that section.*

9 *(D) ADDITION AS ACTIVE CHEMICAL SUB-*
10 *STANCE.—The date on which the perfluoroalkyl*
11 *or polyfluoroalkyl substance or class of*
12 *perfluoroalkyl or polyfluoroalkyl substances that*
13 *is on a list of substances covered by a significant*
14 *new use rule under subsection (a)(2) of section 5*
15 *of the Toxic Substances Control Act (15 U.S.C.*
16 *2604), except a significant new use rule promul-*
17 *gated in connection with an order issued under*
18 *subsection (e) of that section, is—*

19 *(i) added to the inventory under sub-*
20 *section (b)(1) of section 8 of the Toxic Sub-*
21 *stances Control Act (15 U.S.C. 2607) and*
22 *designated as an active chemical substance*
23 *under subsection (b)(5)(A) of that section;*
24 *or*

1 (ii) designated as an active chemical
 2 substance on the inventory in accordance
 3 with subsection (b)(5)(B) of that section.

4 (2) *THRESHOLD FOR REPORTING.*—

5 (A) *IN GENERAL.*—Subject to subparagraph
 6 (B), the threshold for reporting under section
 7 313(f)(1) of the Emergency Planning and Com-
 8 munity Right-To-Know Act of 1986 (42 U.S.C.
 9 11203(f)(1)) the substances and classes of sub-
 10 stances included in the toxics release inventory
 11 under paragraph (1) is 100 pounds.

12 (B) *REVISIONS.*—Not later than 5 years
 13 after the date of enactment of this Act, the Ad-
 14 ministrator shall—

15 (i) determine whether revision of the
 16 thresholds under subparagraph (A) is war-
 17 ranted; and

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

24 (d) *INCLUSION FOLLOWING DETERMINATION.*—

1 (1) *IN GENERAL.*—*To the extent not already sub-*
 2 *ject to subsection (b), not later than 2 years after the*
 3 *date of enactment of this Act, the Administrator shall*
 4 *determine whether the substances and classes of sub-*
 5 *stances described in paragraph (2) meet the criteria*
 6 *described in section 313(d)(2) of the Emergency Plan-*
 7 *ning and Community Right-To-Know Act of 1986 (42*
 8 *U.S.C. 11023(d)(2)) for inclusion in the toxics release*
 9 *inventory.*

10 (2) *SUBSTANCES DESCRIBED.*—*The substances*
 11 *and classes of substances referred to in paragraph (1)*
 12 *are perfluoroalkyl and polyfluoroalkyl substances and*
 13 *classes of perfluoroalkyl and polyfluoroalkyl sub-*
 14 *stances, including—*

15 (A) *hexafluoropropylene oxide dimer acid*
 16 *(Chemical Abstracts Service No. 13252-13-6);*

17 (B) *the compounds associated with the*
 18 *chemical described in subparagraph (A) (Chem-*
 19 *ical Abstracts Service Nos. 62037-80-3 and*
 20 *2062-98-8);*

21 (C) *perfluoro[(2-pentafluoroethoxy-*
 22 *ethoxy)acetic acid] ammonium salt (Chemical*
 23 *Abstracts Service No. 908020-52-0);*

24 (D) *2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-*
 25 *hexafluoro)-2-(trifluoromethoxy) propanoyl fluo-*

1 *ride (Chemical Abstracts Service No. 2479-75-*
 2 *6);*

3 *(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-*
 4 *hexafluoro)-2-(trifluoromethoxy) propionic acid*
 5 *(Chemical Abstracts Service No. 2479-73-4);*

6 *(F) 3H-perfluoro-3-[(3-methoxy-propoxy)*
 7 *propanoic acid] (Chemical Abstracts Service No.*
 8 *919005-14-4);*

9 *(G) the salts associated with the chemical*
 10 *described in subparagraph (F) (Chemical Ab-*
 11 *stracts Service Nos. 958445-44-8, 1087271-46-*
 12 *2, and NOCAS__892452);*

13 *(H) 1-octanesulfonic acid*
 14 *3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium salt*
 15 *(Chemical Abstracts Service No. 59587-38-1);*

16 *(I) perfluorobutanesulfonic acid (Chemical*
 17 *Abstracts Service No. 375-73-5);*

18 *(J) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-*
 19 *nonafluoro-potassium salt (Chemical Abstracts*
 20 *Service No. 29420-49-3);*

21 *(K) the component associated with the*
 22 *chemical described in subparagraph (J) (Chem-*
 23 *ical Abstracts Service No. 45187-15-3);*

24 *(L) heptafluorobutyric acid (Chemical Ab-*
 25 *stracts Service No. 375-22-4);*

1 (M) perfluorohexanoic acid (Chemical Ab-
2 stracts Service No. 307-24-4);

3 (N) each perfluoroalkyl or polyfluoroalkyl
4 substance or class of perfluoroalkyl or
5 polyfluoroalkyl substances for which a method to
6 measure levels in drinking water has been vali-
7 dated by the Administrator; and

8 (O) a perfluoroalkyl and polyfluoroalkyl
9 substance or class of perfluoroalkyl or
10 polyfluoroalkyl substances other than the chemi-
11 cals described in subparagraphs (A) through (N)
12 that is used to manufacture fluoropolymers, as
13 determined by the Administrator.

14 (3) ADDITION TO TOXICS RELEASE INVENTORY.—
15 Subject to subsection (e), if the Administrator deter-
16 mines under paragraph (1) that a substance or a
17 class of substances described in paragraph (2) meets
18 the criteria described in section 313(d)(2) of the
19 Emergency Planning and Community Right-To-
20 Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Ad-
21 ministrator shall revise the toxics release inventory to
22 include that substance or class of substances not later
23 than 2 years after the date on which the Adminis-
24 trator makes the determination.

25 (e) CONFIDENTIAL BUSINESS INFORMATION.—

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

10 (A) review that claim of protection from
11 disclosure; and

12 (B) require that person to reassert and sub-
13 stantiate or resubstantiate that claim in accord-
14 ance with section 14(f) of the Toxic Substances
15 Control Act (15 U.S.C. 2613(f)).

16 (2) *NONDISCLOSURE OF PROTECTED INFORMA-*
17 *TION.*—If the Administrator determines that the
18 chemical identity of a perfluoroalkyl or
19 polyfluoroalkyl substance or class of perfluoroalkyl or
20 polyfluoroalkyl substances qualifies for protection
21 from disclosure under paragraph (1), the Adminis-
22 trator shall include the substance or class of sub-
23 stances, as applicable, on the toxics release inventory
24 in a manner that does not disclose the protected infor-
25 mation.

1 (f) *EMERGENCY PLANNING AND COMMUNITY RIGHT-*
 2 *TO-KNOW ACT OF 1986.*—Section 313(c) of the *Emergency*
 3 *Planning and Community Right-To-Know Act of 1986* (42
 4 *U.S.C. 11023(c))* is amended—

5 (1) *by striking the period at the end and insert-*
 6 *ing “; and”;*

7 (2) *by striking “are those chemicals” and insert-*
 8 *ing the following: “are—*

9 *“(1) the chemicals”;* and

10 (3) *by adding at the end the following:*

11 *“(2) the chemicals included under subsections*
 12 *(b)(1), (c)(1), and (d)(3) of section 101 of the PFAS*
 13 *Release Disclosure and Protection Act of 2019.”.*

14 ***TITLE II—DRINKING WATER***

15 ***SEC. 201. NATIONAL PRIMARY DRINKING WATER REGULA-*** 16 ***TIONS FOR PFAS.***

17 Section 1412(b)(2) of the *Safe Drinking Water Act* (42
 18 *U.S.C. 300g–1(b)(2))* is amended by adding at the end the
 19 *following:*

20 “(D) *PERFLUOROALKYL* *AND*
 21 *POLYFLUOROALKYL SUBSTANCES.*—

22 “(i) *IN GENERAL.*—Not later than 2
 23 *years after the date of enactment of this*
 24 *subparagraph, the Administrator shall pro-*
 25 *mulgate a national primary drinking water*

1 regulation for perfluoroalkyl and
2 polyfluoroalkyl substances, which shall, at a
3 minimum, include standards for—

4 “(I) perfluorooctanoic acid (com-
5 monly referred to as ‘PFOA’); and

6 “(II) perfluorooctane sulfonic acid
7 (commonly referred to as ‘PFOS’).

8 “(ii) *ALTERNATIVE PROCEDURES.*—

9 “(I) *IN GENERAL.*—Not later than
10 1 year after the validation by the Ad-
11 ministrator of an equally effective
12 quality control and testing procedure
13 to ensure compliance with that na-
14 tional primary drinking water regula-
15 tion to measure the levels described in
16 subclause (II) or other methods to de-
17 tect and monitor perfluoroalkyl and
18 polyfluoroalkyl substances in drinking
19 water, the Administrator shall add the
20 procedure or method as an alternative
21 to the quality control and testing pro-
22 cedure described in that national pri-
23 mary drinking water regulation by
24 publishing the procedure or method in
25 the Federal Register.

1 “(II) *LEVELS DESCRIBED.*—The
2 levels referred to in subclause (I) are—

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

6 “(bb) the total levels of
7 perfluoroalkyl and polyfluoroalkyl
8 substances; and

9 “(cc) the total levels of or-
10 ganic fluorine.

11 “(iii) *INCLUSIONS.*—The Adminis-
12 trator may include a perfluoroalkyl or
13 polyfluoroalkyl substance or class of
14 perfluoroalkyl or polyfluoroalkyl substances
15 on—

16 “(I) the list of contaminants for
17 consideration of regulation under
18 paragraph (1)(B)(i); and

19 “(II) the list of unregulated con-
20 taminants to be monitored under sec-
21 tion 1445(a)(2)(B)(i).

22 “(iv) *MONITORING.*—When establishing
23 monitoring requirements for public water
24 systems as part of a national primary
25 drinking water regulation under clause (i)

1 or clause (vi)(II), the Administrator shall
2 tailor the monitoring requirements for pub-
3 lic water systems that do not detect or are
4 reliably and consistently below the max-
5 imum contaminant level (as defined in sec-
6 tion 1418(b)(2)(B)) for the perfluoroalkyl or
7 polyfluoroalkyl substance or class of
8 perfluoroalkyl or polyfluoroalkyl substances
9 subject to the national primary drinking
10 water regulation.

11 “(v) *HEALTH RISK REDUCTION AND*
12 *COST ANALYSIS.*—In meeting the require-
13 ments of paragraph (3)(C), the Adminis-
14 trator may rely on information available to
15 the Administrator with respect to 1 or more
16 specific perfluoroalkyl or polyfluoroalkyl
17 substances to extrapolate reasoned conclu-
18 sions regarding the health risks and effects
19 of a class of perfluoroalkyl or
20 polyfluoroalkyl substances of which the spe-
21 cific perfluoroalkyl or polyfluoroalkyl sub-
22 stances are a part.

23 “(vi) *REGULATION OF ADDITIONAL*
24 *SUBSTANCES.*—

1 “(I) DETERMINATION.—The Ad-
 2 ministrators shall make a determina-
 3 tion under paragraph (1)(A), using the
 4 criteria described in clauses (i) through
 5 (iii) of that paragraph, whether to in-
 6 clude a perfluoroalkyl or
 7 polyfluoroalkyl substance or class of
 8 perfluoroalkyl or polyfluoroalkyl sub-
 9 stances in the national primary drink-
 10 ing water regulation under clause (i)
 11 not later than 18 months after the later
 12 of—

13 “(aa) the date on which the
 14 perfluoroalkyl or polyfluoroalkyl
 15 substance or class of
 16 perfluoroalkyl or polyfluoroalkyl
 17 substances is listed on the list of
 18 contaminants for consideration of
 19 regulation under paragraph
 20 (1)(B)(i); and

21 “(bb) the date on which—

22 “(AA) the Adminis-
 23 trator has received the results
 24 of monitoring under section
 25 1445(a)(2)(B) for the

1 *perfluoroalkyl* *or*
 2 *polyfluoroalkyl* *substance or*
 3 *class of perfluoroalkyl or*
 4 *polyfluoroalkyl substance; or*

5 “(BB) *the Adminis-*
 6 *trator has received finished*
 7 *water data or finished water*
 8 *monitoring surveys for the*
 9 *perfluoroalkyl* *or*
 10 *polyfluoroalkyl substance or*
 11 *class of perfluoroalkyl or*
 12 *polyfluoroalkyl substances*
 13 *from a Federal or State*
 14 *agency that the Adminis-*
 15 *trator determines to be suffi-*
 16 *cient to make a determina-*
 17 *tion under paragraph (1)(A).*

18 “(II) *PRIMARY DRINKING WATER*

19 *REGULATIONS.—*

20 “(aa) *IN GENERAL.—For*
 21 *each perfluoroalkyl or*
 22 *polyfluoroalkyl substance or class*
 23 *of perfluoroalkyl or*
 24 *polyfluoroalkyl substances that the*
 25 *Administrator determines to regu-*

1 *late under subclause (I), the Ad-*
2 *ministrator—*

3 *“(AA) not later than 18*
4 *months after the date on*
5 *which the Administrator*
6 *makes the determination,*
7 *shall propose a national pri-*
8 *mary drinking water regula-*
9 *tion for the perfluoroalkyl or*
10 *polyfluoroalkyl substance or*
11 *class of perfluoroalkyl or*
12 *polyfluoroalkyl substances;*
13 *and*

14 *“(BB) may publish the*
15 *proposed national primary*
16 *drinking water regulation*
17 *described in subitem (AA)*
18 *concurrently with the publi-*
19 *cation of the determination*
20 *to regulate the perfluoroalkyl*
21 *or polyfluoroalkyl substance*
22 *or class of perfluoroalkyl or*
23 *polyfluoroalkyl substances.*

24 *“(bb) DEADLINE.—*

1 “(AA) *IN GENERAL.*—
 2 *Not later than 1 year after*
 3 *the date on which the Ad-*
 4 *ministrator publishes a pro-*
 5 *posed national primary*
 6 *drinking water regulation*
 7 *under item (aa)(AA) and*
 8 *subject to subitem (BB), the*
 9 *Administrator shall take*
 10 *final action on the proposed*
 11 *national primary drinking*
 12 *water regulation.*

13 “(BB) *EXTENSION.*—
 14 *The Administrator, on publi-*
 15 *cation of notice in the Fed-*
 16 *eral Register, may extend the*
 17 *deadline under subitem (AA)*
 18 *by not more than 6 months.*

19 “(vii) *LIFETIME DRINKING WATER*
 20 *HEALTH ADVISORY.*—

21 “(I) *IN GENERAL.*—*Subject to*
 22 *subclause (II), the Administrator shall*
 23 *publish a health advisory under para-*
 24 *graph (1)(F) for a perfluoroalkyl or*
 25 *polyfluoroalkyl substance or class of*

1 *perfluoroalkyl or polyfluoroalkyl sub-*
2 *stances not later than 1 year after the*
3 *later of—*

4 “(aa) *the date on which the*
5 *Administrator finalizes a toxicity*
6 *value for the perfluoroalkyl or*
7 *polyfluoroalkyl substance or class*
8 *of perfluoroalkyl or*
9 *polyfluoroalkyl substances; and*

10 “(bb) *the date on which the*
11 *Administrator validates an effec-*
12 *tive quality control and testing*
13 *procedure for the perfluoroalkyl or*
14 *polyfluoroalkyl substance or class*
15 *of perfluoroalkyl or*
16 *polyfluoroalkyl substance, if such*
17 *a procedure did not exist on the*
18 *date on which the toxicity value*
19 *described in item (aa) was final-*
20 *ized.*

21 “(II) *WAIVER.—The Adminis-*
22 *trator may waive the requirements of*
23 *subclause (I) with respect to a*
24 *perfluoroalkyl or polyfluoroalkyl sub-*
25 *stance or class of perfluoroalkyl and*

1 *polyfluoroalkyl substances if the Ad-*
 2 *ministrator determines that there is a*
 3 *substantial likelihood that the*
 4 *perfluoroalkyl or polyfluoroalkyl sub-*
 5 *stance or class of perfluoroalkyl or*
 6 *polyfluoroalkyl substances will not*
 7 *occur in drinking water.”.*

8 **SEC. 202. MONITORING AND DETECTION.**

9 *(a) MONITORING PROGRAM FOR UNREGULATED CON-*
 10 *TAMINANTS.—*

11 *(1) IN GENERAL.—The Administrator shall in-*
 12 *clude each substance described in paragraph (2) in*
 13 *the fifth publication of the list of unregulated con-*
 14 *taminants to be monitored under section*
 15 *1445(a)(2)(B)(i) of the Safe Drinking Water Act (42*
 16 *U.S.C. 300j–4(a)(2)(B)(i)).*

17 *(2) SUBSTANCES DESCRIBED.—The substances*
 18 *referred to in paragraph (1) are perfluoroalkyl and*
 19 *polyfluoroalkyl substances and classes of*
 20 *perfluoroalkyl and polyfluoroalkyl substances—*

21 *(A) for which a method to measure the level*
 22 *in drinking water has been validated by the Ad-*
 23 *ministrator; and*

24 *(B) that are not subject to a national pri-*
 25 *mary drinking water regulation under clause (i)*

1 or (vi)(II) of subparagraph (D) of section
 2 1412(b)(2) of the Safe Drinking Water Act (42
 3 U.S.C. 300g-1(b)(2)).

4 (3) *EXCEPTION.*—The perfluoroalkyl and
 5 polyfluoroalkyl substances and classes of
 6 perfluoroalkyl and polyfluoroalkyl substances included
 7 in the list of unregulated contaminants to be mon-
 8 itored under section 1445(a)(2)(B)(i) of the Safe
 9 Drinking Water Act (42 U.S.C. 300j-4(a)(2)(B)(i))
 10 under paragraph (1) shall not count towards the
 11 limit of 30 unregulated contaminants to be monitored
 12 by public water systems under that section.

13 (b) *APPLICABILITY.*—

14 (1) *IN GENERAL.*—The Administrator shall—

15 (A) require public water systems serving
 16 more than 10,000 persons to monitor for the sub-
 17 stances described in subsection (a)(2);

18 (B) subject to paragraph (2) and the avail-
 19 ability of appropriations, require public water
 20 systems serving not fewer than 3,300 and not
 21 more than 10,000 persons to monitor for the sub-
 22 stances described in subsection (a)(2); and

23 (C) subject to paragraph (2) and the avail-
 24 ability of appropriations, ensure that only a rep-
 25 resentative sample of public water systems serv-

1 ing fewer than 3,300 persons are required to
 2 monitor for the substances described in sub-
 3 section (a)(2).

4 (2) *REQUIREMENT.*—If the Administrator deter-
 5 mines that there is not sufficient laboratory capacity
 6 to carry out the monitoring required under subpara-
 7 graphs (B) and (C) of paragraph (1), the Adminis-
 8 trator may waive the monitoring requirements in
 9 those subparagraphs.

10 (3) *FUNDS.*—The Administrator shall pay the
 11 reasonable cost of such testing and laboratory anal-
 12 ysis as is necessary to carry out the monitoring re-
 13 quired under paragraph (1) from—

14 (A) funds made available under subsection
 15 (a)(2)(H) or (j)(5) of section 1445 of the Safe
 16 Drinking Water Act (42 U.S.C. 300j–4); or

17 (B) any other funds made available for that
 18 purpose.

19 **SEC. 203. ENFORCEMENT.**

20 Notwithstanding any other provision of law, the Ad-
 21 ministrator may not impose financial penalties for the vio-
 22 lation of a national primary drinking water regulation (as
 23 defined in section 1401 of the Safe Drinking Water Act (42
 24 U.S.C. 300f)) with respect to a perfluoroalkyl or
 25 polyfluoroalkyl substance or class of perfluoroalkyl or

1 *polyfluoroalkyl substances for which a national primary*
 2 *drinking water regulation has been promulgated under*
 3 *clause (i) or (vi) of subparagraph (D) of section 1412(b)(2)*
 4 *of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2))*
 5 *earlier than the date that is 5 years after the date on which*
 6 *the Administrator promulgates the national primary drink-*
 7 *ing water regulation.*

8 **SEC. 204. DRINKING WATER STATE REVOLVING FUNDS.**

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

11 *(1) in subsection (a)(2), by adding at the end the*
 12 *following:*

13 *“(G) EMERGING CONTAMINANTS.—*

14 *“(i) IN GENERAL.—Subject to clause*
 15 *(ii), amounts deposited under subsection (t)*
 16 *in a State loan fund established under this*
 17 *section may be used to provide grants for*
 18 *the purpose of addressing emerging con-*
 19 *taminants, with a focus on perfluoroalkyl*
 20 *and polyfluoroalkyl substances.*

21 *“(ii) REQUIREMENTS.—*

22 *“(I) SMALL AND DISADVANTAGED*
 23 *COMMUNITIES.—Not less than 25 per-*
 24 *cent of the amounts described in clause*
 25 *(i) shall be used to provide 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 persons.

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

11 (2) in subsection (m)(1), in the matter preceding
 12 subparagraph (A), by striking “this section” and in-
 13 serting “this section, except for subsections (a)(2)(G)
 14 and (t)”; and

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

16 “(t) EMERGING CONTAMINANTS.—

17 “(1) IN GENERAL.—Amounts made available
 18 under this subsection shall be allotted to a State as
 19 if allotted under subsection (a)(1)(D) as a capitaliza-
 20 tion grant, for deposit into the State loan fund of the
 21 State, for the purposes described in subsection
 22 (a)(2)(G).

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
 24 There is authorized to be appropriated to carry out
 25 this subsection \$100,000,000 for each of fiscal years

1 2020 through 2024, to remain available until ex-
 2 pended.”.

3 ***TITLE III—PFAS DETECTION***

4 ***SEC. 301. DEFINITIONS.***

5 *In this title:*

6 (1) *DIRECTOR.*—The term “Director” means the
 7 Director of the United States Geological Survey.

8 (2) *PERFLUORINATED COMPOUND.*—

9 (A) *IN GENERAL.*—The term
 10 “perfluorinated compound” means a
 11 perfluoroalkyl substance or a polyfluoroalkyl sub-
 12 stance that is manmade with at least 1 fully
 13 fluorinated carbon atom.

14 (B) *DEFINITIONS.*—In this definition:

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

20 (ii) *NONFLUORINATED CARBON*
 21 *ATOM.*—The term “nonfluorinated carbon
 22 atom” means a carbon atom on which no
 23 hydrogen substituents have been replaced by
 24 fluorine.

1 (iii) *PARTIALLY FLUORINATED CARBON*
2 *ATOM.*—The term “partially fluorinated
3 carbon atom” means a carbon atom on
4 which some, but not all, of the hydrogen
5 substituents have been replaced by fluorine.

6 (iv) *PERFLUOROALKYL SUBSTANCE.*—
7 The term “perfluoroalkyl substance” means
8 a manmade chemical of which all of the
9 carbon atoms are fully fluorinated carbon
10 atoms.

11 (v) *POLYFLUOROALKYL SUBSTANCE.*—
12 The term “polyfluoroalkyl substance” means
13 a manmade chemical containing a mix of
14 fully fluorinated carbon atoms, partially
15 fluorinated carbon atoms, and
16 nonfluorinated carbon atoms.

17 **SEC. 302. PERFORMANCE STANDARD FOR THE DETECTION**
18 **OF PERFLUORINATED COMPOUNDS.**

19 (a) *IN GENERAL.*—The Director shall establish a per-
20 formance standard for the detection of perfluorinated com-
21 pounds.

22 (b) *EMPHASIS.*—

23 (1) *IN GENERAL.*—In developing the performance
24 standard under subsection (a), the Director shall em-
25 phasize the ability to detect as many perfluorinated

1 *compounds present in the environment as possible*
2 *using analytical methods that—*

3 *(A) achieve limits of quantitation (as de-*
4 *fined in the document of the United States Geo-*
5 *logical Survey entitled “Analytical Methods for*
6 *Chemical Analysis of Geologic and Other Mate-*
7 *rials, U.S. Geological Survey” and dated 2002);*
8 *and*

9 *(B) are as sensitive as is feasible and prac-*
10 *ticable.*

11 *(2) REQUIREMENT.—In developing the perform-*
12 *ance standard under subsection (a), the Director*
13 *may—*

14 *(A) develop quality assurance and quality*
15 *control measures to ensure accurate sampling*
16 *and testing;*

17 *(B) develop a training program with re-*
18 *spect to the appropriate method of sample collec-*
19 *tion and analysis of perfluorinated compounds;*
20 *and*

21 *(C) coordinate with the Administrator, in-*
22 *cluding, if appropriate, coordinating to develop*
23 *media-specific, validated analytical methods to*
24 *detect individual and different perfluorinated*
25 *compounds simultaneously.*

1 **SEC. 303. NATIONWIDE SAMPLING.**

2 (a) *IN GENERAL.*—*The Director shall carry out a na-*
3 *tionwide sampling to determine the concentration of*
4 *perfluorinated compounds in estuaries, lakes, streams,*
5 *springs, wells, wetlands, rivers, aquifers, and soil using the*
6 *performance standard developed under section 302(a).*

7 (b) *REQUIREMENTS.*—*In carrying out the sampling*
8 *under subsection (a), the Director shall—*

9 (1) *first carry out the sampling at sources of*
10 *drinking water near locations with known or sus-*
11 *pected releases of perfluorinated compounds;*

12 (2) *when carrying out sampling of sources of*
13 *drinking water under paragraph (1), carry out the*
14 *sampling prior to any treatment of the water;*

15 (3) *survey for ecological exposure to*
16 *perfluorinated compounds, with a priority in deter-*
17 *mining direct human exposure through drinking*
18 *water; and*

19 (4) *consult with—*

20 (A) *States to determine areas that are a*
21 *priority for sampling; and*

22 (B) *the Administrator—*

23 (i) *to enhance coverage of the sam-*
24 *pling; and*

25 (ii) *to avoid unnecessary duplication.*

1 (c) *REPORT*.—Not later than 90 days after the comple-
 2 tion of the sampling under subsection (a), the Director shall
 3 prepare a report describing the results of the sampling and
 4 submit the report to—

5 (1) *the Committee on Environment and Public*
 6 *Works and the Committee on Energy and Natural Re-*
 7 *sources of the Senate;*

8 (2) *the Committee on Energy and Commerce of*
 9 *the House of Representatives;*

10 (3) *the Senators of each State in which the Di-*
 11 *rector carried out the sampling; and*

12 (4) *each Member of the House of Representatives*
 13 *that represents a district in which the Director car-*
 14 *ried out the sampling.*

15 **SEC. 304. DATA USAGE.**

16 (a) *IN GENERAL*.—The Director shall provide the sam-
 17 pling data collected under section 303 to—

18 (1) *the Administrator; and*

19 (2) *other Federal and State regulatory agencies*
 20 *on request.*

21 (b) *USAGE*.—The sampling data provided under sub-
 22 section (a) shall be used to inform and enhance assessments
 23 of exposure, likely health and environmental impacts, and
 24 remediation priorities.

1 **SEC. 305. COLLABORATION.**

2 *In carrying out this title, the Director shall collaborate*
 3 *with—*

- 4 *(1) appropriate Federal and State regulators;*
- 5 *(2) institutions of higher education;*
- 6 *(3) research institutions; and*
- 7 *(4) other expert stakeholders.*

8 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated to the Director*
 10 *to carry out this title—*

- 11 *(1) \$5,000,000 for fiscal year 2020; and*
- 12 *(2) \$10,000,000 for each of fiscal years 2021*
 13 *through 2024.*

14 **TITLE IV—SAFE DRINKING**
 15 **WATER ASSISTANCE**

16 **SEC. 401. DEFINITIONS.**

17 *In this title:*

18 *(1) CONTAMINANT.—The term “contaminant”*
 19 *means any physical, chemical, biological, or radio-*
 20 *logical substance or matter in water.*

21 *(2) CONTAMINANT OF EMERGING CONCERN;*
 22 *EMERGING CONTAMINANT.—The terms “contaminant*
 23 *of emerging concern” and “emerging contaminant”*
 24 *mean a contaminant—*

1 (A) *for which the Administrator has not*
 2 *promulgated a national primary drinking water*
 3 *regulation; and*

4 (B) *that may have an adverse effect on the*
 5 *health of individuals.*

6 (3) *FEDERAL RESEARCH STRATEGY.*—*The term*
 7 *“Federal research strategy” means the coordinated*
 8 *cross-agency plan for addressing critical research*
 9 *gaps related to detecting, assessing exposure to, and*
 10 *identifying the adverse health effects of emerging con-*
 11 *taminants in drinking water developed by the Office*
 12 *of Science and Technology Policy in response to the*
 13 *report of the Committee on Appropriations of the*
 14 *Senate accompanying S. 1662 of the 115th Congress*
 15 *(S. Rept. 115–139).*

16 (4) *TECHNICAL ASSISTANCE AND SUPPORT.*—*The*
 17 *term “technical assistance and support” includes—*

18 (A) *assistance with—*

19 (i) *identifying appropriate analytical*
 20 *methods for the detection of contaminants;*

21 (ii) *understanding the strengths and*
 22 *limitations of the analytical methods de-*
 23 *scribed in clause (i);*

24 (iii) *troubleshooting the analytical*
 25 *methods described in clause (i);*

1 (B) providing advice on laboratory certifi-
2 cation program elements;

3 (C) interpreting sample analysis results;

4 (D) providing training with respect to
5 proper analytical techniques;

6 (E) identifying appropriate technology for
7 the treatment of contaminants; and

8 (F) analyzing samples, if—

9 (i) the analysis cannot be otherwise ob-
10 tained in a practicable manner otherwise;

11 and

12 (ii) the capability and capacity to per-
13 form the analysis is available at a Federal
14 facility.

15 (5) *WORKING GROUP.*—The term “Working
16 Group” means the Working Group established under
17 section 402(b)(1).

18 **SEC. 402. RESEARCH AND COORDINATION PLAN FOR EN-**
19 **HANCED RESPONSE ON EMERGING CONTAMI-**
20 **NANTS.**

21 (a) *IN GENERAL.*—The Administrator shall—

22 (1) review Federal efforts—

23 (A) to identify, monitor, and assist in the
24 development of treatment methods for emerging
25 contaminants; and

1 (B) to assist States in responding to the
 2 human health risks posed by contaminants of
 3 emerging concern; and

4 (2) in collaboration with owners and operators
 5 of public water systems, States, and other interested
 6 stakeholders, establish a strategic plan for improving
 7 the Federal efforts referred to in paragraph (1).

8 (b) *INTERAGENCY WORKING GROUP ON EMERGING*
 9 *CONTAMINANTS.*—

10 (1) *IN GENERAL.*—Not later than 180 days after
 11 the date of enactment of this Act, the Administrator
 12 and the Secretary of Health and Human Services
 13 shall jointly establish a Working Group to coordinate
 14 the activities of the Federal Government to identify
 15 and analyze the public health effects of drinking
 16 water contaminants of emerging concern.

17 (2) *MEMBERSHIP.*—The Working Group shall
 18 include representatives of the following:

19 (A) The Environmental Protection Agency,
 20 appointed by the Administrator.

21 (B) The following agencies, appointed by
 22 the Secretary of Health and Human Services:

23 (i) The National Institutes of Health.

24 (ii) The Centers for Disease Control
 25 and Prevention.

1 (iii) *The Agency for Toxic Substances*
2 *and Disease Registry.*

3 (C) *The United States Geological Survey,*
4 *appointed by the Secretary of the Interior.*

5 (D) *Any other Federal agency the assistance*
6 *of which the Administrator determines to be nec-*
7 *essary to carry out this subsection, appointed by*
8 *the head of the respective agency.*

9 (3) *EXISTING WORKING GROUP.—The Adminis-*
10 *trator may expand or modify the duties of an existing*
11 *working group to perform the duties of the Working*
12 *Group under this subsection.*

13 (c) *NATIONAL EMERGING CONTAMINANT RESEARCH*
14 *INITIATIVE.—*

15 (1) *FEDERAL RESEARCH STRATEGY.—*

16 (A) *IN GENERAL.—Not later than 180 days*
17 *after the date of enactment of this Act, the Direc-*
18 *tor of the Office of Science and Technology Pol-*
19 *icy (referred to in this subsection as the “Direc-*
20 *tor”)* shall coordinate with the heads of the agen-
21 *cies described in subparagraph (C) to establish a*
22 *research initiative, to be known as the “National*
23 *Emerging Contaminant Research Initiative”,*
24 *that shall—*

1 (i) use the Federal research strategy to
 2 improve the identification, analysis, moni-
 3 toring, and treatment methods of contami-
 4 nants of emerging concern; and

5 (ii) develop any necessary program,
 6 policy, or budget to support the implemen-
 7 tation of the Federal research strategy, in-
 8 cluding mechanisms for joint agency review
 9 of research proposals, for interagency co-
 10 funding of research activities, and for infor-
 11 mation sharing across agencies.

12 (B) RESEARCH ON EMERGING CONTAMI-
 13 NANTS.—In carrying out subparagraph (A), the
 14 Director shall—

15 (i) take into consideration consensus
 16 conclusions from peer-reviewed, pertinent
 17 research on emerging contaminants; and

18 (ii) in consultation with the Adminis-
 19 trator, identify priority emerging contami-
 20 nants for research emphasis.

21 (C) FEDERAL PARTICIPATION.—The agen-
 22 cies referred to in subparagraph (A) include—

23 (i) the National Science Foundation;

24 (ii) the National Institutes of Health;

1 (iii) *the Environmental Protection*
2 *Agency;*

3 (iv) *the National Institute of Stand-*
4 *ards and Technology;*

5 (v) *the United States Geological Sur-*
6 *vey; and*

7 (vi) *any other Federal agency that con-*
8 *tributes to research in water quality, envi-*
9 *ronmental exposures, and public health, as*
10 *determined by the Director.*

11 (D) *PARTICIPATION FROM ADDITIONAL EN-*
12 *TITIES.—In carrying out subparagraph (A), the*
13 *Director shall consult with nongovernmental or-*
14 *ganizations, State and local governments, and*
15 *science and research institutions determined by*
16 *the Director to have scientific or material inter-*
17 *est in the National Emerging Contaminant Re-*
18 *search Initiative.*

19 (2) *IMPLEMENTATION OF RESEARCH REC-*
20 *OMMENDATIONS.—*

21 (A) *IN GENERAL.—Not later than 1 year*
22 *after the date on which the Director and heads*
23 *of the agencies described in paragraph (1)(C) es-*
24 *tablish the National Emerging Contaminant Re-*
25 *search Initiative under paragraph (1)(A), the*

head of each agency described in paragraph
(1)(C) shall—

(i) issue a solicitation for research proposals consistent with the Federal research strategy; and

(ii) make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with subparagraph (B).

(B) *SELECTION OF RESEARCH PROPOSALS.*—The National Emerging Contaminant Research Initiative shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the Director, including the likelihood that the proposed research will result in significant progress toward achieving the objectives identified in the Federal research strategy.

(C) *ELIGIBLE ENTITIES.*—Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including—

- 1 (i) *State and local agencies;*
- 2 (ii) *public institutions, including pub-*
- 3 *lic institutions of higher education;*
- 4 (iii) *private corporations; and*
- 5 (iv) *nonprofit organizations.*

6 (d) *FEDERAL TECHNICAL ASSISTANCE AND SUPPORT*
 7 *FOR STATES.—*

8 (1) *STUDY.—*

9 (A) *IN GENERAL.—Not later than 1 year*
 10 *after the date of enactment of this Act, the Ad-*
 11 *ministrator shall conduct a study on actions the*
 12 *Administrator can take to increase technical as-*
 13 *sistance and support for States with respect to*
 14 *emerging contaminants in drinking water sam-*
 15 *ples.*

16 (B) *CONTENTS OF STUDY.—In carrying out*
 17 *the study described in subparagraph (A), the Ad-*
 18 *ministrator shall identify—*

19 (i) *methods and effective treatment op-*
 20 *tions to increase technical assistance and*
 21 *support with respect to emerging contami-*
 22 *nants to States, including identifying op-*
 23 *portunities for States to improve commu-*
 24 *nication with various audiences about the*

1 *risks associated with emerging contami-*
 2 *nants;*

3 *(ii) means to facilitate access to quali-*
 4 *fied contract testing laboratory facilities*
 5 *that conduct analyses for emerging contami-*
 6 *nants; and*

7 *(iii) actions to be carried out at exist-*
 8 *ing Federal laboratory facilities, including*
 9 *the research facilities of the Administrator,*
 10 *to provide technical assistance and support*
 11 *for States that require testing facilities for*
 12 *emerging contaminants.*

13 (C) *AVAILABILITY OF ANALYTICAL RE-*
 14 *SOURCES.—In carrying out the study described*
 15 *in subparagraph (A), the Administrator shall*
 16 *consider—*

17 *(i) the availability of—*

18 *(I) Federal and non-Federal lab-*
 19 *oratory capacity; and*

20 *(II) validated methods to detect*
 21 *and analyze contaminants; and*

22 *(ii) other factors determined to be ap-*
 23 *propriate by the Administrator.*

24 (2) *REPORT.—Not later than 18 months after the*
 25 *date of enactment of this Act, the Administrator shall*

1 *submit to Congress a report describing the results of*
2 *the study described in paragraph (1).*

3 (3) *PROGRAM TO PROVIDE FEDERAL ASSISTANCE*
4 *TO STATES.—*

5 (A) *IN GENERAL.—Not later than 3 years*
6 *after the date of enactment of this Act, based on*
7 *the findings in the report described in paragraph*
8 *(2), the Administrator shall develop a program*
9 *to provide technical assistance and support to el-*
10 *igible States for the testing and analysis of*
11 *emerging contaminants.*

12 (B) *APPLICATION.—*

13 (i) *IN GENERAL.—To be eligible for*
14 *technical assistance and support under this*
15 *paragraph, a State shall submit to the Ad-*
16 *ministrator an application at such time, in*
17 *such manner, and containing such informa-*
18 *tion as the Administrator may require.*

19 (ii) *CRITERIA.—The Administrator*
20 *shall evaluate an application for technical*
21 *assistance and support under this para-*
22 *graph on the basis of merit using criteria*
23 *identified by the Administrator, includ-*
24 *ing—*

1 (I) *the laboratory facilities avail-*
2 *able to the State;*

3 (II) *the availability and applica-*
4 *bility of existing analytical methodolo-*
5 *gies;*

6 (III) *the potency and severity of*
7 *the emerging contaminant, if known;*
8 *and*

9 (IV) *the prevalence and mag-*
10 *nitude of the emerging contaminant.*

11 (iii) *PRIORITIZATION.—In selecting*
12 *States to receive technical assistance and*
13 *support under this paragraph, the Adminis-*
14 *trator—*

15 (I) *shall give priority to States*
16 *with affected areas primarily in finan-*
17 *cially distressed communities;*

18 (II) *may—*

19 (aa) *waive the application*
20 *process in an emergency situation;*
21 *and*

22 (bb) *require an abbreviated*
23 *application process for the con-*
24 *tinuation of work specified in a*
25 *previously approved application*

1 *that continues to meet the criteria*
2 *described in clause (ii); and*

3 *(III) shall consider the relative ex-*
4 *pertise and availability of—*

5 *(aa) Federal and non-Fed-*
6 *eral laboratory capacity available*
7 *to the State;*

8 *(bb) analytical resources*
9 *available to the State; and*

10 *(cc) other types of technical*
11 *assistance available to the State.*

12 (C) *DATABASE OF AVAILABLE RE-*
13 *SOURCES.—The Administrator shall establish*
14 *and maintain a database of resources available*
15 *through the program developed under subpara-*
16 *graph (A) to assist States with testing for emerg-*
17 *ing contaminants that—*

18 (i) *is—*

19 (I) *available to States and stake-*
20 *holder groups determined by the Ad-*
21 *ministrator to have scientific or mate-*
22 *rial interest in emerging contami-*
23 *nants, including—*

24 (aa) *drinking water and*
25 *wastewater utilities;*

- 1 *(bb) laboratories;*
2 *(cc) Federal and State emer-*
3 *gency responders;*
4 *(dd) State primacy agencies;*
5 *(ee) public health agencies;*
6 *and*
7 *(ff) water associations;*
8 *(II) searchable; and*
9 *(III) accessible through the website*
10 *of the Administrator; and*
11 *(ii) includes a description of—*
12 *(I) qualified contract testing lab-*
13 *oratory facilities that conduct analyses*
14 *for emerging contaminants; and*
15 *(II) the resources available in*
16 *Federal laboratory facilities to test for*
17 *emerging contaminants.*
18 *(D) WATER CONTAMINANT INFORMATION*
19 *TOOL.—The Administrator shall integrate the*
20 *database established under subparagraph (C)*
21 *into the Water Contaminant Information Tool of*
22 *the Environmental Protection Agency.*
23 *(4) FUNDING.—Of the amounts available to the*
24 *Administrator, the Administrator may use not more*

1 *than \$15,000,000 in a fiscal year to carry out this*
 2 *subsection.*

3 *(e) REPORT.—Not less frequently than once every 2*
 4 *years until 2029, the Administrator shall submit to Con-*
 5 *gress a report that describes the progress made in carrying*
 6 *out this title.*

7 *(f) EFFECT.—Nothing in this section modifies any ob-*
 8 *ligation of a State, local government, or Indian Tribe with*
 9 *respect to treatment methods for, or testing or monitoring*
 10 *of, drinking water.*

11 ***TITLE V—MISCELLANEOUS***

12 ***SEC. 501. DEPARTMENT OF DEFENSE AUTHORITIES.***

13 *In addition to any other requirements, when otherwise*
 14 *authorized to expend funds for the purpose of addressing*
 15 *ground or surface water contaminated by a perfluorinated*
 16 *compound, the Secretary of Defense may, to expend those*
 17 *funds, enter into a grant agreement, cooperative agreement,*
 18 *or contract with—*

19 *(1) the local water authority with jurisdiction*
 20 *over the contamination site, including—*

21 *(A) a public water system (as defined in*
 22 *section 1401 of the Safe Drinking Water Act (42*
 23 *U.S.C. 300f)); and*

1 (B) a publicly owned treatment works (as
 2 defined in section 212 of the Federal Water Pol-
 3 lution Control Act (33 U.S.C. 1292)); or
 4 (2) a State, local, or Tribal government.

5 **SEC. 502. PFAS DATA CALL.**

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

9 “(7) PFAS DATA.—Not later than January 1,
 10 2023, the Administrator shall promulgate a rule in
 11 accordance with this subsection requiring each person
 12 who has manufactured a chemical substance that is a
 13 perfluoroalkyl or polyfluoroalkyl substance in any
 14 year since January 1, 2006, to submit to the Admin-
 15 istrator a report that includes, for each year since
 16 January 1, 2006, the information described in para-
 17 graph (2).”.

18 **SEC. 503. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN**
 19 **PFAS.**

20 Not later than June 22, 2020, the Administrator shall
 21 take final action on the significant new use rule proposed
 22 by the Administrator under the Toxic Substances Control
 23 Act (15 U.S.C. 2601 et seq.) in the proposed rule entitled
 24 “Long-Chain Perfluoroalkyl Carboxylate and

1 *Perfluoroalkyl Sulfonate Chemical Substances; Significant*
2 *New Use Rule*” (80 Fed. Reg. 2885 (January 21, 2015)).

3 **SEC. 504. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall publish
6 interim guidance on the destruction and disposal of
7 perfluoroalkyl and polyfluoroalkyl substances and materials
8 containing perfluoroalkyl and polyfluoroalkyl substances,
9 including—

10 (1) *aqueous film-forming foam;*

11 (2) *soil and biosolids;*

12 (3) *textiles treated with perfluoroalkyl and*
13 *polyfluoroalkyl substances; and*

14 (4) *spent filters, membranes, and other waste*
15 *from water treatment.*

16 (b) *CONSIDERATIONS; INCLUSIONS.*—The interim
17 guidance under subsection (a) shall—

18 (1) *take into consideration—*

19 (A) *the potential for releases of*
20 *perfluoroalkyl and polyfluoroalkyl substances*
21 *during destruction or disposal, including*
22 *through volatilization, air dispersion, or leach-*
23 *ate; and*

24 (B) *potentially vulnerable populations liv-*
25 *ing near likely destruction or disposal sites; and*

1 (2) *provide guidance on testing and monitoring*
 2 *air, effluent, and soil near potential destruction or*
 3 *disposal sites for releases described in paragraph*
 4 *(1)(A).*

5 (c) *REVISIONS.*—*The Administrator shall publish revi-*
 6 *sions to the interim guidance under subsection (a) as the*
 7 *Administrator determines to be appropriate, but not less*
 8 *frequently than once every 3 years.*

9 **SEC. 505. PFAS RESEARCH AND DEVELOPMENT.**

10 (a) *IN GENERAL.*—*The Administrator, acting through*
 11 *the Assistant Administrator for the Office of Research and*
 12 *Development, shall—*

13 (1)(A) *further examine the effects of*
 14 *perfluoroalkyl and polyfluoroalkyl substances on*
 15 *human health and the environment; and*

16 (B) *make publicly available information relating*
 17 *to the findings under subparagraph (A);*

18 (2) *develop a process for prioritizing which*
 19 *perfluoroalkyl and polyfluoroalkyl substances, or*
 20 *classes of perfluoroalkyl and polyfluoroalkyl sub-*
 21 *stances, should be subject to additional research or*
 22 *regulatory efforts that is based on—*

23 (A) *the potential for human exposure to the*
 24 *substances or classes of substances;*

1 (B) the potential toxicity of the substances
2 or classes of substances; and

3 (C) information available about the sub-
4 stances or classes of substances;

5 (3) develop new tools to characterize and identify
6 perfluoroalkyl and polyfluoroalkyl substances in the
7 environment, including in drinking water, waste-
8 water, surface water, groundwater, solids, and the air;

9 (4) evaluate approaches for the remediation of
10 contamination by perfluoroalkyl and polyfluoroalkyl
11 substances in the environment; and

12 (5) develop and implement new tools and mate-
13 rials to communicate with the public about
14 perfluoroalkyl and polyfluoroalkyl substances.

15 (b) *FUNDING.*—There is authorized to be appropriated
16 to the Administrator to carry out this section \$15,000,000
17 for each of fiscal years 2020 through 2024.

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116TH CONGRESS
1ST Session

S. 1507

A BILL

To include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, and for other purposes.

JUNE 19, 2019

Reported with an amendment