H. R. 118th Congress 1st Session

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.

IN THE HOUSE OF REPRESENTATIVES

Mrs. Dingell introduced the following bill; which was referred to the Committee on ____________________________

A BILL

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.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “PFAS Action Act of 2023”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Designation as hazardous substances.
Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
Sec. 4. Analytical reference standards for PFAS.
Sec. 5. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
Sec. 6. National primary drinking water regulations for PFAS.
Sec. 7. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
Sec. 8. Establishment of PFAS infrastructure grant program.
Sec. 9. School drinking water testing and filtration grant program.
Sec. 10. Investigation of prevention of contamination by GenX.
Sec. 11. Household well water testing website.
Sec. 12. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
Sec. 13. Prohibition on unsafe waste incineration of PFAS.
Sec. 14. Label for PFAS-free products.
Sec. 15. Disclosure of introductions of PFAS.
Sec. 16. Risk-communication strategy.
Sec. 17. Clean Water Act effluent limitations guidelines and standards and water quality criteria for PFAS.

3 SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

(a) DESIGNATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate perfluorooctanoic acid and its salts, and perfluoroacanesulfonic acid and its salts, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)).

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

(c) Review.—

(1) IN GENERAL.—Not later than 5 years after
the date of the enactment of this Act, the Adminis-
trator of the Environmental Protection Agency shall
submit to the appropriate congressional committees
a report containing a review of actions by the Envi-
ronmental Protection Agency to clean up contamina-
tion of the substances designated pursuant to sub-
section (a).

(2) MATTERS INCLUDED.—The report under
paragraph (1) shall include an assessment of clean-
up progress and effectiveness, including the fol-
lowing:

(A) The number of sites where the Envi-
ronmental Protection Agency has acted to re-
mediate contamination of the substances des-
ignated pursuant to subsection (a).
(B) Which types of chemicals relating to such substances were present at each site and the extent to which each site was contaminated.

(C) An analysis of discrepancies in cleanup between Federal and non-Federal contamination sites.

(D) Any other elements the Administrator may determine necessary.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on the Environment and Public Works of the Senate.

SEC. 3. TESTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

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

“(5) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES RULE.—

“(A) RULE.—Notwithstanding paragraphs (1) through (3), the Administrator shall, by
rule, require that comprehensive toxicity testing
be conducted on all chemical substances that
are perfluoroalkyl or polyfluoroalkyl substances.

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

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

“(ii) shall require the development of
information relating to perfluoroalkyl and
polyfluoroalkyl substances that the Admin-
istrator determines is likely to be useful in
evaluating the hazard and risk posed by
such substances in land, air, and water (in-
cluding drinking water and water used for
agricultural purposes), as well as in prod-
ucts; and

“(iii) may allow for varied or tiered
testing requirements based on hazard char-
acteristics or chemical properties of
perfluoroalkyl and polyfluoroalkyl sub-
stances or categories of perfluoroalkyl and
polyfluoroalkyl substances.
“(C) DEADLINES.—The Administrator shall issue—

“(i) a proposed rule under subparagraph (A) not later than 6 months after the date of enactment of this paragraph; and

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

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

(1) in subparagraph (A), by striking “subparagraph (B) or (C)” and inserting “subparagraph (B), (C), or (D)”; and

(2) by adding at the end the following:

“(D) A rule under subsection (a)(5) shall require the development of information by any person who manufactures or processes, or intends to manufacture or process, a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.”.

(c) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended by adding at the end the following:
“(i) **Perfluoroalkyl and Polyfluoroalkyl Substances.**—

“(1) **Testing Requirement Rule.**—

“(A) **Protocols and Methodologies.**—

In determining the protocols and methodologies to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall allow for protocols and methodologies that test chemical substances that are perfluoroalkyl and polyfluoroalkyl substances as a class.

“(B) **Period.**—In determining the period to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall ensure that the period is as short as possible while allowing for completion of the required testing.

“(2) **Exemptions.**—In carrying out subsection (c) with respect to a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance, the Administrator—

“(A) may only determine under subsection (c)(2) that information would be duplicative if the chemical substance with respect to which the application for exemption is submitted is in
the same category, as established under subsection (a)(5)(B)(i), as a chemical substance for which information has been submitted to the Administrator in accordance with a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement; and

“(B) shall publish a list of all such chemical substances for which an exemption under subsection (e) is granted.”.

SEC. 4. ANALYTICAL REFERENCE STANDARDS FOR PFAS.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is further amended by adding at the end the following:

“(j) ANALYTICAL REFERENCE STANDARDS FOR PFAS.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall, by order or rule, require persons who manufacture or process a covered chemical substance to—

“(i) submit to the Administrator an analytical reference standard for, or sam-
ple of, such covered chemical substance;
and

“(ii) periodically resubmit such an analyti-
cal reference standard or sample, as
determined appropriate by the Adminis-
trator.

“(B) MIXTURES.—The Administrator may,
by order or rule, require persons who manufac-
ture or process a mixture containing a covered
chemical substance to submit to the Adminis-
trator an analytical reference standard for, or
sample of, such mixture.

“(2) USES.—The Administrator may use an an-
alytical reference standard or sample submitted
under this subsection or provide an analytical ref-
ference standard or sample submitted under this sub-
section to a State, research institution, or another
Federal agency, for—

“(A) the development of information, pro-
tocols, and methodologies, which may be carried
out by an entity determined appropriate by the
Administrator; and

“(B) activities relating to the implementa-
tion or enforcement of Federal or State require-
ments.
“(3) PRIORITIZATION.—In carrying out this subsection, the Administrator shall—

“(A) prioritize covered chemical substances that are included in the list of toxic chemicals subject to the requirements of section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)); and

“(B) for covered chemical substances not described in subparagraph (A), prioritize covered chemical substances based on production volume.

“(4) PROHIBITION.—No person receiving an analytical reference standard or sample submitted under this subsection may use or transfer the analytical reference standard or sample for a commercial purpose.

“(5) DEFINITION.—In this subsection, the term ‘covered chemical substance’ means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom that is included in the chemical substance list compiled and published under section 8(b).”.
SEC. 5. MANUFACTURING AND PROCESSING NOTICES FOR
PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES.

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

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

“(7) PFAS.—

“(A) IN GENERAL.—Except as provided in sub-
paragraph (B), this subsection does not apply to any
chemical substance that is a perfluoroalkyl or
polyfluoroalkyl substance.

“(B) DRUGS AND DEVICES.—Paragraph (3) ap-
plies to a chemical substance that is a perfluoroalkyl
or polyfluoroalkyl substance which is manufactured
or processed, or proposed to be manufactured or
processed, solely for purposes of—

“(i) scientific experimentation or analysis

with respect to a drug or device (as such terms
are defined in section 201 of the Federal Food,
Drug, and Cosmetic Act) or personal protective
equipment (as such term is defined in section
20005 of the CARES Act); or

“(ii) chemical research on, or analysis of,
such a chemical substance for the development
of a drug or device (as such terms are defined
in section 201 of the Federal Food, Drug, and Cosmetic Act) or personal protective equipment (as such term is defined in section 20005 of the CARES Act).”; and

(2) by adding at the end the following:

“(j) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(1) DETERMINATION.—For a period of 5 years beginning on the date of enactment of this subsection, any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance for which a notice is submitted under subsection (a) shall be deemed to have been determined by the Administrator to present an unreasonable risk of injury to health or the environment under paragraph (3)(A) of such subsection.

“(2) ORDER.—Notwithstanding subsection (a)(3)(A), for a chemical substance described in paragraph (1) of this subsection, the Administrator shall issue an order under subsection (f)(3) to prohibit the manufacture, processing, and distribution in commerce of such chemical substance.”.
SEC. 6. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

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

“(16) Perfluoroalkyl and Polyfluoroalkyl Substances.—

“(A) In General.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include—

“(i) standards for—

“(I) perfluorooctanoic acid (commonly referred to as ‘PFOA’); and

“(II) perfluorooctane sulfonic acid (commonly referred to as ‘PFOS’); and

“(ii) standards for, as individual contaminants or as a mixture, perfluorononanoic acid (commonly referred to as ‘PFNA’), hexafluoropropylene oxide dimer acid (commonly known as ‘GenX Chemicals’), perfluorohexane sulfonic acid
(commonly referred to as ‘PFHxS’), and perfluorobutane sulfonic acid (commonly referred to as ‘PFBS’).

“(B) ALTERNATIVE PROCEDURES.—

“(i) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking water regulation promulgated under subparagraph (A) to measure the levels described in clause (ii) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401(1)(D).

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

“(I) the level of a perfluoroalkyl or polyfluoroalkyl substance;
“(II) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(III) the total levels of organic fluorine.

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

“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (G)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contami-
nant level (as defined in section 1418(b)(2)(B))

for the perfluoroalkyl or polyfluoroalkyl sub-
stance or class of perfluoroalkyl or
polyfluoroalkyl substances subject to the na-
tional primary drinking water regulation.

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

“(F) HEALTH RISK REDUCTION AND COST
ANALYSIS.—In meeting the requirements of
paragraph (3)(C), the Administrator may rely
on information available to the Administrator
with respect to one or more specific
perfluoroalkyl or polyfluoroalkyl substances to
extrapolate reasoned conclusions regarding the
health risks and effects of a class of
perfluoroalkyl or polyfluoroalkyl substances of
which the specific perfluoroalkyl or
polyfluoroalkyl substances are a part.

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

“(i) DETERMINATION.—The Adminis-
trator shall make a determination under
paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances (other than those perfluoroalkyl and polyfluoroalkyl substances listed under clauses (i) through (vi) of subparagraph (A) of this paragraph) in the national primary drinking water regulation under such subparagraph (A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class
of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be of a quality sufficient to make a determination under paragraph (1)(A).

“(ii) PRIMARY DRINKING WATER REGULATIONS.—

“(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

“(aa) not later than 18 months after the date on which the Administrator makes the de-
termination, shall propose a na-
tional primary drinking water
regulation for the perfluoroalkyl
or polyfluoroalkyl substance or
class of perfluoroalkyl or
polyfluoroalkyl substances; and

“(bb) may publish the pro-
posed national primary drinking
water regulation described in
item (aa) concurrently with the
publication of the determination
to regulate the perfluoroalkyl or
polyfluoroalkyl substance or class
of perfluoroalkyl or
polyfluoroalkyl substances.

“(II) DEADLINE.—

“(aa) IN GENERAL.—Not
later than 1 year after the date
on which the Administrator pub-
ishes a proposed national pri-
mary drinking water regulation
under clause (i)(I) and subject to
item (bb), the Administrator
shall take final action on the pro-
posed national primary drinking water regulation.

“(bb) Extension.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under item (aa) by not more than 6 months.

“(I) Health Advisory.—

“(i) In general.—Subject to clause (ii), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective qual-
ity control and testing procedure for
the perfluoroalkyl or polyfluoroalkyl
substance or class of perfluoroalkyl or
polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator
may waive the requirements of clause (i)
with respect to a perfluoroalkyl or
polyfluoroalkyl substance or class of
perfluoroalkyl and polyfluoroalkyl sub-
stances if the Administrator determines
that there is a substantial likelihood that
the perfluoroalkyl or polyfluoroalkyl sub-
stance or class of perfluoroalkyl or
polyfluoroalkyl substances will not occur in
drinking water with sufficient frequency to
justify the publication of a health advisory,
and publishes such determination, includ-
ing the information and analysis used, and
basis for, such determination, in the Fed-
eral Register.’’.

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

SEC. 7. ASSISTANCE TO TERRITORIES FOR ADDRESSING EMERGING CONTAMINANTS, WITH A FOCUS ON PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

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

(1) in paragraph (1), by striking “Amounts” and inserting “Subject to paragraph (2)”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) ASSISTANCE TO TERRITORIES.—The Administrator shall reserve not less than 2 percent of the amounts made available under this subsection to provide grants to the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American
Samoa, and Guam for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.”.

SEC. 8. ESTABLISHMENT OF PFAS INFRASTRUCTURE GRANT PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

“SEC. 1459H. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

“(a) Establishment.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

“(b) Applications.—

“(1) Guidance.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the form and timing for community water systems to apply for grants under this section.

“(2) Required information.—The Administrator shall require a community water system applying for a grant under this section to submit—
“(A) information showing the presence of PFAS in water of the community water system; and

“(B) a certification that the treatment technology in use by the community water system at the time of application is not sufficient to meet all applicable Federal and State standards, and all applicable health advisories published pursuant to section 1412(b)(1)(F), for PFAS.

“(c) List of Eligible Treatment Technologies.—Not later than 150 days after the date of enactment of this section, and every 2 years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator determines are the most effective at removing PFAS from drinking water.

“(d) Priority for Funding.—In awarding grants under this section, the Administrator shall prioritize an affected community water system that—

“(1) serves a disadvantaged community;

“(2) will provide at least a 10-percent cost share for the cost of implementing an eligible treatment technology;
"(3) demonstrates the capacity to maintain the eligible treatment technology to be implemented using the grant; or

"(4) is located within an area with respect to which the Administrator has published a determination under the first sentence of section 1424(e) relating to an aquifer that is the sole or principal drinking water source for the area.

"(e) No Increased Bonding Authority.—

Amounts awarded to affected community water systems under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

"(f) Authorization of Appropriations.—

"(1) In General.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2024 through 2028.

"(2) Special Rule.—Of the amounts authorized to be appropriated by paragraph (1), $25,000,000 are authorized to be appropriated for each of fiscal years 2024 and 2025 for grants under subsection (a) to pay for capital costs associated with the implementation of eligible treatment tech-
nologies during the period beginning on October 1, 2014, and ending on the date of enactment of this section.

“(g) DEFINITIONS.—In this section:

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

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

“(3) DISPROPORTIONATELY EXPOSED COMMUNITY.—The term ‘disproportionately exposed community’ means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, 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.

“(4) ELIGIBLE TREATMENT TECHNOLOGY.—The term ‘eligible treatment technology’ means a
treatment technology included on the list published under subsection (e).

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

SEC. 9. SCHOOL DRINKING WATER TESTING AND FILTRATION GRANT PROGRAM.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

“SEC. 1466. SCHOOL PFAS TESTING AND FILTRATION GRANT PROGRAM.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish a program to make grants to States and Indian Tribes to assist local educational agencies, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in—

“(1) testing for perfluoroalkyl and polyfluoroalkyl substances in drinking water at such schools and child care program facilities that is conducted by a qualified entity, as determined by the Administrator or the applicable State;
“(2) installation, maintenance, and repair of water filtration systems effective for reducing perfluoroalkyl and polyfluoroalkyl substances in drinking water at such schools and child care program facilities that contains a level of any perfluoroalkyl or polyfluoroalkyl substance that exceeds—

“(A) an applicable maximum contaminant level established by the Administrator under section 1412; or

“(B) an applicable standard established by the applicable State that is more stringent than the level described in subparagraph (A); or

“(3) safe disposal of spent water filtration equipment used to reduce perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools and child care program facilities.

“(b) DIRECT GRANTS.—The Administrator may make a grant for activities described in subsection (a) directly available to—

“(1) a local educational agency or public water system that is located in a State that does not participate in the grant program established under subsection (a); or
“(2) a qualified nonprofit organization, as determined by the Administrator.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a State, Indian Tribe, local educational agency, public water system, or qualified nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(d) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this section, a State, Indian Tribe, local educational agency, public water system, or qualified nonprofit organization shall—

“(1) expend grant funds in accordance with any applicable State regulation or guidance regarding the reduction of perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools or child care program facilities that is not less stringent than any applicable guidance issued by the Administrator;

“(2) make publicly available, including, to the maximum extent practicable, on the website of the State, Indian Tribe, local educational agency, public water system, or qualified nonprofit organization, a copy of the results of any testing carried out with grant funds received under this section; and
“(3) notify parent, teacher, and employee organizations of the availability of the results described in paragraph (2).

“(e) LIMITATION.—Not more than 5 percent of the grant funds accepted by a State, Indian Tribe, local educational agency, public water system, or qualified non-profit organization for a fiscal year under this section may be used to pay the administrative costs of carrying out activities described in subsection (a).

“(f) DEFINITIONS.—In this section, the terms ‘child care program’ and ‘local educational agency’ have the meaning given such terms in section 1464(d).

“(g) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2024 through 2028, to remain available until expended.”.

SEC. 10. INVESTIGATION OF PREVENTION OF CONTAMINATION BY GENX.

The Administrator of the Environmental Protection Agency shall investigate methods and means to prevent contamination by GenX of ground and surface waters, including source waters used for drinking water purposes.

SEC. 11. HOUSEHOLD WELL WATER TESTING WEBSITE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the
Environmental Protection Agency shall establish a website containing information relating to the testing of household well water.

(b) CONTENTS.—The Administrator shall include on the website established under subsection (a) the following:

(1) Information on how to have an inspector, who is certified by a qualified third party, test the groundwater that is the source for a household water well.

(2) A list of laboratories that analyze water samples and are certified by a State or the Administrator.

(3) State-specific information, developed in coordination with each State, on naturally occurring and human-induced contaminants.

(4) Information that, using accepted risk communication techniques, clearly communicates whether a test result value exceeds a level determined by the Administrator or the applicable State to pose a health risk.

(5) Information on treatment options, including information relating to water treatment systems certified to the relevant NSF/ANSI American National Standard for drinking water treatment units by a
third-party certification body accredited by the
ANSI National Accreditation Board.

(6) A directory of whom to contact to report a
test result value that exceeds a level determined by
the Administrator or the applicable State to pose a
health risk.

(7) Information on financial assistance that is
available for homeowners to support water treat-
ment, including grants under section 306E of the
Consolidated Farm and Rural Development Act (7
U.S.C. 1926e) and State resources.

(8) Information about the health risks associ-
ated with consuming water contaminated with
perfluoroalkyl and polyfluoroalkyl substances as well
as recommendations for individuals who believe they
may have consumed such contaminated water.

(9) Any other information the Administrator
considers appropriate.

(c) ACCESS.—The Administrator shall ensure infor-
mation on the website established under subsection (a) is
presented in a manner that provides meaningful access to
such information for individuals with limited English pro-
ficiency.

(d) COORDINATION.—The Administrator shall coordi-
nate with the Secretary of Health and Human Services,
the Secretary of Agriculture, and appropriate State agencies in carrying out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2024.

SEC. 12. LISTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS AIR POLLUTANTS.

(a) LISTING.—

(1) INITIAL LISTING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a final rule adding perfluoroctanoic acid and its salts, and perfluoroactanesulfonic acid and its salts, to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(2) ADDITIONAL LISTINGS.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to issue, in accordance with section 112 of the Clean Air Act (42 U.S.C. 7412), any final rules adding perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances listed
pursuant to paragraph (1), to the list of hazardous air pollutants under section 112(b) of such Act.

(b) SOURCES CATEGORIES.—Not later than 365 days after any final rule is issued pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall revise the list under section 112(c)(1) of the Clean Air Act (42 U.S.C. 7412(c)(1)) to include categories and subcategories of major sources and area sources of perfluoroalkyl and polyfluoroalkyl substances listed pursuant to such final rule.

SEC. 13. PROHIBITION ON UNSAFE WASTE INCINERATION OF PFAS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

“(z) PFAS WASTES.—

“(1) FIREFIGHTING FOAM.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall promulgate regulations requiring that when materials containing perfluoroalkyl and polyfluoroalkyl substances are disposed or are designated for disposal—

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

“(B) all storage of such materials that are designated for disposal are stored in accordance with the requirement under part 264 of title 40, Code of Federal Regulations; and

“(C) all incineration is conducted at a facility that has been permitted to receive waste regulated under this subtitle.

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

SEC. 14. LABEL FOR PFAS-FREE PRODUCTS.

(a) LABEL FOR PFAS–FREE PRODUCTS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) revise the Safer Choice Standard of the Safer Choice Program to identify the requirements for a covered product to meet in order to be labeled with a Safer Choice label, including a requirement that any such covered product does not contain any PFAS; or
(2) establish a voluntary label that is available
to be used by any manufacturer of any covered prod-
uct that the Administrator has reviewed and found
does not contain any PFAS.

(b) DEFINITIONS.—In this section:

(1) COVERED PRODUCT.—The term “covered
product” means—

(A) a pot,

(B) a pan;

(C) a cooking utensil;

(D) carpet;

(E) a rug;

(F) clothing;

(G) upholstered furniture;

(H) a stain resistant, water resistant, or
grease resistant coating not subject to require-
ments under section 409 of the Federal Food,
Drug, and Cosmetic Act;

(I) food packaging material;

(J) an umbrella;

(K) luggage; or

(L) a cleaning product.

(2) PFAS.—The term “PFAS” means a
perfluorooalkyl or polyfluoroalkyl substance with at
least one fully fluorinated carbon atom.
SEC. 15. DISCLOSURE OF INTRODUCTIONS OF PFAS.

(a) IN GENERAL.—The introduction of any perfluoroalkyl or polyfluoroalkyl substance by the owner or operator of an industrial source shall be unlawful unless such owner or operator first notifies the owner or operator of the applicable treatment works of—

(1) the identity and quantity of such substance;
(2) whether such substance is susceptible to treatment by such treatment works; and
(3) whether such substance would interfere with the operation of the treatment works.

(b) VIOLATIONS.—A violation of this section shall be treated in the same manner as a violation of a regulation promulgated under subsection 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b)).

(c) DEFINITIONS.—In this section:

(1) INTRODUCTION.—The term “introduction” means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(2) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).
SEC. 16. RISK-COMMUNICATION STRATEGY.

The Administrator of the Environmental Protection Agency shall develop a risk-communication strategy to inform the public about the hazards or potential hazards of perfluoroalkyl and polyfluoroalkyl substances, or categories of perfluoroalkyl and polyfluoroalkyl substances, by—

(1) disseminating information about the risks or potential risks posed by such substances or categories in land, air, water (including drinking water and water used for agricultural purposes), and products;

(2) notifying the public about exposure pathways and mitigation measures through outreach and educational resources; and

(3) consulting with States that have demonstrated effective risk-communication strategies for best practices in developing a national risk-communication strategy.

SEC. 17. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS AND WATER QUALITY CRITERIA FOR PFAS.

(a) DEADLINES.—

(1) WATER QUALITY CRITERIA.—Not later than 3 years after the date of enactment of this section, the Administrator shall publish in the Federal Reg-
ister human health water quality criteria under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314) for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(2) Effluent Limitations Guidelines and Standards for Priority Industry Categories.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations guidelines and standards, in accordance with the Federal Water Pollution Control Act, for the discharge (including a discharge into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(b) Notification.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(c) Implementation Assistance for Publicly Owned Treatment Works.—
(1) IN GENERAL.—The Administrator shall award grants to owners and operators of publicly owned treatment works, to be used to implement effluent limitations guidelines and standards developed by the Administrator for a perfluoroalkyl substance, polyfluoroalkyl substance, or class of such substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $200,000,000 for each of fiscal years 2024 through 2028, to remain available until expended.

(d) NO INCREASED BONDING AUTHORITY.—Amounts awarded to an owner or operator of a publicly owned treatment works under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) EFFLUENT LIMITATION.—The term “effluent limitation” has the meaning given that term in
section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(3) MEASURABLE.—The term “measurable” means, with respect to a chemical substance or class of chemical substances, capable of being measured using test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314).

(4) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(5) POLYFLUOROALKYL SUBSTANCE.—The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(6) PRIORITY INDUSTRY CATEGORY.—The term “priority industry category” means the following point source categories:

   (A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations (or successor regulations).
(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations (or successor regulations).

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations (or successor regulations).

(D) Electroplating, as identified in part 413 of title 40, Code of Federal Regulations (or successor regulations).

(E) Metal finishing, as identified in part 433 of title 40, Code of Federal Regulations (or successor regulations).

(F) Leather tanning and finishing, as identified in part 425 of title 40, Code of Federal Regulations (or successor regulations).

(G) Paint formulating, as identified in part 446 of title 40, Code of Federal Regulations (or successor regulations).

(H) Electrical and electronic components, as identified in part 469 of title 40, Code of Federal Regulations (or successor regulations).

(I) Plastics molding and forming, as identified in part 463 of title 40, Code of Federal Regulations (or successor regulations).
(7) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).