



January 2020

Section by Section Summary

H.R. 535, the PFAS Action Act of 2019

COMMITTEE ON ENERGY & COMMERCE

SEC. 1. Short Title; Table of Contents.

Section 1(a) designates this Act may be cited as the “PFAS Action Act of 2019”. Section 1(b) provides the table of contents.

SEC. 2. Designation as hazardous substances.

Section 2 would require the listing of certain perfluoroalkyl and polyfluoroalkyl substances as hazardous substances under CERCLA within one year. It would also set a deadline for EPA to decide within five years whether or not to list the remaining PFAS under CERCLA, individually or in groups.

SEC. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.

This section incorporates H.R. 2608, sponsored by Rep. Sean Patrick Maloney (D-NY), to require EPA to promulgate a test rule requiring health effects testing for all PFAS. The section allows the Administrator to divide PFAS into subclasses through the rulemaking process.

SEC. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.

This section incorporates H.R. 2596, sponsored by Rep. Ann McLane Kuster (D-NH), with amendment. Under the amended text, there will be a moratorium under the Toxic Substances Control Act (TSCA) on the approval of new PFAS for five years, as well as a permanent bar on the introduction of new PFAS into commerce under low volume exemptions.

SEC. 5. National primary drinking water regulation for PFAS.

The section incorporates H.R. 2377, sponsored by Representatives Brendan Boyle (D-PA) and Brian Fitzpatrick (R-PA), with amendment, to ensure the adoption of a drinking water standard under the Safe Drinking Water Act (SDWA) for certain PFAS that protects the health of vulnerable subpopulations, including pregnant women, infants, and children.

SEC. 6. Monitoring and detection.

Struck by the manager’s amendment because of prior enactment.

SEC. 7. Enforcement.

This section provides a five-year delay in enforcement for the drinking water standard for PFAS, to allow drinking water utilities to implement improvements in their treatment techniques.

SEC. 8. Drinking water state revolving funds.

Struck by the manager’s amendment because of prior enactment.

SEC. 9. Additions to Toxics Release Inventory.

Struck by the manager’s amendment because of prior enactment.

SEC. 10. PFAS Data Call.

Struck by the manager’s amendment because of prior enactment.

SEC. 11. Significant New Use Rule for long chain PFAS.

Struck by the manager's amendment because of prior enactment.

SEC. 12. Destruction and disposal guidance.

Struck by the manager's amendment because of prior enactment.

SEC. 13. Establishment of PFAS infrastructure grant program.

This section of the AINS incorporates H.R. 2533, sponsored by Rep. Pallone, with amendment, to provide financial assistance under SDWA to water utilities that must install new treatment technology to remove PFAS from the water they provide.

SEC. 14. Cooperative agreements with States for removal and remedial actions to address drinking, surface, and groundwater and soil contamination from PFAS.

Struck by the manager's amendment because of prior enactment.

SEC. 15. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.

This section incorporates H.R. 2605, sponsored by Rep. Haley Stevens (D-MI), without change, to require the listing of PFAS chemicals as hazardous air pollutants under the Clean Air Act.

SEC. 16. Prohibition on waste incineration of PFAS.

This section incorporates H.R. 2591, sponsored by Rep. Ro Khanna (D-CA), with amendment. As currently structured, the section amends the Solid Waste Disposal Act (SWDA) to allow for incineration of PFAS containing wastes so long as that incineration is done at an approved hazardous waste incinerator and meets emissions standards (including those for Hydrogen Fluoride), while minimizing PFAS air emissions to the extent feasible.

SEC. 17. Label for pots, pans, and cooking utensils.

This section incorporates H.R. 2566, sponsored by Rep. Darren Soto (D-FL), to require the EPA Administrator to establish a voluntary label to be available to the manufacturers of pots, pans, and cooking utensils that do not contain PFAS.

SEC. 18. Guidance on minimizing the use of firefighting foam and other related equipment containing PFAS.

This section incorporates H.R. 2638, sponsored by Rep. Lizzie Fletcher (D-TX), to direct the Administrator of the Environmental Protection Agency to issue guidance for firefighters and other first responders to minimize the use of foam and other firefighting materials containing PFAS and to minimize their health risk from PFAS exposure. As amended, this section requires EPA to consult with the head of the U.S. Fire Administration and other relevant Federal Agencies in developing the guidance.