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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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 Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “PFAS Action Act of 2021”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 5. National primary drinking water regulations for PFAS.
- Sec. 6. Enforcement.
- Sec. 7. Establishment of PFAS infrastructure grant program.
- Sec. 8. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 9. Prohibition on unsafe waste incineration of PFAS.
- Sec. 10. Label for PFAS-free products.
- Sec. 11. Guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS.
- Sec. 12. Investigation of prevention of contamination by GenX.
- Sec. 13. Disclosure of introductions of PFAS.
- Sec. 14. Household well water testing website.
- Sec. 15. Risk-communication strategy.
- Sec. 16. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 17. Clean Water Act effluent standards, pretreatment standards, and water quality criteria for PFAS.

3 **SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.**

4 (a) DESIGNATION.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator of the
6 Environmental Protection Agency shall designate
7 perfluorooctanoic acid and its salts, and
8 perfluoroactanesulfonic acid and its salts, as hazardous
9 substances under section 102(a) of the Comprehensive En-
10 vironmental Response, Compensation, and Liability Act of
11 1980 (42 U.S.C. 9602(a)).

12 (b) DEADLINE FOR ADDITIONAL DETERMINA-
13 TIONS.—Not later than 5 years after the date of enact-
14 ment of this Act, the Administrator of the Environmental
15 Protection Agency shall determine whether to designate

1 all perfluoroalkyl and polyfluoroalkyl substances, other
2 than those perfluoroalkyl and polyfluoroalkyl substances
3 designated pursuant to subsection (a), as hazardous sub-
4 stances under section 102(a) of the Comprehensive Envi-
5 ronmental Response, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9602(a)) individually or in groups.

7 (c) AIRPORT SPONSORS.—

8 (1) IN GENERAL.—No sponsor, including a
9 sponsor of the civilian portion of a joint-use airport
10 or a shared-use airport (as such terms are defined
11 in section 139.5 of title 14, Code of Federal Regula-
12 tions (or a successor regulation)), shall be liable
13 under the Comprehensive Environmental Response,
14 Compensation, and Liability Act of 1980 (42 U.S.C.
15 9601 et seq.) for the costs of responding to, or dam-
16 ages resulting from, a release to the environment of
17 a perfluoroalkyl or polyfluoroalkyl substance des-
18 igned as a hazardous substance under section
19 102(a) of such Act that resulted from the use of
20 aqueous film forming foam agent, if such use was—

21 (A) required by the Federal Aviation Ad-
22 ministration for compliance with part 139 of
23 title 14, Code of Federal Regulations; and

1 (B) carried out in accordance with Federal
2 Aviation Administration standards and guid-
3 ance on the use of such substance.

4 (2) SPONSOR DEFINED.—In this subsection, the
5 term “sponsor” has the meaning given such term in
6 section 47102 of title 49, United States Code.

7 (d) PUBLIC AVAILABILITY.—Not later than 60 days
8 after making a determination under subsection (b), the
9 Administrator of the Environmental Protection Agency
10 shall make the results of such determination publicly avail-
11 able on the website of the Environmental Protection Agen-
12 cy.

13 (e) REVIEW.—

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

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

1 (A) The number of sites where the Envi-
2 ronmental Protection Agency has acted to re-
3 mediate contamination of the substances des-
4 ignated pursuant to subsection (a).

5 (B) Which types of chemicals relating to
6 such substances were present at each site and
7 the extent to which each site was contaminated.

8 (C) An analysis of discrepancies in cleanup
9 between Federal and non-Federal contamina-
10 tion sites.

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

13 (3) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES DEFINED.—In this subsection, the term “ap-
15 propriate congressional committees” means the fol-
16 lowing:

17 (A) The Committee on Energy and Com-
18 merce of the House of Representatives.

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

21 **SEC. 3. TESTING OF PERFLUOROALKYL AND**
22 **POLYFLUOROALKYL SUBSTANCES.**

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

1 “(5) PERFLUOROALKYL AND
2 POLYFLUOROALKYL SUBSTANCES RULE.—

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

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

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

14 “(ii) shall require the development of
15 information relating to perfluoroalkyl and
16 polyfluoroalkyl substances that the Admin-
17 istrator determines is likely to be useful in
18 evaluating the hazard and risk posed by
19 such substances in land, air, and water (in-
20 cluding drinking water), as well as in prod-
21 ucts; and

22 “(iii) may allow for varied or tiered
23 testing requirements based on hazard char-
24 acteristics or chemical properties of
25 perfluoroalkyl and polyfluoroalkyl sub-

1 stances or categories of perfluoroalkyl and
2 polyfluoroalkyl substances.

3 “(C) DEADLINES.—The Administrator
4 shall issue—

5 “(i) a proposed rule under subpara-
6 graph (A) not later than 6 months after
7 the date of enactment of this paragraph;
8 and

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

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

15 (1) in subparagraph (A), by striking “subpara-
16 graph (B) or (C)” and inserting “subparagraph (B),
17 (C), or (D)”; and

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

19 “(D) A rule under subsection (a)(5) shall require the
20 development of information by any person who manufac-
21 tures or processes, or intends to manufacture or process,
22 a chemical substance that is a perfluoroalkyl or
23 polyfluoroalkyl substance.”.

24 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
25 STANCES.—Section 4 of the Toxic Substances Control Act

1 (15 U.S.C. 2603) is amended by adding at the end the
2 following:

3 “(i) PERFLUOROALKYL AND POLYFLUOROALKYL
4 SUBSTANCES.—

5 “(1) TESTING REQUIREMENT RULE.—

6 “(A) PROTOCOLS AND METHODOLOGIES.—

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

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

20 “(2) EXEMPTIONS.—In carrying out subsection
21 (c) with respect to a chemical substance that is a
22 perfluoroalkyl or polyfluoroalkyl substance, the Ad-
23 ministrator—

24 “(A) may only determine under subsection
25 (c)(2) that information would be duplicative if

1 the chemical substance with respect to which
2 the application for exemption is submitted is in
3 the same category, as established under sub-
4 section (a)(5)(B)(i), as a chemical substance for
5 which information has been submitted to the
6 Administrator in accordance with a rule, order,
7 or consent agreement under subsection (a) or
8 for which information is being developed pursu-
9 ant to such a rule, order, or consent agreement;
10 and

11 “(B) shall publish a list of all such chem-
12 ical substances for which an exemption under
13 subsection (c) is granted.”.

14 **SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR**
15 **PERFLUOROALKYL AND POLYFLUOROALKYL**
16 **SUBSTANCES.**

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

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

21 “(7) This subsection does not apply to any chemical
22 substance that is a perfluoroalkyl or polyfluoroalkyl sub-
23 stance.”; and

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

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

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

12 “(2) ORDER.—Notwithstanding subsection
13 (a)(3)(A), for a chemical substance described in
14 paragraph (1) of this subsection, the Administrator
15 shall issue an order under subsection (f)(3) to pro-
16 hibit the manufacture, processing, and distribution
17 in commerce of such chemical substance.”.

18 **SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULA-**
19 **TIONS FOR PFAS.**

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

23 “(16) PERFLUOROALKYL AND
24 POLYFLUOROALKYL SUBSTANCES.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this paragraph,
3 the Administrator shall, after notice and oppor-
4 tunity for public comment, promulgate a na-
5 tional primary drinking water regulation for
6 perfluoroalkyl and polyfluoroalkyl substances,
7 which shall, at a minimum, include standards
8 for—

9 “(i) perfluorooctanoic acid (commonly
10 referred to as ‘PFOA’); and

11 “(ii) perfluorooctane sulfonic acid
12 (commonly referred to as ‘PFOS’).

13 “(B) ALTERNATIVE PROCEDURES.—

14 “(i) IN GENERAL.—Not later than 1
15 year after the validation by the Adminis-
16 trator of an equally effective quality con-
17 trol and testing procedure to ensure com-
18 pliance with the national primary drinking
19 water regulation promulgated under sub-
20 paragraph (A) to measure the levels de-
21 scribed in clause (ii) or other methods to
22 detect and monitor perfluoroalkyl and
23 polyfluoroalkyl substances in drinking
24 water, the Administrator shall add the pro-
25 cedure or method as an alternative to the

1 quality control and testing procedure de-
2 scribed in such national primary drinking
3 water regulation by publishing the proce-
4 dure or method in the Federal Register in
5 accordance with section 1401(1)(D).

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

8 “(I) the level of a perfluoroalkyl
9 or polyfluoroalkyl substance;

10 “(II) the total levels of
11 perfluoroalkyl and polyfluoroalkyl sub-
12 stances; and

13 “(III) the total levels of organic
14 fluorine.

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

19 “(i) the list of contaminants for con-
20 sideration of regulation under paragraph
21 (1)(B)(i), in accordance with such para-
22 graph; and

23 “(ii) the list of unregulated contami-
24 nants to be monitored under section

1 1445(a)(2)(B)(i), in accordance with such
2 section.

3 “(D) MONITORING.—When establishing
4 monitoring requirements for public water sys-
5 tems as part of a national primary drinking
6 water regulation under subparagraph (A) or
7 subparagraph (G)(ii), the Administrator shall
8 tailor the monitoring requirements for public
9 water systems that do not detect or are reliably
10 and consistently below the maximum contami-
11 nant level (as defined in section 1418(b)(2)(B))
12 for the perfluoroalkyl or polyfluoroalkyl sub-
13 stance or class of perfluoroalkyl or
14 polyfluoroalkyl substances subject to the na-
15 tional primary drinking water regulation.

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

21 “(F) HEALTH RISK REDUCTION AND COST
22 ANALYSIS.—In meeting the requirements of
23 paragraph (3)(C), the Administrator may rely
24 on information available to the Administrator
25 with respect to one or more specific

1 perfluoroalkyl or polyfluoroalkyl substances to
2 extrapolate reasoned conclusions regarding the
3 health risks and effects of a class of
4 perfluoroalkyl or polyfluoroalkyl substances of
5 which the specific perfluoroalkyl or
6 polyfluoroalkyl substances are a part.

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

9 “(i) DETERMINATION.—The Adminis-
10 trator shall make a determination under
11 paragraph (1)(A), using the criteria de-
12 scribed in clauses (i) through (iii) of that
13 paragraph, whether to include a
14 perfluoroalkyl or polyfluoroalkyl substance
15 or class of perfluoroalkyl or polyfluoroalkyl
16 substances in the national primary drink-
17 ing water regulation under subparagraph
18 (A) not later than 18 months after the
19 later of—

20 “(I) the date on which the
21 perfluoroalkyl or polyfluoroalkyl sub-
22 stance or class of perfluoroalkyl or
23 polyfluoroalkyl substances is listed on
24 the list of contaminants for consider-

1 ation of regulation under paragraph
2 (1)(B)(i); and
3 “**(II)** the date on which—
4 “**(aa)** the Administrator has
5 received the results of monitoring
6 under section 1445(a)(2)(B) for
7 the perfluoroalkyl or
8 polyfluoroalkyl substance or class
9 of perfluoroalkyl or
10 polyfluoroalkyl substances; or
11 “**(bb)** the Administrator has
12 received reliable water data or
13 water monitoring surveys for the
14 perfluoroalkyl or polyfluoroalkyl
15 substance or class of
16 perfluoroalkyl or polyfluoroalkyl
17 substances from a Federal or
18 State agency that the Adminis-
19 trator determines to be of a qual-
20 ity sufficient to make a deter-
21 mination under paragraph
22 (1)(A).
23 “**(ii)** PRIMARY DRINKING WATER REG-
24 ULATIONS.—

1 “(I) IN GENERAL.—For each
2 perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances that the
5 Administrator determines to regulate
6 under clause (i), the Administrator—

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

16 “(bb) may publish the pro-
17 posed national primary drinking
18 water regulation described in
19 item (aa) concurrently with the
20 publication of the determination
21 to regulate the perfluoroalkyl or
22 polyfluoroalkyl substance or class
23 of perfluoroalkyl or
24 polyfluoroalkyl substances.

25 “(II) DEADLINE.—

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

11 “(bb) EXTENSION.—The
12 Administrator, on publication of
13 notice in the Federal Register,
14 may extend the deadline under
15 item (aa) by not more than 6
16 months.

17 “(H) HEALTH ADVISORY.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), the Administrator shall publish a
20 health advisory under paragraph (1)(F) for
21 a perfluoroalkyl or polyfluoroalkyl sub-
22 stance or class of perfluoroalkyl or
23 polyfluoroalkyl substances not subject to a
24 national primary drinking water regulation
25 not later than 1 year after the later of—

1 “(I) the date on which the Ad-
2 ministrator finalizes a toxicity value
3 for the perfluoroalkyl or
4 polyfluoroalkyl substance or class of
5 perfluoroalkyl or polyfluoroalkyl sub-
6 stances; and

7 “(II) the date on which the Ad-
8 ministrator validates an effective qual-
9 ity control and testing procedure for
10 the perfluoroalkyl or polyfluoroalkyl
11 substance or class of perfluoroalkyl or
12 polyfluoroalkyl substances.

13 “(ii) WAIVER.—The Administrator
14 may waive the requirements of clause (i)
15 with respect to a perfluoroalkyl or
16 polyfluoroalkyl substance or class of
17 perfluoroalkyl and polyfluoroalkyl sub-
18 stances if the Administrator determines
19 that there is a substantial likelihood that
20 the perfluoroalkyl or polyfluoroalkyl sub-
21 stance or class of perfluoroalkyl or
22 polyfluoroalkyl substances will not occur in
23 drinking water with sufficient frequency to
24 justify the publication of a health advisory,
25 and publishes such determination, includ-

1 ing the information and analysis used, and
2 basis for, such determination, in the Fed-
3 eral Register.”.

4 **SEC. 6. ENFORCEMENT.**

5 Notwithstanding any other provision of law, the Ad-
6 ministrator of the Environmental Protection Agency may
7 not impose financial penalties for the violation of a na-
8 tional primary drinking water regulation (as defined in
9 section 1401 of the Safe Drinking Water Act (42 U.S.C.
10 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl
11 substance or class of perfluoroalkyl or polyfluoroalkyl sub-
12 stances for which a national primary drinking water regu-
13 lation has been promulgated under section 1412(b)(16) of
14 the Safe Drinking Water Act earlier than the date that
15 is 5 years after the date on which the Administrator pro-
16 mulgates the national primary drinking water regulation.

17 **SEC. 7. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
18 **GRANT PROGRAM.**

19 Part E of the Safe Drinking Water Act (42 U.S.C.
20 300j et seq.) is amended by adding at the end the fol-
21 lowing new section:

22 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
23 **TEMS AFFECTED BY PFAS.**

24 “(a) ESTABLISHMENT.—Not later than 180 days
25 after the date of enactment of this section, the Adminis-

1 trator shall establish a program to award grants to af-
2 fected community water systems to pay for capital costs
3 associated with the implementation of eligible treatment
4 technologies.

5 “(b) APPLICATIONS.—

6 “(1) GUIDANCE.—Not later than 12 months
7 after the date of enactment of this section, the Ad-
8 ministrator shall publish guidance describing the
9 form and timing for community water systems to
10 apply for grants under this section.

11 “(2) REQUIRED INFORMATION.—The Adminis-
12 trator shall require a community water system ap-
13 plying for a grant under this section to submit—

14 “(A) information showing the presence of
15 PFAS in water of the community water system;
16 and

17 “(B) a certification that the treatment
18 technology in use by the community water sys-
19 tem at the time of application is not sufficient
20 to remove all detectable amounts of PFAS.

21 “(c) LIST OF ELIGIBLE TREATMENT TECH-
22 NOLOGIES.—Not later than 150 days after the date of en-
23 actment of this section, and every 2 years thereafter, the
24 Administrator shall publish a list of treatment tech-
25 nologies that the Administrator, after providing an oppor-

1 tunity for public comment, determines are effective at re-
2 moving all detectable amounts of PFAS from drinking
3 water.

4 “(d) PRIORITY FOR FUNDING.—In awarding grants
5 under this section, the Administrator shall prioritize af-
6 fected community water systems that—

7 “(1) serve a disadvantaged community or a dis-
8 proportionately exposed community;

9 “(2) will provide at least a 10-percent cost
10 share for the cost of implementing an eligible treat-
11 ment technology; or

12 “(3) demonstrate the capacity to maintain the
13 eligible treatment technology to be implemented
14 using the grant.

15 “(e) NO INCREASED BONDING AUTHORITY.—
16 Amounts awarded to affected community water systems
17 under this section may not be used as a source of payment
18 of, or security for (directly or indirectly), in whole or in
19 part, any obligation the interest on which is exempt from
20 the tax imposed under chapter 1 of the Internal Revenue
21 Code of 1986.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to carry out this section not more
25 than—

1 “(A) \$125,000,000 for each of fiscal years
2 2022 and 2023; and

3 “(B) \$100,000,000 for each of fiscal years
4 2024 through 2026.

5 “(2) SPECIAL RULE.—Of the amounts author-
6 ized to be appropriated by paragraph (1),
7 \$25,000,000 are authorized to be appropriated for
8 each of fiscal years 2022 and 2023 for grants under
9 subsection (a) to pay for capital costs associated
10 with the implementation of eligible treatment tech-
11 nologies during the period beginning on October 1,
12 2014, and ending on the date of enactment of this
13 section.

14 “(g) DEFINITIONS.—In this section:

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

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

23 “(3) DISPROPORTIONATELY EXPOSED COMMU-
24 NITY.—The term ‘disproportionately exposed com-
25 munity’ means a community in which climate

1 change, pollution, or environmental destruction have
2 exacerbated systemic racial, regional, social, environ-
3 mental, and economic injustices by disproportion-
4 ately affecting indigenous peoples, communities of
5 color, migrant communities, deindustrialized commu-
6 nities, depopulated rural communities, the poor, low-
7 income workers, women, the elderly, the unhoused,
8 people with disabilities, or youth.

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

13 “(5) PFAS.—The term ‘PFAS’ means a
14 perfluoroalkyl or polyfluoroalkyl substance with at
15 least one fully fluorinated carbon atom, including the
16 chemical GenX.”.

17 **SEC. 8. LISTING OF PERFLUOROALKYL AND**
18 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
19 **ARDOUS AIR POLLUTANTS.**

20 (a) LISTING.—

21 (1) INITIAL LISTING.—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator of the Environmental Protection Agency shall
24 issue a final rule adding perfluorooctanoic acid and
25 its salts, and perfluoroactanesulfonic acid and its

1 salts, to the list of hazardous air pollutants under
2 section 112(b) of the Clean Air Act (42 U.S.C.
3 7412(b)).

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

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

1 **SEC. 9. PROHIBITION ON UNSAFE WASTE INCINERATION OF**
2 **PFAS.**

3 Section 3004 of the Solid Waste Disposal Act (42
4 U.S.C. 6924) is amended by adding at the end the fol-
5 lowing new subsection:

6 “(z) PFAS WASTES.—

7 “(1) FIREFIGHTING FOAM.—Not later than 6
8 months after the date of enactment of this sub-
9 section, the Administrator shall promulgate regula-
10 tions requiring that when materials containing
11 perfluoroalkyl and polyfluoroalkyl substances or
12 aqueous film forming foam are disposed—

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

18 “(B) all incineration is conducted in ac-
19 cordance with the requirements of the Clean Air
20 Act, including controlling hydrogen fluoride;

21 “(C) any materials containing
22 perfluoroalkyl and polyfluoroalkyl substances
23 that are designated for disposal are stored in
24 accordance with the requirement under part
25 264 of title 40, Code of Federal Regulations;
26 and

1 “(D) all incineration is conducted at a fa-
2 cility that has been permitted to receive waste
3 regulated under this subtitle.

4 “(2) PENALTIES.—For purposes of section
5 3008(d), a waste subject to a prohibition under this
6 subsection shall be considered a hazardous waste
7 identified or listed under this subtitle.”.

8 **SEC. 10. LABEL FOR PFAS-FREE PRODUCTS.**

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

13 (1) revise the Safer Choice Standard of the
14 Safer Choice Program to identify the requirements
15 for a pot, pan, cooking utensil, carpet, or rug, cloth-
16 ing, or upholstered furniture, or a stain resistant,
17 water resistant, or grease resistant coating not sub-
18 ject to requirements under section 409 of the Fed-
19 eral Food, Drug, and Cosmetic Act to meet in order
20 to be labeled with a Safer Choice label, including a
21 requirement that any such pot, pan, cooking utensil,
22 carpet, rug, clothing, or upholstered furniture, or
23 stain resistant, water resistant, or grease resistant
24 coating does not contain any PFAS; or

1 (2) establish a voluntary label that is available
2 to be used by any manufacturer of any pot, pan,
3 cooking utensil, carpet, rug, clothing, or upholstered
4 furniture, or stain resistant, water resistant, or
5 grease resistant coating not subject to requirements
6 under section 409 of the Federal Food, Drug, and
7 Cosmetic Act that the Administrator has reviewed
8 and found does not contain any PFAS.

9 (b) DEFINITION.—In this section, the term “PFAS”
10 means a perfluoroalkyl or polyfluoroalkyl substance with
11 at least one fully fluorinated carbon atom.

12 **SEC. 11. GUIDANCE ON MINIMIZING THE USE OF FIRE-**
13 **FIGHTING FOAM AND OTHER RELATED**
14 **EQUIPMENT CONTAINING ANY PFAS.**

15 (a) GUIDANCE.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator of the Envi-
17 ronmental Protection Agency, in consultation with the
18 head of the U.S. Fire Administration, Federal Aviation
19 Administration, and other relevant Federal departments
20 or agencies and representatives of State and local building
21 and fire code enforcement jurisdictions, shall issue guid-
22 ance on minimizing the use of, or contact with, firefighting
23 foam and other related equipment containing any PFAS
24 by firefighters, police officers, paramedics, emergency
25 medical technicians, and other first responders, in order

1 to minimize the risk to such firefighters, police officers,
2 paramedics, emergency medical technicians, and other
3 first responders, and the environment, without jeopard-
4 izing firefighting efforts.

5 (b) ANNUAL REPORT.—Not later than 2 years after
6 the date of the enactment of this Act, and annually there-
7 after, the Administrator, in consultation with the head of
8 the U.S. Fire Administration, shall submit to Congress a
9 report on the effectiveness of the guidance issued under
10 subsection (a). Such report shall include recommendations
11 for congressional actions that the Administrator deter-
12 mines appropriate to assist efforts to reduce exposure to
13 PFAS by firefighters and the other persons described in
14 subsection (a).

15 (c) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator of the Envi-
17 ronmental Protection Agency, in consultation with the
18 head of the U.S. Fire Administration and other relevant
19 Federal departments or agencies, shall report to Congress
20 on the efforts of the Environmental Protection Agency and
21 other relevant Federal departments and agencies to iden-
22 tify viable alternatives to firefighting foam and other re-
23 lated equipment containing any PFAS.

24 (d) DEFINITION.—In this section, the term “PFAS”
25 means perfluorooctanoic acid, perfluorooctanesulfonic

1 acid, and any other perfluoroalkyl or polyfluoroalkyl sub-
2 stance with at least one fully fluorinated carbon atom that
3 the Administrator of the Environmental Protection Agen-
4 cy determines is used in firefighting foam and other re-
5 lated equipment.

6 **SEC. 12. INVESTIGATION OF PREVENTION OF CONTAMINA-**
7 **TION BY GENX.**

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

12 **SEC. 13. DISCLOSURE OF INTRODUCTIONS OF PFAS.**

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

18 (1) the identity and quantity of such substance;

19 (2) whether such substance is susceptible to
20 treatment by such treatment works; and

21 (3) whether such substance would interfere with
22 the operation of the treatment works.

23 (b) VIOLATIONS.—A violation of this section shall be
24 treated in the same manner as a violation of a regulation

1 promulgated under subsection 307(b) of the Federal
2 Water Pollution Control Act (33 U.S.C. 1317(b)).

3 (c) DEFINITIONS.—In this section:

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

8 (2) TREATMENT WORKS.—The term “treatment
9 works” has the meaning given that term in section
10 212 of the Federal Water Pollution Control Act (33
11 U.S.C. 1292).

12 **SEC. 14. HOUSEHOLD WELL WATER TESTING WEBSITE.**

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

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

20 (1) Information on how to get groundwater that
21 is the source for a household water well tested by a
22 well inspector who is certified by a qualified third
23 party.

1 (2) A list of laboratories that analyze water
2 samples and are certified by a State or the Adminis-
3 trator.

4 (3) State-specific information, developed in co-
5 ordination with each State, on naturally occurring
6 and human-induced contaminants.

7 (4) Information that, using accepted risk com-
8 munication techniques, clearly communicates wheth-
9 er a test result value exceeds a level determined by
10 the Administrator or the State to pose a health risk.

11 (5) Information on treatment options, including
12 information relating to water treatment systems cer-
13 tified by the National Science Foundation or the
14 American National Standards Institute, and people
15 who are qualified to install such systems.

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

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

24 (8) Any other information the Administrator
25 considers appropriate.

1 (c) COORDINATION.—The Administrator shall coordi-
2 nate with the Secretary of Health and Human Services,
3 the Secretary of Agriculture, and appropriate State agen-
4 cies in carrying out this section.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$1,000,000 for fiscal year 2022.

8 **SEC. 15. RISK-COMMUNICATION STRATEGY.**

9 The Administrator of the Environmental Protection
10 Agency shall develop a risk-communication strategy to in-
11 form the public about the hazards or potential hazards
12 of perfluoroalkyl and polyfluoroalkyl substances, or cat-
13 egories of perfluoroalkyl and polyfluoroalkyl substances,
14 by—

15 (1) disseminating information about the risks
16 or potential risks posed by such substances or cat-
17 egories in land, air, water (including drinking
18 water), and products;

19 (2) notifying the public about exposure path-
20 ways and mitigation measures through outreach and
21 educational resources; and

22 (3) consulting with States that have dem-
23 onstrated effective risk-communication strategies for
24 best practices in developing a national risk-commu-
25 nication strategy.

1 **SEC. 16. ASSISTANCE TO TERRITORIES FOR ADDRESSING**
2 **EMERGING CONTAMINANTS, WITH A FOCUS**
3 **ON PERFLUOROALKYL AND**
4 **POLYFLUOROALKYL SUBSTANCES.**

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

7 (1) by redesignating paragraph (2) as para-
8 graph (3); and

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph:

11 “(2) ASSISTANCE TO TERRITORIES.—Of the
12 amounts made available under this subsection, the
13 Administrator may use funds to provide grants to
14 the Virgin Islands, the Commonwealth of the North-
15 ern Mariana Islands, American Samoa, and Guam
16 for the purpose of addressing emerging contami-
17 nants, with a focus on perfluoroalkyl and
18 polyfluoroalkyl substances.”.

19 **SEC. 17. CLEAN WATER ACT EFFLUENT STANDARDS,**
20 **PRETREATMENT STANDARDS, AND WATER**
21 **QUALITY CRITERIA FOR PFAS.**

22 (a) REVIEW AND REGULATION OF SUBSTANCES AND
23 SOURCES.—

24 (1) REVIEW.—

25 (A) IN GENERAL.—As soon as practicable,
26 but not later than September 30, 2022, and bi-

1 ennially thereafter, the Administrator shall pub-
2 lish in the Federal Register a plan under sub-
3 section (m) of section 304 of the Federal Water
4 Pollution Control Act (33 U.S.C. 1314) that
5 contains the results of a review, conducted in
6 accordance with such section, of the introduc-
7 tion or discharge of perfluoroalkyl and
8 polyfluoroalkyl substances from classes and cat-
9 egories of point sources (other than publicly
10 owned treatment works).

11 (B) INCLUSIONS.—The Administrator shall
12 include in each plan published pursuant to sub-
13 paragraph (A)—

14 (i) information on potential introduc-
15 tion or discharges of perfluoroalkyl and
16 polyfluoroalkyl substances;

17 (ii) any information gaps on such in-
18 troduction or discharges and the process
19 by which the Administrator will address
20 such gaps;

21 (iii) for each measurable
22 perfluoroalkyl and polyfluoroalkyl sub-
23 stance that is not on the list of toxic pol-
24 lutants described in section 307(a) of the
25 Federal Water Pollution Control Act, a de-

1 termination, in accordance with the re-
2 quirements of such section, whether or not
3 to add the substance to such list; and

4 (iv) a determination, in accordance
5 with the requirements of the Federal
6 Water Pollution Control Act, whether or
7 not to establish effluent limitations and
8 pretreatment standards for the introduc-
9 tion or discharge of each substance de-
10 scribed in clause (iii) that the Adminis-
11 trator determines under such clause not to
12 add to such list and for which the Admin-
13 istrator has not developed such limitations
14 or standards.

15 (2) REGULATION.—Based on the results of
16 each review conducted under paragraph (1) and in
17 accordance with the requirements of the Federal
18 Water Pollution Control Act, the Administrator
19 shall—

20 (A) in accordance with the plan published
21 under paragraph (1), as soon as practicable—

22 (i) for each measurable perfluoroalkyl
23 and polyfluoroalkyl substance that the Ad-
24 ministrator determines under paragraph
25 (1)(B)(iii) to add to the list of toxic pollut-

1 ants described in section 307(a) of such
2 Act, initiate the process for adding the
3 substance to such list; and

4 (ii) for each measurable perfluoroalkyl
5 and polyfluoroalkyl substance that the Ad-
6 ministrator determines under paragraph
7 (1)(B)(iv) to establish effluent limitations
8 and pretreatment standards, establish such
9 effluent limitations and pretreatment
10 standards (which limitations and standards
11 may be established by substance or by
12 class or category of substances); and

13 (B) not later than 2 years after the date
14 on which each plan is published under para-
15 graph (1), publish human health water quality
16 criteria for measurable perfluoroalkyl and
17 polyfluoroalkyl substances and classes and cat-
18 egories of perfluoroalkyl and polyfluoroalkyl
19 substances for which the Administrator has not
20 published such criteria.

21 (b) DEADLINES FOR COVERED PERFLUOROALKYL
22 SUBSTANCES.—

23 (1) WATER QUALITY CRITERIA.—Not later than
24 2 years after the date of enactment of this section,
25 the Administrator shall publish in the Federal Reg-

1 ister human health water quality criteria for each
2 covered perfluoroalkyl substance.

3 (2) EFFLUENT LIMITATIONS AND
4 PRETREATMENT STANDARDS FOR PRIORITY INDUS-
5 TRY CATEGORIES.—As soon as practicable, but not
6 later than 4 years after the date of enactment of
7 this section, the Administrator shall publish in the
8 Federal Register a final rule establishing, for each
9 priority industry category, effluent limitations and
10 pretreatment standards for the introduction or dis-
11 charge of each covered perfluoroalkyl substance.

12 (c) NOTIFICATION.—The Administrator shall notify
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Envi-
15 ronment and Public Works of the Senate of each publica-
16 tion made under this section.

17 (d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
18 OWNED TREATMENT WORKS.—

19 (1) IN GENERAL.—The Administrator shall
20 award grants, in amounts not to exceed \$100,000,
21 to owners and operators of publicly owned treatment
22 works, to be used for the implementation of a
23 pretreatment standard developed by the Adminis-
24 trator for a perfluoroalkyl or polyfluoroalkyl sub-
25 stance.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Ad-
3 ministrators to carry out this subsection
4 \$200,000,000 for each of fiscal years 2022 through
5 2026, to remain available until expended.

6 (e) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) COVERED PERFLUOROALKYL SUBSTANCE.—

11 The term “covered perfluoroalkyl substance” means
12 perfluorooctanoic acid, perfluorooctane sulfonic acid,
13 or a salt associated with perfluorooctanoic acid or
14 perfluorooctane sulfonic acid.

15 (3) EFFLUENT LIMITATION.—The term “efflu-
16 ent limitation” means an effluent limitation under

17 section 301(b) of the Federal Water Pollution Con-
18 trol Act (33 U.S.C. 1311).

19 (4) INTRODUCTION.—The term “introduction”

20 means the introduction of pollutants into treatment
21 works, as described in section 307(b) of the Federal
22 Water Pollution Control Act (33 U.S.C. 1317).

23 (5) MEASURABLE.—The term “measurable”

24 means, with respect to a chemical substance or class

1 or category of chemical substances, capable of being
2 measured using—

3 (A) test procedures established under sec-
4 tion 304(h) of the Federal Water Pollution
5 Control Act (33 U.S.C. 1314);

6 (B) applicable protocols and methodologies
7 required pursuant to section 4(a) of the Toxic
8 Substances Control Act (15 U.S.C. 2603); or

9 (C) any other analytical method developed
10 by the Administrator for detecting pollutants,
11 as such term is defined in section 502 of the
12 Federal Water Pollution Control Act (33 U.S.C.
13 1362).

14 (6) **PRETREATMENT STANDARD.**—The term
15 “pretreatment standard” means a pretreatment
16 standard under section 307(b) of the Federal Water
17 Pollution Control Act (33 U.S.C. 1317).

18 (7) **PRIORITY INDUSTRY CATEGORY.**—The term
19 “priority industry category” means the following
20 point source categories:

21 (A) Organic chemicals, plastics, and syn-
22 thetic fibers, as identified in part 414 of title
23 40, Code of Federal Regulations.

1 (B) Pulp, paper, and paperboard, as iden-
2 tified in part 430 of title 40, Code of Federal
3 Regulations.

4 (C) Textile mills, as identified in part 410
5 of title 40, Code of Federal Regulations.

6 (8) TREATMENT WORKS.—The term “treatment
7 works” has the meaning given that term in section
8 212 of the Federal Water Pollution Control Act (33
9 U.S.C. 1292).

10 (9) WATER QUALITY CRITERIA.—The term
11 “water quality criteria” means criteria for water
12 quality under section 304(a)(1) of the Federal
13 Water Pollution Control Act (33 U.S.C. 1314).