

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2467
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. FINDINGS; SENSE OF CONGRESS.

2 (a) FINDINGS.—Congress finds the following:

3 (1) With respect to actions taken by the Admin-
4 istrator of the Environmental Protection Agency:

5 (A) On January 19, 2021, the Adminis-
6 trator of the Environmental Protection Agency
7 made a final determination to issue national
8 primary drinking water regulations for PFOA
9 and PFOS under the Safe Drinking Water Act.
10 The Administrator has 24 months from that de-
11 termination to propose a maximum contaminant
12 level goal and an enforceable drinking water
13 regulation.

14 (B) On January 19, 2021, the Adminis-
15 trator proposed collecting new PFAS data in
16 public water systems under the fifth Unregu-
17 lated Contaminant Monitoring Rule (UCMR 5).
18 That data will be used to better understand oc-

1 currence and prevalence of 29 PFAS chemicals
2 in drinking water in the United States.

3 (C) On January 19, 2021, the Adminis-
4 trator announced that the Environmental Pro-
5 tection Agency was issuing an Advance Notice
6 of Proposed Rulemaking to get public comment
7 to inform the Agency's evaluation of further
8 need for additional PFOA and PFOS regula-
9 tion under the Comprehensive Environmental
10 Response, Compensation, and Liability Act of
11 1980, as well as subjecting PFOA and PFOS
12 and other PFAS chemicals to regulation as haz-
13 ardous waste under the Solid Waste Disposal
14 Act.

15 (D) On December 18, 2020, the Adminis-
16 trator released for public comment new interim
17 guidance that will help protect the public from
18 exposure to these emerging chemicals of con-
19 cern. Specifically, the new interim guidance out-
20 lines the current state of the science on tech-
21 niques and treatments that may be used to de-
22 stroy or dispose of PFAS and PFAS-containing
23 materials from non-consumer products, includ-
24 ing aqueous film-forming foam.

1 (E) On November 22, 2020, the Adminis-
2 trator issued an interim strategy for imple-
3 menting Federally issued National Pollutant
4 Discharge Elimination System permit require-
5 ments for PFAS.

6 (F) On March 17, 2021, based upon
7 wastewater discharge data, the Administrator
8 issued an Advance Notice of Proposed Rule-
9 making announcing plans to evaluate the need
10 for new effluent limitations guidelines,
11 pretreatment standards, and new source per-
12 formance standards to address discharges from
13 manufacturers and formulators of PFAS.

14 (G) In June 2020, the Administrator
15 issued a final regulation that added a list of
16 172 PFAS chemicals to Toxics Release Inven-
17 tory reporting, and on June 10, 2021, the Ad-
18 ministrator added three new PFAS chemicals to
19 Toxics Release Inventory reporting.

20 (H) On April 27, 2021, the Administrator
21 announced that PFAS chemicals could not
22 qualify for an exemption from the Toxic Sub-
23 stances Control Act new chemical or new use
24 review by virtue of the fact that they are made
25 in a “low-volume”.

1 (I) On June 10, 2021, the Administrator
2 proposed a rule to gather, within 1 year, com-
3 prehensive data on more than 1,000 PFAS
4 chemicals manufactured in the United States
5 since 2011.

6 (2) With respect to statutory enactments:

7 (A) The National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–
9 92)—

10 (I) requires the Environmental Pro-
11 tection Agency to mandate that drinking
12 water systems monitor for unregulated
13 PFAS for which there are validated meth-
14 ods, which means 29 PFAS chemicals will
15 be monitored for during the fifth unregu-
16 lated contaminant monitoring rule;

17 (ii) provides grants to communities to
18 address emerging contaminants in drinking
19 water, including PFAS;

20 (iii) requires new reporting of PFAS
21 under the Toxic Release Inventory pro-
22 gram and if future science shows that a
23 certain PFAS does not qualify for report-
24 ing, the substance can come off the list;

1 (iv) requires manufacturers and proc-
2 essors of PFAS to submit the health and
3 safety information they have to the Envi-
4 ronmental Protection Agency so such
5 Agency can try to better understand how
6 severe the problem of PFAS is to human
7 health;

8 (v) requires the Environmental Pro-
9 tection Agency to complete a rule under
10 the Toxic Substances Control Act to place
11 restrictions on new uses of long chain
12 PFAS;

13 (vi) requires the Environmental Pro-
14 tection Agency to issue guidance for appro-
15 priate destruction and disposal of PFAS,
16 including biosolids, spent filters, landfill
17 leachate, and firefighting foam;

18 (vii) requires the Federal Government
19 to work expeditiously with States to enter
20 into binding cooperative agreements con-
21 cerning cleanup of PFAS and by law, these
22 agreements would require the lower of ap-
23 propriate Federal or State standards;

24 (viii) requires the Department of De-
25 fense (DoD) to phase out PFAS-containing

1 firefighting foam by 2024 and prohibits
2 the DoD from using PFAS-containing
3 aqueous film forming foams during train-
4 ing exercises at military installations;

5 (ix) allows the Air Force to procure
6 land contaminated by PFOS or PFOA and
7 assist affected people with relocation;

8 (x) requires the DoD to submit to
9 Congress a remediation plan for cleanup of
10 water that is contaminated with PFOA
11 and PFOS and is adjacent to a military in-
12 stallation;

13 (xi) phases out the use of PFAS
14 chemicals in meals-ready-to-eat (MRE)
15 packaging;

16 (xii) allows the DoD to provide non-
17 contaminated water for agricultural pur-
18 poses where it has contaminated the exist-
19 ing water supplies above certain levels with
20 PFOS or PFOA;

21 (xiii) requires the United States Geo-
22 logical Survey, in coordination with the
23 Environmental Protection Agency, to do
24 monitoring of surface and ground water,
25 soils and wells and the creation of a detec-

1 tion standard for PFAS, aiding our under-
2 standing of the location and severity of
3 certain PFAS contamination;

4 (xiv) requires continued blood testing
5 for military personnel to better determine
6 and document their exposure to PFAS and
7 also funds health effects studies;

8 (xv) requires that incineration of
9 PFAS containing firefighting foams com-
10 plies with Clean Air Act requirements and
11 that disposal is appropriately handled; and

12 (xvi) amends the Defense Environ-
13 mental Restoration Act to require the DoD
14 to cleanup pollutants or contaminants,
15 snaring PFAS into this cleanup require-
16 ment.

17 (B) The Consolidated Appropriations Act,
18 2020 (Public Law 116–93) and the Further
19 Consolidated Appropriations Act, 2020 (Public
20 Law 116–94)—

21 (I) require the Environmental Protec-
22 tion Agency to report to Congress within
23 60 days on its progress in addressing
24 PFAS cleanup; and

1 (ii) provide \$2,800,000,000 for the
2 Clean Water and Drinking Water State
3 Revolving Funds, including \$20,000,000
4 for State-level PFAS cleanup.

5 (C) The William M. (Mac) Thornberry Na-
6 tional Defense Authorization Act for Fiscal
7 Year 2021—

8 (I) provides—

9 (I) \$125,000,000 for research
10 and development related to PFAS and
11 replacements for AFFF:

12 (II) \$50,000,000 (\$25,000,000
13 each for the Strategic Environmental
14 Research and Development Program
15 and Environmental Security Tech-
16 nology Certification Program) to de-
17 velop technologies for the disposal of
18 PFAS and remediation of environ-
19 mental contamination;

20 (III) \$25,000,000 for the Stra-
21 tegic Environmental Research and
22 Development Program to develop a re-
23 placement for AFFF as a suppressant
24 for use against petroleum-based liquid
25 fuel fires;

1 (IV) \$10,000,000 for the Envi-
2 ronmental Security Technology Cer-
3 tification Program to support addi-
4 tional efforts to replace AFFF;

5 (V) \$20,000,000 (in total from
6 fiscal year 2021 through fiscal year
7 2025) for a study of PFAS contained
8 in firefighter protective equipment, ex-
9 posures, and mitigation of potential
10 risks;

11 (VI) \$15,000,000 to continue a
12 Centers for Disease Control and Pre-
13 vention and Agency for Toxic Sub-
14 stances and Disease Registry joint
15 study of the health effects of exposure
16 to PFAS; and

17 (VII) \$5,000,000 for prizes to be
18 awarded under the Strategic Environ-
19 mental Research and Development
20 Program for the development of
21 PFAS-free firefighting agents for
22 United States military application;

23 (ii) requires the DoD to—

24 (I) report the use or spills of
25 AFFF greater than 10 gallons of con-

1 centrate, or greater than 300 gallons
2 of mixed foam, and to prepare action
3 plans to mitigate potential risks;

4 (II) conduct a survey of hangar
5 flooring systems, fire-fighting agent
6 delivery systems, containment sys-
7 tems, and other relevant technologies
8 to facilitate the United States military
9 phase-out of AFFF; and

10 (III) notify agricultural oper-
11 ations within 1 mile down gradient of
12 a military installation or National
13 Guard facility where certain specified
14 PFAS chemicals that originated from
15 a United States military installation
16 or National Guard facility were de-
17 tected in groundwater at certain con-
18 centrations or in an agricultural or
19 drinking water source;

20 (iii) directs the White House Office of
21 Science and Technology Policy to establish
22 an interagency working group (including
23 the DoD) to coordinate Federal research
24 and development activities related to
25 PFAS; and

1 (iv) restricts the Defense Logistics
2 Agency (beginning on April 1, 2023) from
3 procuring certain items containing certain
4 specified PFAS chemicals, including
5 nonstick cookware or cooking utensils, and
6 furniture, carpets, and rugs that have been
7 treated with stain-resistant coatings.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that using objective, high-quality science, engaging
10 with the larger science community, using transparent
11 processes like notices and public comment opportunities,
12 and taking a measured, informed, and targeted approach
13 has produced a broad response to PFAS by the Environ-
14 mental Protection Agency.

