AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 535
OFFERED BY M. ________

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “PFAS Action Act of 2019”.

4 (b) TABLE OF CONTENTS.—

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. Monitoring and detection.
Sec. 7. Enforcement.
Sec. 8. Drinking water state revolving funds.
Sec. 9. Additions to toxics release inventory.
Sec. 10. PFAS data call.
Sec. 11. Significant new use rule for long-chain PFAS.
Sec. 12. PFAS destruction and disposal guidance.
Sec. 13. Establishment of PFAS infrastructure grant program.
Sec. 14. Cooperative agreements with States for removal and remedial actions
to address drinking, surface, and ground water and soil cont-
tamination from PFAS.
Sec. 15. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous
air pollutants.
Sec. 16. Prohibition on waste incineration of PFAS.
Sec. 17. Label for pots, pans, and cooking utensils.
Sec. 18. Guidance on minimizing the use of firefighting foam and other related
equipment containing any PFAS.

5 SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

6 (a) DESIGNATION.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of the
Environmental Protection Agency shall designate perfluorooctanoic acid and its salts, and perfluoroactanesulfonic 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 substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)) individually or in groups.

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), 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. 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) This subsection does not apply to any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.”; 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 Adminis-
trator 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 pro-
hibit the manufacture, processing, and distribution
in commerce of such chemical substance.”.

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

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 2 years
after the date of enactment of this paragraph,
the Administrator shall, after notice and oppor-
tunity for public comment, promulgate a na-
tional primary drinking water regulation for
perfluoroalkyl and polyfluoroalkyl substances,
which shall, at a minimum, include standards for—

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

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

“(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 sub-
stances; 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 con-
sideration of regulation under paragraph
(1)(B)(i), in accordance with such para-
graph; and

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

“(D) MONITORING.—When establishing
monitoring requirements for public water sys-
tems 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 contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national 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 1 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 substances.—

“(i) Determination.—The Administrator 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 in the national primary drinking water regulation under 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 determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

"(bb) may publish the proposed 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 publishes a proposed national primary 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.

“(H) 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.”.

SEC. 6. MONITORING AND DETECTION.
(a) MONITORING PROGRAM FOR UNREGULATED
CONTAMINANTS.—

(1) IN GENERAL.—The Administrator of the
Environmental Protection Agency shall include each
substance described in paragraph (2) in the fifth
publication of the list of unregulated contaminants
to be monitored under section 1445(a)(2)(B)(i) of
the Safe Drinking Water Act (42 U.S.C. 300j–
4(a)(2)(B)(i)).

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

(A) for which a method to measure the
level in drinking water has been validated by
the Administrator of the Environmental Protec-
tion Agency; and

(B) that are not subject to a national pri-
mary drinking water regulation under subpara-
graph (A) or (G)(ii) of paragraph (16) of sec-
tion 1412(b) of the Safe Drinking Water Act
(42 U.S.C. 300g–1(b)).

(3) EXCEPTION.—The perfluoroalkyl and
polyfluoroalkyl substances and classes of
perfluoroalkyl and polyfluoroalkyl substances in-
cluded in the list of unregulated contaminants to be
monitored under section 1445(a)(2)(B)(i) of the
Safe Drinking Water Act (42 U.S.C. 300j–
4(a)(2)(B)(i)) under paragraph (1) shall not count
towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall—

(A) require public water systems serving more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor for the substances described in subsection (a)(2).

(2) REQUIREMENT.—If the Administrator of the Environmental Protection Agency determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Adminis-
trator may waive the monitoring requirements in those subparagraphs.

(3) FUNDS.—The Administrator of the Environmental Protection Agency shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1) using—

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

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

SEC. 7. 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 regulation (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 clause (i) or (vi) of subparagraph (D) of section 1412(b)(2) of the Safe
Drinking Water Act (42 U.S.C. 300g–1(b)(2)) earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

SEC. 8. DRINKING WATER STATE REVOLVING FUNDS.

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

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

“(G) EMERGING CONTAMINANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), amounts deposited under subsection (t) in a State loan fund established under this section may only be used to provide grants for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

“(ii) REQUIREMENTS.—

“(I) SMALL AND DISADVANTAGED COMMUNITIES.—Not less than 25 percent of the amounts described in clause (i) shall be used to provide grants to—
“(aa) disadvantaged communities (as defined in subsection (d)(3)); or

“(bb) public water systems serving fewer than 25,000 persons.

“(II) PRIORITIES.—In selecting the recipient of a grant using amounts described in clause (i), a State shall use the priorities described in subsection (b)(3)(A).

“(iii) NO INCREASED BONDING AUTHORITY.—The amounts deposited in the State loan fund of a State under subsection (t) 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.”;

(2) in subsection (m)(1), in the matter preceding subparagraph (A), by striking “this section” and inserting “this section, except for subsections (a)(2)(G) and (t)”;

(3) by adding at the end the following:
“(t) EMERGING CONTAMINANTS.—

“(1) IN GENERAL.—Amounts made available under this subsection shall be allotted to a State as if allotted under subsection (a)(1)(D) as a capital-ization grant, for deposit into the State loan fund of the State, for the purposes described in subsection (a)(2)(G).

“(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2020 through 2024, to remain available until expended.”.

SEC. 9. ADDITIONS TO TOXICS RELEASE INVENTORY.

(a) DEFINITION OF TOXICS RELEASE INVENTORY.—

In this section, the term “toxics release inventory” means 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)).

(b) IMMEDIATE INCLUSION.—

(1) IN GENERAL.—Subject to subsection (e), beginning January 1 of the calendar year following the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall deem the following chemicals to be included in the toxics release inventory:
(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335–67–1).

(B) The salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825–26–1, 335–95–5, and 68141–02–6).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763–23–1).


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

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

   (ii) on the date of enactment of this Act, subject to the provisions of—
(I) section 721.9582 of title 40, Code of Federal Regulations; or


(F) Hexafluoropropylene oxide dimer acid (commonly referred to as “GenX”) (Chemical Abstracts Service No. 13252–13–6).

(G) The compound associated with the chemical described in subparagraph (F) identified by Chemical Abstracts Service No. 62037–80–3.

(H) Perfluorononanoic acid (commonly referred to as “PFNA”) (Chemical Abstracts Service No. 375–95–1).

(I) Perfluorohexanesulfonic acid (commonly referred to as “PFHxS”) (Chemical Abstracts Service No. 355–46–4).

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is 100 pounds.
(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for any chemical described in paragraph (1); and

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

(c) INCLUSION FOLLOWING ASSESSMENT.—

(1) IN GENERAL.—

(A) DATE OF INCLUSION.—Subject to subsection (e), notwithstanding section 313 of the Emergency Planning and Community Right-To-Know Act of 1986, the Administrator of the Environmental Protection Agency shall deem a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not described in subsection (b)(1) to be included in the toxics release inventory begin-
ning January 1 of the calendar year after any
of the following dates:

(i) **Final Toxicity Value.**—The date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(ii) **Significant New Use Rule.**—The date on which the Administrator makes a covered determination for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(iii) **Addition to Existing Significant New Use Rule.**—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a covered determination.

(iv) **Addition as Active Chemical Substance.**—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a covered determination.
substances to which a covered determination applies is—

(I) added to the list published under paragraph (1) of section 8(b) of the Toxic Substances Control Act and designated as an active chemical substance under paragraph (5)(A) of such section; or

(II) designated as an active chemical substance on such list under paragraph (5)(B) of such section.

(B) COVERED DETERMINATION.—For purposes of this paragraph, a covered determination is a determination made, by rule, under section 5(a)(2) of the Toxic Substances Control Act that a use of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is a significant new use (except such a determination made in connection with a determination described in section 5(a)(3)(B) or section 5(a)(3)(C) of such Act).

(2) THRESHOLD FOR REPORTING.—

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

(B) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under paragraph (1), the Administrator of the Environmental Protection Agency shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for the substance or class of substances; and

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

(d) INCLUSION FOLLOWING DETERMINATION.—
(1) IN GENERAL.—Not later than 2 years after
the date of enactment of this Act, the Administrator
of the Environmental Protection Agency shall deter-
mine whether the substances and classes of sub-
stances described in paragraph (2) meet any one of
the criteria described in section 313(d)(2) of the
Emergency Planning and Community Right-To-
Know Act of 1986 (42 U.S.C. 11023(d)(2)) for in-
clusion in the toxics release inventory.

(2) SUBSTANCES DESCRIBED.—The substances
and classes of substances referred to in paragraph
(1) are perfluoroalkyl and polyfluoroalkyl substances
and classes of perfluoroalkyl and polyfluoroalkyl sub-
stances not described in subsection (b)(1), includ-
ing—

(A) perfluor[(2-pentafluoroethoxy-
ethoxy)acetic acid] ammonium salt (Chemical
Abstracts Service No. 908020–52–0);

(B) 2,3,3,3-tetrafluoro 2−(1,1,2,3,3,3-
hexafluoro)−2−(trifluoromethoxy) propanoyl flu-
oride (Chemical Abstracts Service No. 2479–
75–6);

(C) 2,3,3,3-tetrafluoro 2−(1,1,2,3,3,3-
hexafluoro)−2−(trifluoromethoxy) propionic acid
(Chemical Abstracts Service No. 2479–73–4);
(D) 3H-perfluoro-3-[(3-methoxy-propoxy)propanoic acid] (Chemical Abstracts Service No. 919005–14–4);

(E) the salts associated with the chemical described in subparagraph (D) (Chemical Abstracts Service Nos. 958445–44–8, 1087271–46–2, and NOCAS 892452);

(F) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium salt (Chemical Abstracts Service No. 59587–38–1);

(G) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375–73–5);

(H) 1–Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt (Chemical Abstracts Service No. 29420–49–3);

(I) the component associated with the chemical described in subparagraph (H) (Chemical Abstracts Service No. 45187–15–3);

(J) heptafluorobutyric acid (Chemical Abstracts Service No. 375–22–4);

(K) perfluorohexanoic acid (Chemical Abstracts Service No. 307–24–4);

(L) the compound associated with the chemical described in subsection (b)(1)(F) iden-
tified by Chemical Abstracts Service No. 2062–98–8;

(M) perfluoroheptanoic acid (commonly referred to as “PFHpA”) (Chemical Abstracts Service No. 375–85–9);

(N) each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluorinated polymers, as determined by the Administrator.

(3) ADDITION TO TOXICS RELEASE INVENTORY.—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets any one of the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Administrator shall revise the
toxics release inventory in accordance with such section 313(d) to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

(c) CONFIDENTIAL BUSINESS INFORMATION.—

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

(A) review any such claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 14(f) of the Toxic Substances Control Act (15 U.S.C. 2613(f)).

(2) NONDISCLOSURE OF PROTECTION INFORMATION.—If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl
or polyfluoroalkyl substances qualifies for protection
from disclosure pursuant to paragraph (1), the Ad-
ministrator shall include the substance or class of
substances, as applicable, on the toxi-es release inven-
tory in a manner that does not disclose the protected
information.

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

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

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

“(1) the chemicals”; and

(3) by adding at the end the following:

“(2) the chemicals included on such list under
subsections (b)(1), (c)(1), and (d)(3) of section 9 of
the PFAS Action Act of 2019.”.

SEC. 10. PFAS DATA CALL.

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

“(7) PFAS DATA.—Not later than January 1,
2023, the Administrator shall promulgate a rule in
accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2011, to submit to the Administrator a report that includes, for each year since January 1, 2011, the information described in subparagraphs (A) through (G) of paragraph (2).”.

SEC. 11. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS.

Not later than June 22, 2020, the Administrator of the Environmental Protection Agency shall take final action on the proposed rule entitled “Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

SEC. 12. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—

(1) soil and biosolids;

(2) textiles treated with perfluoroalkyl and polyfluoroalkyl substances;
(3) spent filters, membranes, resins, granular carbon, and other waste from water treatment;

(4) landfill leachate containing perfluoroalkyl and polyfluoroalkyl substances; and

(5) solid, liquid, or gas waste streams containing perfluoroalkyl and polyfluoroalkyl substances from facilities manufacturing or using perfluoroalkyl and polyfluoroalkyl substances.

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

(1) take into consideration—

(A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and

(B) potentially vulnerable populations living near likely destruction or disposal sites; and

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

(e) REVISIONS.—The Administrator shall publish revisions to the interim guidance under subsection (a) as
the Administrator determines to be appropriate, but not
less frequently than once every 3 years.

SEC. 13. 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 fol-
lowing new section:

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

“(a) Establishment.—Not later than 180 days
after the date of enactment of this section, the Adminis-
trator shall establish a program to award grants to af-
fected 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 Ad-
ministrator shall publish guidance describing the
form and timing for community water systems to
apply for grants under this section.

“(2) Required Information.—The Adminis-
trator shall require a community water system ap-
plying 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 remove all detectable amounts of PFAS.

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

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

“(1) serve a disadvantaged community;

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

“(3) demonstrate the capacity to maintain the eligible treatment technology to be implemented using the grant.
“(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section not more than $100,000,000 for each of fiscal years 2020 through 2021.

“(f) 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) Eligible Treatment Technology.—The term ‘eligible treatment technology’ means a treatment technology included on the list published under subsection (c).

“(4) PFAS.—The term ‘PFAS’ means a perfluoroalkyl or polyflouroalkyl substance with at least one fully fluorinated carbon atom.”.
SEC. 14. COOPERATIVE AGREEMENTS WITH STATES FOR
REMOVAL AND REMEDIAL ACTIONS TO AD-
DRESS DRINKING, SURFACE, AND GROUND
WATER AND SOIL CONTAMINATION FROM
PFAS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL FACILITY.—

(A) IN GENERAL.—The term “Federal fa-
cility” means a facility (as defined in section
101 of the Comprehensive Environmental Re-
response, Compensation, and Liability Act of
1980 (42 U.S.C. 9601)) that is owned or oper-
ated by the Federal Government.

(B) INCLUSION.—The term “Federal facil-
ity” includes—

(i) a facility or site—

(I) owned by, leased to, or other-
wise possessed by the United States;

or

(II) under the jurisdiction of the
Secretary of Defense;

(ii) a facility or site that, at the time
of the actions leading to contamination or
suspected contamination of drinking water,
surface water, or groundwater or land sur-
face or subsurface strata from a perfluorinated compound, was—

(I) owned by, leased to, or otherwise possessed by the United States; or

(II) under the jurisdiction of the Secretary of Defense; and

(iii) land owned and operated by a State when the land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though that land is not under the jurisdiction of the Secretary of Defense.

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PERFLUORINATED COMPOUND.—The term “perfluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance (or “PFAS”) that is manmade with at least 1 fully fluorinated carbon atom.
(4) **STATE.**—The term “State” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—On request by the Governor or chief executive of a State, a Federal department or agency shall work expeditiously to finalize a cooperative agreement for, or to amend an existing cooperative agreement to address, testing, monitoring, removal, and remedial actions to address contamination or suspected contamination of drinking water, surface water, or groundwater or land surface or subsurface strata from a perfluorinated compound originating from a Federal facility.

(2) **MINIMUM STANDARDS.**—A cooperative agreement finalized or amended under paragraph (1) shall require the area subject to the cooperative agreement to meet or exceed the most stringent of the following standards for perfluorinated compounds in any environmental media:

(A) An enforceable State standard, in effect in that State, for drinking water, surface water, or groundwater or land surface or subsurface strata, as required under section 121(d)
of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)).

(B) A health advisory under section 1412(b)(1)(F) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(1)(F)).

(C) Any Federal standard, requirement, criterion, or limit, including a standard, requirement, criterion, or limit issued under—

(i) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.);

(iv) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(v) the Marine Protection, Research, and Sanctuaries Act of 1972 (commonly known as the “Ocean Dumping Act”) (33 U.S.C. 1401 et seq.); or

(vi) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(3) OTHER AUTHORITY.—In addition to the requirements for a cooperative agreement under para-
graph (1), when otherwise authorized to expend
funds for the purpose of addressing ground or sur-
face water contaminated by a perfluorinated com-
pound, the head of a Federal department or agency
may, to expend those funds, enter into a grant
agreement, cooperative agreement, or contract
with—

(A) the local water authority with jurisdic-
tion over the contamination site, including—

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

(ii) a publicly owned treatment works
(as defined in section 212 of the Federal
Water Pollution Control Act (33 U.S.C.
1292)); or

(B) a State, local, or Tribal government.

(c) Notification Requirement.—

(1) Definition of Appropriate Congressional Committees.—In this subsection, the term
“appropriate congressional committees” means—

(A) the Committee on Environment and
Public Works of the Senate;

(B) the Committee on Homeland Security
and Governmental Affairs of the Senate;
(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Oversight and Reform of the House of Representatives.

(2) REPORT.—

(A) IN GENERAL.—If a cooperative agreement is not finalized or amended under subsection (b) by the date that is 1 year after the date on which a request by the Governor or chief executive of a State was made, the President shall submit a report described in subparagraph (B) to—

(i) the appropriate congressional committees;

(ii) each Senator from the State affected by the perfluorinated compound contamination; and

(iii) each member of Congress that represents a district affected by the perfluorinated compound contamination.

(B) REPORT DESCRIBED.—The report referred to in subparagraph (A) shall include—

(i) a detailed explanation of why a cooperative agreement has not been finalized or amended, as applicable; and
(ii) a projected timeline for finalizing or amending a cooperative agreement, as applicable.

SEC. 15. LISTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS AIR POLLUTANTS.

(a) 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 as a class all perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(b) Sources Categories.—Not later than 365 days after the 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. 16. PROHIBITION ON 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 or aqueous film forming foam are disposed—

“(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 incineration is conducted in accordance with the requirements of the Clean Air Act, including controlling hydrogen fluoride;

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

“(D) all incineration is conducted at a facility that has been permitted to receive waste regulated under this subtitle.
“(3) PENALTIES.—For purposes of section 3008(d), a waste subject to a prohibition under this subsection shall be considered a hazardous waste identified or listed under this subtitle.”.

SEC. 17. LABEL FOR POTS, PANS, AND COOKING UTENSILS.

(a) LABEL FOR POTS, PANS, AND COOKING UTENSILS.—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 pot, pan, or cooking utensil to meet in order to be labeled with a Safer Choice label, including a requirement that any such pot, pan, or cooking utensil does not contain any PFAS; or

(2) establish voluntary label available to be used by any manufacturer of any pot, pan, or cooking utensil that the Administrator has reviewed and found does not contain any PFAS.

(b) DEFINITION.—In this section, the term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.
SEC. 18. GUIDANCE ON MINIMIZING THE USE OF FIRE-FIGHTING FOAM AND OTHER RELATED EQUIPMENT CONTAINING ANY PFAS.

(a) GUIDANCE.—Not later than one year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration and other relevant Federal departments or agencies, shall issue guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS by firefighters, police officers, paramedics, emergency medical technicians, and other first responders, in order to minimize the risk to such firefighters, police officers, paramedics, emergency medical technicians, and other first responders, and the environment, without jeopardizing firefighting efforts.

(b) DEFINITION.—In this section, the term “PFAS” means perfluorooctanoic acid, perfluorooctanesulfonic acid, and any other perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom that the Administrator of the Environmental Protection Agency determines is used in firefighting foam.