

118TH CONGRESS
1ST SESSION

H. R. 6805

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

DECEMBER 14, 2023

Mrs. DINGELL (for herself, Mr. FITZPATRICK, Mr. RYAN, Mr. SARBANES, Mr. BOYLE of Pennsylvania, Mr. PAPPAS, Mr. KHANNA, Ms. STEVENS, Mr. PALLONE, Mrs. NAPOLITANO, Mr. TONKO, Ms. KUSTER, Mr. SOTO, Mr. KILDEE, Mr. LARSEN of Washington, and Mrs. FLETCHER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “PFAS Action Act of 2023”.

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

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

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

7 (a) DESIGNATION.—Not later than 60 days after the
8 date of enactment of this Act, the Administrator of the
9 Environmental Protection Agency shall designate
10 perfluorooctanoic acid and its salts, and
11 perfluoroactanesulfonic acid and its salts, as hazardous
12 substances under section 102(a) of the Comprehensive En-
13 vironmental Response, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9602(a)).

15 (b) DEADLINE FOR ADDITIONAL DETERMINA-
16 TIONS.—Not later than 5 years after the date of enact-

1 ment of this Act, the Administrator of the Environmental
2 Protection Agency shall determine whether to designate
3 all perfluoroalkyl and polyfluoroalkyl substances, other
4 than those perfluoroalkyl and polyfluoroalkyl substances
5 designated pursuant to subsection (a), as hazardous sub-
6 stances under section 102(a) of the Comprehensive Envi-
7 ronmental Response, Compensation, and Liability Act of
8 1980 (42 U.S.C. 9602(a)) individually or in groups.

9 (c) REVIEW.—

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

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

22 (A) The number of sites where the Envi-
23 ronmental Protection Agency has acted to re-
24 mediate contamination of the substances des-
25 ignated pursuant to subsection (a).

1 (B) Which types of chemicals relating to
2 such substances were present at each site and
3 the extent to which each site was contaminated.

4 (C) An analysis of discrepancies in cleanup
5 between Federal and non-Federal contamina-
6 tion sites.

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

9 (3) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term “ap-
11 propriate congressional committees” means the fol-
12 lowing:

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

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

17 **SEC. 3. TESTING OF PERFLUOROALKYL AND**
18 **POLYFLUOROALKYL SUBSTANCES.**

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

22 “(5) PERFLUOROALKYL AND
23 POLYFLUOROALKYL SUBSTANCES RULE.—

24 “(A) RULE.—Notwithstanding paragraphs
25 (1) through (3), the Administrator shall, by

1 rule, require that comprehensive toxicity testing
2 be conducted on all chemical substances that
3 are perfluoroalkyl or polyfluoroalkyl substances.

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

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

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

19 “(iii) may allow for varied or tiered
20 testing requirements based on hazard char-
21 acteristics or chemical properties of
22 perfluoroalkyl and polyfluoroalkyl sub-
23 stances or categories of perfluoroalkyl and
24 polyfluoroalkyl substances.

1 “(C) DEADLINES.—The Administrator
2 shall issue—

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

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

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

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

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

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

22 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
23 STANCES.—Section 4 of the Toxic Substances Control Act
24 (15 U.S.C. 2603) is amended by adding at the end the
25 following:

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

3 “(1) TESTING REQUIREMENT RULE.—

4 “(A) PROTOCOLS AND METHODOLOGIES.—

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

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

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

22 “(A) may only determine under subsection
23 (c)(2) that information would be duplicative if
24 the chemical substance with respect to which
25 the application for exemption is submitted is in

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

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

12 **SEC. 4. ANALYTICAL REFERENCE STANDARDS FOR PFAS.**

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

16 “(j) ANALYTICAL REFERENCE STANDARDS FOR
17 PFAS.—

18 “(1) SUBMISSION.—

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

24 “(i) submit to the Administrator an
25 analytical reference standard for, or sam-

1 ple of, such covered chemical substance;
2 and

3 “(ii) periodically resubmit such an an-
4 alytical reference standard or sample, as
5 determined appropriate by the Adminis-
6 trator.

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

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

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

23 “(B) activities relating to the implementa-
24 tion or enforcement of Federal or State require-
25 ments.

1 “(3) PRIORITIZATION.—In carrying out this
2 subsection, the Administrator shall—

3 “(A) prioritize covered chemical substances
4 that are included in the list of toxic chemicals
5 subject to the requirements of section 313(c) of
6 the Emergency Planning and Community
7 Right-To-Know Act of 1986 (42 U.S.C.
8 11023(c)); and

9 “(B) for covered chemical substances not
10 described in subparagraph (A), prioritize cov-
11 ered chemical substances based on production
12 volume.

13 “(4) PROHIBITION.—No person receiving an
14 analytical reference standard or sample submitted
15 under this subsection may use or transfer the ana-
16 lytical reference standard or sample for a commer-
17 cial purpose.

18 “(5) DEFINITION.—In this subsection, the term
19 ‘covered chemical substance’ means a perfluoroalkyl
20 or polyfluoroalkyl substance with at least one fully
21 fluorinated carbon atom that is included in the
22 chemical substance list compiled and published
23 under section 8(b).”.

1 **SEC. 5. MANUFACTURING AND PROCESSING NOTICES FOR**
2 **PERFLUOROALKYL AND POLYFLUOROALKYL**
3 **SUBSTANCES.**

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

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

8 “(7) PFAS.—

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

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

18 “(i) scientific experimentation or analysis
19 with respect to a drug or device (as such terms
20 are defined in section 201 of the Federal Food,
21 Drug, and Cosmetic Act) or personal protective
22 equipment (as such term is defined in section
23 20005 of the CARES Act); or

24 “(ii) chemical research on, or analysis of,
25 such a chemical substance for the development
26 of a drug or device (as such terms are defined

1 in section 201 of the Federal Food, Drug, and
2 Cosmetic Act) or personal protective equipment
3 (as such term is defined in section 20005 of the
4 CARES Act).”; and

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

6 “(j) PERFLUOROALKYL AND POLYFLUOROALKYL
7 SUBSTANCES.—

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

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

1 **SEC. 6. NATIONAL PRIMARY DRINKING WATER REGULA-**
2 **TIONS FOR PFAS.**

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

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 60
9 days after the date of enactment of this para-
10 graph, the Administrator shall, after notice and
11 opportunity for public comment, promulgate a
12 national primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include—

15 “(i) standards for—

16 “(I) perfluorooctanoic acid (com-
17 monly referred to as ‘PFOA’); and

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

21 “(ii) standards for, as individual con-
22 taminants or as a mixture,
23 perfluorononanoic acid (commonly referred
24 to as ‘PFNA’), hexafluoropropylene oxide
25 dimer acid (commonly known as ‘GenX
26 Chemicals’), perfluorohexane sulfonic acid

1 (commonly referred to as ‘PFHxS’), and
2 perfluorobutane sulfonic acid (commonly
3 referred to as ‘PFBS’).

4 “(B) ALTERNATIVE PROCEDURES.—

5 “(i) IN GENERAL.—Not later than 1
6 year after the validation by the Adminis-
7 trator of an equally effective quality con-
8 trol and testing procedure to ensure com-
9 pliance with the national primary drinking
10 water regulation promulgated under sub-
11 paragraph (A) to measure the levels de-
12 scribed in clause (ii) or other methods to
13 detect and monitor perfluoroalkyl and
14 polyfluoroalkyl substances in drinking
15 water, the Administrator shall add the pro-
16 cedure or method as an alternative to the
17 quality control and testing procedure de-
18 scribed in such national primary drinking
19 water regulation by publishing the proce-
20 dure or method in the Federal Register in
21 accordance with section 1401(1)(D).

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

24 “(I) the level of a perfluoroalkyl
25 or polyfluoroalkyl substance;

1 “(II) the total levels of
2 perfluoroalkyl and polyfluoroalkyl sub-
3 stances; and

4 “(III) the total levels of organic
5 fluorine.

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

10 “(i) the list of contaminants for con-
11 sideration of regulation under paragraph
12 (1)(B)(i), in accordance with such para-
13 graph; and

14 “(ii) the list of unregulated contami-
15 nants to be monitored under section
16 1445(a)(2)(B)(i), in accordance with such
17 section.

18 “(D) MONITORING.—When establishing
19 monitoring requirements for public water sys-
20 tems as part of a national primary drinking
21 water regulation under subparagraph (A) or
22 subparagraph (G)(ii), the Administrator shall
23 tailor the monitoring requirements for public
24 water systems that do not detect or are reliably
25 and consistently below the maximum contami-

1 nant level (as defined in section 1418(b)(2)(B))
2 for the perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances subject to the na-
5 tional primary drinking water regulation.

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

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

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

24 “(i) DETERMINATION.—The Adminis-
25 trator shall make a determination under

1 paragraph (1)(A), using the criteria de-
2 scribed in clauses (i) through (iii) of that
3 paragraph, whether to include a
4 perfluoroalkyl or polyfluoroalkyl substance
5 or class of perfluoroalkyl or polyfluoroalkyl
6 substances (other than those perfluoroalkyl
7 and polyfluoroalkyl substances listed under
8 clauses (i) through (vi) of subparagraph
9 (A) of this paragraph) in the national pri-
10 mary drinking water regulation under such
11 subparagraph (A) not later than 18
12 months after the later of—

13 “(I) the date on which the
14 perfluoroalkyl or polyfluoroalkyl sub-
15 stance or class of perfluoroalkyl or
16 polyfluoroalkyl substances is listed on
17 the list of contaminants for consider-
18 ation of regulation under paragraph
19 (1)(B)(i); and

20 “(II) the date on which—

21 “(aa) the Administrator has
22 received the results of monitoring
23 under section 1445(a)(2)(B) for
24 the perfluoroalkyl or
25 polyfluoroalkyl substance or class

1 of perfluoroalkyl or
2 polyfluoroalkyl substances; or

3 “(bb) the Administrator has
4 received reliable water data or
5 water monitoring surveys for the
6 perfluoroalkyl or polyfluoroalkyl
7 substance or class of
8 perfluoroalkyl or polyfluoroalkyl
9 substances from a Federal or
10 State agency that the Adminis-
11 trator determines to be of a qual-
12 ity sufficient to make a deter-
13 mination under paragraph
14 (1)(A).

15 “(ii) PRIMARY DRINKING WATER REG-
16 ULATIONS.—

17 “(I) IN GENERAL.—For each
18 perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances that the
21 Administrator determines to regulate
22 under clause (i), the Administrator—

23 “(aa) not later than 18
24 months after the date on which
25 the Administrator makes the de-

1 termination, shall propose a na-
2 tional primary drinking water
3 regulation for the perfluoroalkyl
4 or polyfluoroalkyl substance or
5 class of perfluoroalkyl or
6 polyfluoroalkyl substances; and

7 “(bb) may publish the pro-
8 posed national primary drinking
9 water regulation described in
10 item (aa) concurrently with the
11 publication of the determination
12 to regulate the perfluoroalkyl or
13 polyfluoroalkyl substance or class
14 of perfluoroalkyl or
15 polyfluoroalkyl substances.

16 “(II) DEADLINE.—

17 “(aa) IN GENERAL.—Not
18 later than 1 year after the date
19 on which the Administrator pub-
20 lishes a proposed national pri-
21 mary drinking water regulation
22 under clause (i)(I) and subject to
23 item (bb), the Administrator
24 shall take final action on the pro-

1 posed national primary drinking
2 water regulation.

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

9 “(H) HEALTH ADVISORY.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), the Administrator shall publish a
12 health advisory under paragraph (1)(F) for
13 a perfluoroalkyl or polyfluoroalkyl sub-
14 stance or class of perfluoroalkyl or
15 polyfluoroalkyl substances not subject to a
16 national primary drinking water regulation
17 not later than 1 year after the later of—

18 “(I) the date on which the Ad-
19 ministrator finalizes a toxicity value
20 for the perfluoroalkyl or
21 polyfluoroalkyl substance or class of
22 perfluoroalkyl or polyfluoroalkyl sub-
23 stances; and

24 “(II) the date on which the Ad-
25 ministrator validates an effective qual-

1 ity control and testing procedure for
2 the perfluoroalkyl or polyfluoroalkyl
3 substance or class of perfluoroalkyl or
4 polyfluoroalkyl substances.

5 “(ii) WAIVER.—The Administrator
6 may waive the requirements of clause (i)
7 with respect to a perfluoroalkyl or
8 polyfluoroalkyl substance or class of
9 perfluoroalkyl and polyfluoroalkyl sub-
10 stances if the Administrator determines
11 that there is a substantial likelihood that
12 the perfluoroalkyl or polyfluoroalkyl sub-
13 stance or class of perfluoroalkyl or
14 polyfluoroalkyl substances will not occur in
15 drinking water with sufficient frequency to
16 justify the publication of a health advisory,
17 and publishes such determination, includ-
18 ing the information and analysis used, and
19 basis for, such determination, in the Fed-
20 eral Register.”.

21 (b) ENFORCEMENT.—Notwithstanding any other
22 provision of law, the Administrator of the Environmental
23 Protection Agency may not impose financial penalties for
24 the violation of a national primary drinking water regula-
25 tion (as defined in section 1401 of the Safe Drinking

1 Water Act (42 U.S.C. 300f) with respect to a
2 perfluoroalkyl or polyfluoroalkyl substance or class of
3 perfluoroalkyl or polyfluoroalkyl substances for which a
4 national primary drinking water regulation has been pro-
5 mulgated under section 1412(b)(16) of the Safe Drinking
6 Water Act earlier than the date that is 5 years after the
7 date on which the Administrator promulgates the national
8 primary drinking water regulation.

9 **SEC. 7. ASSISTANCE TO TERRITORIES FOR ADDRESSING**
10 **EMERGING CONTAMINANTS, WITH A FOCUS**
11 **ON PERFLUOROALKYL AND**
12 **POLYFLUOROALKYL SUBSTANCES.**

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

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

17 (2) by redesignating paragraph (2) as para-
18 graph (3); and

19 (3) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) ASSISTANCE TO TERRITORIES.—The Ad-
22 ministrator shall reserve not less than 2 percent of
23 the amounts made available under this subsection to
24 provide grants to the Virgin Islands, the Common-
25 wealth of the Northern Mariana Islands, American

1 Samoa, and Guam for the purpose of addressing
2 emerging contaminants, with a focus on
3 perfluoroalkyl and polyfluoroalkyl substances.”.

4 **SEC. 8. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
5 **GRANT PROGRAM.**

6 Part E of the Safe Drinking Water Act (42 U.S.C.
7 300j et seq.) is amended by adding at the end the fol-
8 lowing new section:

9 **“SEC. 1459H. ASSISTANCE FOR COMMUNITY WATER SYS-**
10 **TEMS AFFECTED BY PFAS.**

11 “(a) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this section, the Adminis-
13 trator shall establish a program to award grants to af-
14 fected community water systems to pay for capital costs
15 associated with the implementation of eligible treatment
16 technologies.

17 “(b) APPLICATIONS.—

18 “(1) GUIDANCE.—Not later than 12 months
19 after the date of enactment of this section, the Ad-
20 ministrator shall publish guidance describing the
21 form and timing for community water systems to
22 apply for grants under this section.

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

1 “(A) information showing the presence of
2 PFAS in water of the community water system;
3 and

4 “(B) a certification that the treatment
5 technology in use by the community water sys-
6 tem at the time of application is not sufficient
7 to meet all applicable Federal and State stand-
8 ards, and all applicable health advisories pub-
9 lished pursuant to section 1412(b)(1)(F), for
10 PFAS.

11 “(c) LIST OF ELIGIBLE TREATMENT TECH-
12 NOLOGIES.—Not later than 150 days after the date of en-
13 actment of this section, and every 2 years thereafter, the
14 Administrator shall publish a list of treatment tech-
15 nologies that the Administrator determines are the most
16 effective at removing PFAS from drinking water.

17 “(d) PRIORITY FOR FUNDING.—In awarding grants
18 under this section, the Administrator shall prioritize an
19 affected community water system that—

20 “(1) serves a disadvantaged community;

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

1 “(3) demonstrates the capacity to maintain the
2 eligible treatment technology to be implemented
3 using the grant; or

4 “(4) is located within an area with respect to
5 which the Administrator has published a determina-
6 tion under the first sentence of section 1424(e) re-
7 lating to an aquifer that is the sole or principal
8 drinking water source for the area.

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

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be
18 appropriated to carry out this section \$500,000,000
19 for each of fiscal years 2024 through 2028.

20 “(2) SPECIAL RULE.—Of the amounts author-
21 ized to be appropriated by paragraph (1),
22 \$25,000,000 are authorized to be appropriated for
23 each of fiscal years 2024 and 2025 for grants under
24 subsection (a) to pay for capital costs associated
25 with the implementation of eligible treatment tech-

1 nologies during the period beginning on October 1,
2 2014, and ending on the date of enactment of this
3 section.

4 “(g) DEFINITIONS.—In this section:

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

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

13 “(3) DISPROPORTIONATELY EXPOSED COMMU-
14 NITY.—The term ‘disproportionately exposed com-
15 munity’ means a community in which climate
16 change, pollution, or environmental destruction have
17 exacerbated systemic racial, regional, social, environ-
18 mental, and economic injustices by disproportion-
19 ately affecting indigenous peoples, communities of
20 color, migrant communities, deindustrialized commu-
21 nities, depopulated rural communities, the poor, low-
22 income workers, women, the elderly, the unhoused,
23 people with disabilities, or youth.

24 “(4) ELIGIBLE TREATMENT TECHNOLOGY.—
25 The term ‘eligible treatment technology’ means a

1 treatment technology included on the list published
2 under subsection (c).

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

6 **SEC. 9. SCHOOL DRINKING WATER TESTING AND FILTRA-**
7 **TION GRANT PROGRAM.**

8 Part F of the Safe Drinking Water Act (42 U.S.C.
9 300j–21 et seq.) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 1466. SCHOOL PFAS TESTING AND FILTRATION**
12 **GRANT PROGRAM.**

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

20 “(1) testing for perfluoroalkyl and
21 polyfluoroalkyl substances in drinking water at such
22 schools and child care program facilities that is con-
23 ducted by a qualified entity, as determined by the
24 Administrator or the applicable State;

1 “(2) installation, maintenance, and repair of
2 water filtration systems effective for reducing
3 perfluoroalkyl and polyfluoroalkyl substances in
4 drinking water at such schools and child care pro-
5 gram facilities that contains a level of any
6 perfluoroalkyl or polyfluoroalkyl substance that ex-
7 ceeds—

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

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

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

18 “(b) DIRECT GRANTS.—The Administrator may
19 make a grant for activities described in subsection (a) di-
20 rectly available to—

21 “(1) a local educational agency or public water
22 system that is located in a State that does not par-
23 ticipate in the grant program established under sub-
24 section (a); or

1 “(2) a qualified nonprofit organization, as de-
2 termined by the Administrator.

3 “(c) APPLICATION.—To be eligible to receive a grant
4 under this section, a State, Indian Tribe, local educational
5 agency, public water system, or qualified nonprofit organi-
6 zation shall submit to the Administrator an application at
7 such time, in such manner, and containing such informa-
8 tion as the Administrator may require.

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

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

19 “(2) make publicly available, including, to the
20 maximum extent practicable, on the website of the
21 State, Indian Tribe, local educational agency, public
22 water system, or qualified nonprofit organization, a
23 copy of the results of any testing carried out with
24 grant funds received under this section; and

1 Environmental Protection Agency shall establish a website
2 containing information relating to the testing of household
3 well water.

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

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

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

13 (3) State-specific information, developed in co-
14 ordination with each State, on naturally occurring
15 and human-induced contaminants.

16 (4) Information that, using accepted risk com-
17 munication techniques, clearly communicates wheth-
18 er a test result value exceeds a level determined by
19 the Administrator or the applicable State to pose a
20 health risk.

21 (5) Information on treatment options, including
22 information relating to water treatment systems cer-
23 tified to the relevant NSF/ANSI American National
24 Standard for drinking water treatment units by a

1 third-party certification body accredited by the
2 ANSI National Accreditation Board.

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

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

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

17 (9) Any other information the Administrator
18 considers appropriate.

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

24 (d) COORDINATION.—The Administrator shall coordi-
25 nate with the Secretary of Health and Human Services,

1 the Secretary of Agriculture, and appropriate State agen-
2 cies in carrying out this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$1,000,000 for fiscal year 2024.

6 **SEC. 12. LISTING OF PERFLUOROALKYL AND**
7 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
8 **ARDOUS AIR POLLUTANTS.**

9 (a) LISTING.—

10 (1) INITIAL LISTING.—Not later than 180 days
11 after the date of enactment of this Act, the Adminis-
12 trator of the Environmental Protection Agency shall
13 issue a final rule adding perfluorooctanoic acid and
14 its salts, and perfluoroactanesulfonic acid and its
15 salts, to the list of hazardous air pollutants under
16 section 112(b) of the Clean Air Act (42 U.S.C.
17 7412(b)).

18 (2) ADDITIONAL LISTINGS.—Not later than 5
19 years after the date of enactment of this Act, the
20 Administrator of the Environmental Protection
21 Agency shall determine whether to issue, in accord-
22 ance with section 112 of the Clean Air Act (42
23 U.S.C. 7412), any final rules adding perfluoroalkyl
24 and polyfluoroalkyl substances, other than those
25 perfluoroalkyl and polyfluoroalkyl substances listed

1 pursuant to paragraph (1), to the list of hazardous
2 air pollutants under section 112(b) of such Act.

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

11 **SEC. 13. PROHIBITION ON UNSAFE WASTE INCINERATION**
12 **OF PFAS.**

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

16 “(z) PFAS WASTES.—

17 “(1) FIREFIGHTING FOAM.—Not later than 6
18 months after the date of enactment of this sub-
19 section, the Administrator shall promulgate regula-
20 tions requiring that when materials containing
21 perfluoroalkyl and polyfluoroalkyl substances are
22 disposed or are designated for disposal—

23 “(A) all incineration is conducted in a
24 manner that eliminates perfluoroalkyl and
25 polyfluoroalkyl substances while also minimizing

1 perfluoroalkyl and polyfluoroalkyl substances
2 emitted into the air to the extent feasible;

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

7 “(C) all incineration is conducted at a fa-
8 cility that has been permitted to receive waste
9 regulated under this subtitle.

10 “(2) PENALTIES.—For purposes of section
11 3008(d), a material subject to a requirement under
12 this subsection shall be considered a hazardous
13 waste identified or listed under this subtitle.”.

14 **SEC. 14. LABEL FOR PFAS-FREE PRODUCTS.**

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

19 (1) revise the Safer Choice Standard of the
20 Safer Choice Program to identify the requirements
21 for a covered product to meet in order to be labeled
22 with a Safer Choice label, including a requirement
23 that any such covered product does not contain any
24 PFAS; or

1 (2) establish a voluntary label that is available
2 to be used by any manufacturer of any covered prod-
3 uct that the Administrator has reviewed and found
4 does not contain any PFAS.

5 (b) DEFINITIONS.—In this section:

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

8 (A) a pot;

9 (B) a pan;

10 (C) a cooking utensil;

11 (D) carpet;

12 (E) a rug;

13 (F) clothing;

14 (G) upholstered furniture;

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

19 (I) food packaging material;

20 (J) an umbrella;

21 (K) luggage; or

22 (L) a cleaning product.

23 (2) PFAS.—The term “PFAS” means a
24 perfluoroalkyl or polyfluoroalkyl substance with at
25 least one fully fluorinated carbon atom.

1 **SEC. 15. DISCLOSURE OF INTRODUCTIONS OF PFAS.**

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

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

8 (2) whether such substance is susceptible to
9 treatment by such treatment works; and

10 (3) whether such substance would interfere with
11 the operation of the treatment works.

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

16 (c) DEFINITIONS.—In this section:

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

21 (2) TREATMENT WORKS.—The term “treatment
22 works” has the meaning given that term in section
23 212 of the Federal Water Pollution Control Act (33
24 U.S.C. 1292).

1 **SEC. 16. RISK-COMMUNICATION STRATEGY.**

2 The Administrator of the Environmental Protection
3 Agency shall develop a risk-communication strategy to in-
4 form the public about the hazards or potential hazards
5 of perfluoroalkyl and polyfluoroalkyl substances, or cat-
6 egories of perfluoroalkyl and polyfluoroalkyl substances,
7 by—

8 (1) disseminating information about the risks
9 or potential risks posed by such substances or cat-
10 egories in land, air, water (including drinking water
11 and water used for agricultural purposes), and prod-
12 ucts;

13 (2) notifying the public about exposure path-
14 ways and mitigation measures through outreach and
15 educational resources; and

16 (3) consulting with States that have dem-
17 onstrated effective risk-communication strategies for
18 best practices in developing a national risk-commu-
19 nication strategy.

20 **SEC. 17. CLEAN WATER ACT EFFLUENT LIMITATIONS**
21 **GUIDELINES AND STANDARDS AND WATER**
22 **QUALITY CRITERIA FOR PFAS.**

23 (a) DEADLINES.—

24 (1) WATER QUALITY CRITERIA.—Not later than
25 3 years after the date of enactment of this section,
26 the Administrator shall publish in the Federal Reg-

1 ister human health water quality criteria under sec-
2 tion 304(a)(1) of the Federal Water Pollution Con-
3 trol Act (33 U.S.C. 1314) for each measurable
4 perfluoroalkyl substance, polyfluoroalkyl substance,
5 and class of such substances.

6 (2) EFFLUENT LIMITATIONS GUIDELINES AND
7 STANDARDS FOR PRIORITY INDUSTRY CAT-
8 EGORIES.—As soon as practicable, but not later
9 than 4 years after the date of enactment of this sec-
10 tion, the Administrator shall publish in the Federal
11 Register a final rule establishing, for each priority
12 industry category, effluent limitations guidelines and
13 standards, in accordance with the Federal Water
14 Pollution Control Act, for the discharge (including a
15 discharge into a publicly owned treatment works) of
16 each measurable perfluoroalkyl substance,
17 polyfluoroalkyl substance, and class of such sub-
18 stances.

19 (b) NOTIFICATION.—The Administrator shall notify
20 the Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on Envi-
22 ronment and Public Works of the Senate of each publica-
23 tion made under this section.

24 (c) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
25 OWNED TREATMENT WORKS.—

1 (1) IN GENERAL.—The Administrator shall
2 award grants to owners and operators of publicly
3 owned treatment works, to be used to implement ef-
4 fluent limitations guidelines and standards developed
5 by the Administrator for a perfluoroalkyl substance,
6 polyfluoroalkyl substance, or class of such sub-
7 stances.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to the Ad-
10 ministrator to carry out this subsection
11 \$200,000,000 for each of fiscal years 2024 through
12 2028, to remain available until expended.

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

20 (e) DEFINITIONS.—In this section:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

24 (2) EFFLUENT LIMITATION.—The term “efflu-
25 ent limitation” has the meaning given that term in

1 section 502 of the Federal Water Pollution Control
2 Act (33 U.S.C. 1362).

3 (3) MEASURABLE.—The term “measurable”
4 means, with respect to a chemical substance or class
5 of chemical substances, capable of being measured
6 using test procedures established under section
7 304(h) of the Federal Water Pollution Control Act
8 (33 U.S.C. 1314).

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

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

18 (6) 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 (or successor
24 regulations).

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

4 (C) Textile mills, as identified in part 410
5 of title 40, Code of Federal Regulations (or suc-
6 cessor regulations).

7 (D) Electroplating, as identified in part
8 413 of title 40, Code of Federal Regulations (or
9 successor regulations).

10 (E) Metal finishing, as identified in part
11 433 of title 40, Code of Federal Regulations (or
12 successor regulations).

13 (F) Leather tanning and finishing, as iden-
14 tified in part 425 of title 40, Code of Federal
15 Regulations (or successor regulations).

16 (G) Paint formulating, as identified in part
17 446 of title 40, Code of Federal Regulations (or
18 successor regulations).

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

22 (I) Plastics molding and forming, as iden-
23 tified in part 463 of title 40, Code of Federal
24 Regulations (or successor regulations).

1 (7) TREATMENT WORKS.—The term “treatment
2 works” has the meaning given that term in section
3 212 of the Federal Water Pollution Control Act (33
4 U.S.C. 1292).

○