

118TH CONGRESS
1ST SESSION

S. 1427

To exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

Ms. LUMMIS (for herself, Mr. BOOZMAN, Mr. CRAMER, Mr. GRAHAM, Mr. MULLIN, Mr. RICKETTS, Mr. SULLIVAN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agriculture PFAS Li-
5 ability Protection Act of 2023”.

1 **SEC. 2. EXEMPTION OF AGRICULTURAL OPERATIONS FROM**
2 **CERCLA LIABILITY FOR RELEASES OF PFAS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED PERFLUOROALKYL OR
5 POLYFLUOROALKYL SUBSTANCE.—The term “cov-
6 ered perfluoroalkyl or polyfluoroalkyl substance”
7 means a non-polymeric perfluoroalkyl or
8 polyfluoroalkyl substance that contains at least 2 se-
9 quential fully fluorinated carbon atoms, excluding
10 gases and volatile liquids, that is a hazardous sub-
11 stance (as defined in section 101 of the Comprehen-
12 sive Environmental Response, Compensation, and
13 Liability Act of 1980 (42 U.S.C. 9601)).

14 (2) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 5304).

18 (3) PROTECTED ENTITY.—The term “protected
19 entity” means a person engaged in the production or
20 harvesting of agricultural products (as defined in
21 section 207 of the Agricultural Marketing Act of
22 1946 (7 U.S.C. 1626)).

23 (b) EXEMPTION.—No person (including the United
24 States, any State, or an Indian Tribe) may recover costs
25 or damages from a protected entity under the Comprehen-
26 sive Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (42 U.S.C. 9601 et seq.) for costs arising
2 from a release to the environment of a covered
3 perfluoroalkyl or polyfluoroalkyl substance.

4 (c) SAVINGS PROVISION.—Nothing in this section
5 precludes liability for damages or costs associated with the
6 release of a covered perfluoroalkyl or polyfluoroalkyl sub-
7 stance by a protected entity if that protected entity acted
8 with gross negligence or willful misconduct in the dis-
9 charge, disposal, management, conveyance, or storage of
10 the covered perfluoroalkyl or polyfluoroalkyl substance.

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