

117TH CONGRESS  
1ST SESSION

# S. 2406

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 21, 2021

Mrs. GILLIBRAND (for herself, Ms. WARREN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, 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 “Protect Drinking  
5 Water from PFAS Act of 2021”.

1 **SEC. 2. MAXIMUM CONTAMINANT LEVELS.**

2 Section 1412(b) of the Safe Drinking Water Act (42  
3 U.S.C. 300g-1(b)) is amended by adding at the end the  
4 following:

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

7 “(A) REQUIRED REGULATIONS.—Not later  
8 than 2 years after the date of enactment of the  
9 Protect Drinking Water from PFAS Act of  
10 2021, the Administrator shall publish a max-  
11 imum contaminant level and promulgate a na-  
12 tional primary drinking water regulation for  
13 perfluoroalkyl and polyfluoroalkyl substances,  
14 including, at a minimum—

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

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

19 “(B) MONITORING.—In establishing moni-  
20 toring requirements under the national primary  
21 drinking water regulation for perfluoroalkyl and  
22 polyfluoroalkyl substances under subparagraph  
23 (A), the Administrator shall—

24 “(i) consider options for tailoring  
25 monitoring requirements for public water  
26 systems that do not detect, or are reliably

1 and consistently below the maximum con-  
2 taminant level for, those substances; and

3 “(ii) prioritize the use of existing au-  
4 thorities to provide technical assistance  
5 and funding to help small, rural, or dis-  
6 advantaged public water systems to comply  
7 with the national primary drinking water  
8 regulation.

9 “(C) HEALTH PROTECTION.—The national  
10 primary drinking water regulation for  
11 perfluoroalkyl and polyfluoroalkyl substances  
12 under subparagraph (A) shall be protective of  
13 the health of subpopulations at greater risk, as  
14 described in section 1458.

15 “(D) HEALTH RISK REDUCTION AND COST  
16 ANALYSIS.—In meeting the requirements of  
17 paragraph (3)(C) with respect to the national  
18 primary drinking water regulation for  
19 perfluoroalkyl and polyfluoroalkyl substances  
20 under subparagraph (A), the Administrator  
21 may rely on information available to the Admin-  
22 istrator with respect to 1 or more specific  
23 perfluoroalkyl or polyfluoroalkyl substances to  
24 extrapolate reasoned conclusions with respect to  
25 the health risks and effects of a class of

1 perfluoroalkyl or polyfluoroalkyl substances of  
2 which the specific perfluoroalkyl or  
3 polyfluoroalkyl substances are a part, including  
4 by using techniques described in—

5 “(i) the document of the Environ-  
6 mental Protection Agency entitled ‘Gener-  
7 alized Read-Across (GenRA)’ (or a suc-  
8 cessor document); and

9 “(ii) the Toxicity Estimation Software  
10 Tool of the Environmental Protection  
11 Agency (or a successor tool).”.

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