

118TH CONGRESS
2D SESSION

S. 4187

To phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2024

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Forever Chemical Regulation and Accountability Act of
6 2024”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—PHASEOUT OF NONESSENTIAL PERFLUOROALKYL AND
 POLYFLUOROALKYL SUBSTANCES AND ALL RELEASES

- Sec. 101. Agreement with the National Academies concerning the essential uses
 of perfluoroalkyl or polyfluoroalkyl substances.
 Sec. 102. Manufacturing and use phaseout program.
 Sec. 103. United States perfluoroalkyl or polyfluoroalkyl substance policy.
 Sec. 104. Perfluoroalkyl or polyfluoroalkyl substance release phaseout.
 Sec. 105. Use for research.
 Sec. 106. Inspections, monitoring, and entry.
 Sec. 107. Enforcement.
 Sec. 108. Citizen suits.
 Sec. 109. Imminent hazard.
 Sec. 110. Application of Federal, State, and local law to Federal agencies.
 Sec. 111. Judicial review.
 Sec. 112. Regulatory authority.
 Sec. 113. Funding.
 Sec. 114. Severability.
 Sec. 115. Retention of State authority.

TITLE II—OTHER MATTERS WITH RESPECT TO
 PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES

- Sec. 201. Centers of Excellence for Assessing Perfluoroalkyl and
 Polyfluoroalkyl Substances in Water Sources and
 Perfluoroalkyl and Polyfluoroalkyl Substance Remediation So-
 lutions.
 Sec. 202. Actions under State law for damages from exposure to hazardous
 substances.
 Sec. 203. Bankruptcy provision relating to persistent, bioaccumulative, and
 toxic chemicals defendants and debtors.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the Environ-
 5 mental Protection Agency.

6 (2) CENTERS OF EXCELLENCE.—The term
 7 “Centers of Excellence” means—

8 (A) the Center of Excellence for Assessing
 9 Perfluoroalkyl and Polyfluoroalkyl Substances
 10 in Water Sources and Perfluoroalkyl and

1 Polyfluoroalkyl Substance Remediation Solu-
2 tions established under section 201(e)(1)(A);
3 and

4 (B) the Rural Center of Excellence for As-
5 sessing Perfluoroalkyl and Polyfluoroalkyl Sub-
6 stances in Water Sources and Perfluoroalkyl
7 and Polyfluoroalkyl Substance Remediation So-
8 lutions established under section 201(e)(1)(B).

9 (3) ESSENTIAL USE.—The term “essential
10 use”, with respect to a perfluoroalkyl or
11 polyfluoroalkyl substance, means a use of the
12 perfluoroalkyl or polyfluoroalkyl substance that is
13 designated under section 102(c), as reflected under
14 a review or recommendation under any applicable re-
15 port under section 101(h) (including a subsequent
16 report), as being an essential use because the use of
17 the perfluoroalkyl or polyfluoroalkyl substance in an
18 item or process is—

19 (A) critical for the health, safety, or func-
20 tioning of society;

21 (B) necessary for the item or process to
22 function; and

23 (C) a use for which a safer alternative is
24 not available.

25 (4) MANUFACTURER.—

1 (A) IN GENERAL.—The term “manufac-
2 turer” means any person who—

3 (i) imports into the United States, a
4 territory of the United States, or a Freely
5 Associated State a perfluoroalkyl or
6 polyfluoroalkyl substance;

7 (ii) exports from the United States, a
8 territory of the United States, or a Freely
9 Associated State a perfluoroalkyl or
10 polyfluoroalkyl substance;

11 (iii) produces a perfluoroalkyl or
12 polyfluoroalkyl substance;

13 (iv) manufactures a perfluoroalkyl or
14 polyfluoroalkyl substance; or

15 (v) processes a perfluoroalkyl or
16 polyfluoroalkyl substance.

17 (B) INCLUSIONS.—The term “manufac-
18 turer” includes importers and exporters of
19 products that are known to contain
20 perfluoroalkyl or polyfluoroalkyl substances.

21 (C) EXCLUSION.—The term “manufac-
22 turer” does not include an entity that neither
23 manufactures nor uses perfluoroalkyl or
24 polyfluoroalkyl substances, but receives
25 perfluoroalkyl or polyfluoroalkyl substances in

1 the normal course of operations of the entity,
2 including a solid waste management facility, a
3 composting facility, a public water system (as
4 defined in section 1401 of the Safe Drinking
5 Water Act (42 U.S.C. 300f)), and a publicly or
6 privately owned or operated treatment works
7 (as defined in section 212 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1292)).

9 (5) NATIONAL ACADEMIES.—The term “Na-
10 tional Academies” means the National Academies of
11 Sciences, Engineering, and Medicine.

12 (6) NONESSENTIAL USE.—The term “non-
13 essential use” means a use of a perfluoroalkyl or
14 polyfluoroalkyl substance that is not an essential
15 use.

16 (7) PERFLUOROALKYL OR POLYFLUOROALKYL
17 SUBSTANCE.—The term “perfluoroalkyl or
18 polyfluoroalkyl substance” means a substance that is
19 a perfluoroalkyl substance or a polyfluoroalkyl sub-
20 stance (as those terms are defined in section
21 7331(2)(B) of the PFAS Act of 2019 (15 U.S.C.
22 8931(2)(B))), including a mixture of those sub-
23 stances.

24 (8) PROCESS.—The term “process”, with re-
25 spect to a perfluoroalkyl or polyfluoroalkyl sub-

1 stance, means the preparation of the perfluoroalkyl
2 or polyfluoroalkyl substance, including preparation
3 that includes the mixture of multiple perfluoroalkyl
4 or polyfluoroalkyl substances, after the manufacture
5 of that perfluoroalkyl or polyfluoroalkyl substance
6 for distribution in commerce—

7 (A) in the same form or physical state as,
8 or in a different form or physical state from,
9 that in which the perfluoroalkyl or
10 polyfluoroalkyl substance was received by the
11 person so preparing the perfluoroalkyl or
12 polyfluoroalkyl substance; or

13 (B) as part of an article containing the
14 perfluoroalkyl or polyfluoroalkyl substance.

15 (9) SAFER ALTERNATIVE.—The term “safer al-
16 ternative”, with respect to the use of a
17 perfluoroalkyl or polyfluoroalkyl substance, means a
18 use that—

19 (A) does not require the use of a
20 perfluoroalkyl or polyfluoroalkyl substance to
21 achieve the intended function;

22 (B) demonstrates adequate performance
23 for the intended use;

24 (C) does not pose an unreasonable chronic
25 or acute risk to the environment or public

1 health as compared to the substance being re-
2 placed, including any harm that may result
3 from persistence, bioaccumulation, and toxicity
4 in any environment or human system, either by
5 itself or cumulatively with other substances that
6 cause similar harms; and

7 (D) has other risk characteristics that the
8 Administrator determines appropriate, in con-
9 sultation with the heads of relevant Federal
10 agencies and stakeholders as the Administrator
11 determines to be appropriate.

12 (10) STATE.—The term “State” means—

13 (A) each State;

14 (B) a territory of the United States;

15 (C) a Freely Associated State;

16 (D) an Indian Tribe included on the list
17 most recently published by the Secretary of the
18 Interior under section 104 of the Federally Rec-
19 ognized Indian Tribe List Act of 1994 (25
20 U.S.C. 5131); and

21 (E) the District of Columbia.

22 (11) USER.—

23 (A) IN GENERAL.—Subject to subpara-
24 graphs (B) and (C), the term “user”, with re-
25 spect to a perfluoroalkyl or polyfluoroalkyl sub-

1 stance, has the meaning given the term by the
2 Administrator.

3 (B) CONSIDERATIONS.—In determining
4 the definition of the term “user” under sub-
5 paragraph (A), the Administrator shall con-
6 sider—

7 (i) the volume of a perfluoroalkyl or
8 polyfluoroalkyl substance used by an enti-
9 ty;

10 (ii) risks associated with releases of or
11 exposure to a perfluoroalkyl or
12 polyfluoroalkyl substance as a result of ac-
13 tions of an entity, including—

14 (I) toxicity;

15 (II) bioaccumulative properties;

16 (III) persistence in the environ-
17 ment;

18 (IV) interactions with other
19 perfluoroalkyl or polyfluoroalkyl sub-
20 stances and other toxic chemicals;

21 (V) contamination and pollution
22 burden of impacted communities; and

23 (VI) associated human health ef-
24 fects;

1 (iii) past or possible future releases of
2 a perfluoroalkyl or polyfluoroalkyl sub-
3 stance into the environment by an entity;
4 and

5 (iv) the use and fate of a
6 perfluoroalkyl or polyfluoroalkyl substance
7 used by an entity.

8 (C) EXCLUSION.—The term “user” does
9 not include an entity that neither manufactures
10 nor uses perfluoroalkyl or polyfluoroalkyl sub-
11 stances, but receives perfluoroalkyl or
12 polyfluoroalkyl substances in the normal course
13 of operations of the entity, including a solid
14 waste management facility, a composting facil-
15 ity, a public water system (as defined in section
16 1401 of the Safe Drinking Water Act (42
17 U.S.C. 300f)), and a publicly or privately owned
18 or operated treatment works (as defined in sec-
19 tion 212 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1292)).

1 **TITLE I—PHASEOUT OF NON-**
2 **ESSENTIAL**
3 **PERFLUOROALKYL AND**
4 **POLYFLUOROALKYL SUB-**
5 **STANCES AND ALL RELEASES**

6 **SEC. 101. AGREEMENT WITH THE NATIONAL ACADEMIES**
7 **CONCERNING THE ESSENTIAL USES OF**
8 **PERFLUOROALKYL OR POLYFLUOROALKYL**
9 **SUBSTANCES.**

10 (a) **PURPOSES.**—The purposes of this section are to
11 provide for the National Academies, an independent non-
12 profit scientific organization with appropriate expertise
13 that is not part of the Federal Government—

14 (1) to review and evaluate the available sci-
15 entific evidence regarding categories of essential uses
16 of perfluoroalkyl or polyfluoroalkyl substances; and

17 (2) to provide guidance on designating
18 perfluoroalkyl or polyfluoroalkyl substances as essen-
19 tial or nonessential.

20 (b) **AGREEMENT.**—

21 (1) **IN GENERAL.**—Not later than 60 days after
22 the date of enactment of this Act, the Administrator
23 (in consultation, as the Administrator determines
24 appropriate, with the heads of other Federal depart-
25 ments and agencies with relevant expertise regarding

1 the essential uses of perfluoroalkyl or polyfluoroalkyl
2 substances) shall seek to enter into a 10-year agree-
3 ment to carry out the duties described in this sec-
4 tion.

5 (2) EXTENSION.—The Administrator and the
6 National Academies may extend the agreement de-
7 scribed in paragraph (1) in 5-year increments.

8 (c) REVIEW OF SCIENTIFIC EVIDENCE.—

9 (1) IN GENERAL.—Under an agreement under
10 subsection (b), the National Academies shall, in ac-
11 cordance with the policy described in section 103(a),
12 review and summarize the scientific evidence, and
13 assess the strength of that scientific evidence, with
14 respect to—

15 (A) uses of perfluoroalkyl or
16 polyfluoroalkyl substances that should be des-
17 ignated as essential uses; and

18 (B) the criteria for designating essential
19 uses.

20 (2) INCLUSIONS.—In carrying out the review
21 described in paragraph (1), the National Academies
22 shall—

23 (A) analyze the definition of the term “es-
24 sential use” under section 2(3) as it relates to
25 perfluoroalkyl or polyfluoroalkyl substances;

1 (B) conduct an assessment of how
2 perfluoroalkyl or polyfluoroalkyl substances are
3 integrated into the society of the United States,
4 in which sectors of the economy of the United
5 States perfluoroalkyl or polyfluoroalkyl sub-
6 stances are used, and in which sectors those
7 uses are essential uses;

8 (C) describe any research gaps with re-
9 spect to the uses of perfluoroalkyl or
10 polyfluoroalkyl substances, including consider-
11 ation of mitigation strategies and safer alter-
12 natives; and

13 (D) develop recommendations with respect
14 to—

15 (i) the research and development ac-
16 tivities necessary to transition the United
17 States from the use of perfluoroalkyl or
18 polyfluoroalkyl substances; and

19 (ii) how the Federal Government
20 may—

21 (I) best ensure the conduct of the
22 research and development activities
23 described in clause (i) to ensure that
24 safer alternatives minimize health,
25 safety, and environmental risks; and

1 (II) best address the research
2 gaps identified under subparagraph
3 (C) and the research and development
4 needs identified under clause (i)
5 through collaboration or coordination
6 of programs and other efforts with
7 State, local, and Tribal governments
8 and nongovernmental organizations,
9 including private sector organizations.

10 (3) TIMING.—The initial review carried out
11 under paragraph (1) pursuant to an agreement
12 under subsection (b) shall conclude not later than 3
13 years after the date on which the review begins.

14 (d) SCIENTIFIC DETERMINATIONS OF ESSENTIAL
15 USES.—For each essential use, the National Academies
16 shall, to the extent that available scientific data permit
17 meaningful determinations, determine—

18 (1) categories of uses of perfluoroalkyl or
19 polyfluoroalkyl substances that can inform regu-
20 latory requirements under this title and amendments
21 made by this title;

22 (2) a framework to guide decisionmakers in
23 making designations of essential uses under section
24 102(c), which shall include—

1 (A) the integration of findings with respect
2 to perfluoroalkyl or polyfluoroalkyl substances,
3 including findings on human health effects that
4 have sufficient or limited evidence of an associa-
5 tion, from authoritative reviews (such as re-
6 views by national or international bodies) and
7 high-quality systematic reviews; and

8 (B) a review of emerging evidence with re-
9 spect to perfluoroalkyl or polyfluoroalkyl sub-
10 stances that is impactful in decisionmaking; and

11 (3)(A) whether certain perfluoroalkyl or
12 polyfluoroalkyl substances in certain consumer prod-
13 ucts pose an unreasonable risk to consumers, such
14 as risks due to perfluoroalkyl or polyfluoroalkyl sub-
15 stance toxicity, persistence, or bioaccumulation;

16 (B) the contribution of the uses identified
17 under subparagraph (A) to the cumulative impact of
18 perfluoroalkyl or polyfluoroalkyl substances on the
19 environment and public health; and

20 (C) recommendations for possible methods to
21 eliminate perfluoroalkyl or polyfluoroalkyl substances
22 from consumer products described in subparagraph
23 (A).

24 (e) COMMUNITY ENGAGEMENT.—In carrying out re-
25 views and studies under this section, the National Acad-

1 emies shall integrate robust, transparent, meaningful, and
2 public community outreach.

3 (f) COOPERATION OF FEDERAL AGENCIES.—The
4 head of each relevant Federal agency, including the Ad-
5 ministrator, shall cooperate fully with the National Acad-
6 emies in carrying out the agreement under subsection (b).

7 (g) RECOMMENDATIONS FOR ADDITIONAL STUD-
8 IES.—

9 (1) IN GENERAL.—The National Academies
10 shall make any recommendations for additional sci-
11 entific studies determined appropriate by the Na-
12 tional Academies to resolve areas of continuing sci-
13 entific uncertainty relating to essential uses of
14 perfluoroalkyl or polyfluoroalkyl substances.

15 (2) REQUIREMENTS.—In making recommenda-
16 tions under paragraph (1), the National Academies
17 shall consider—

18 (A) the scientific information that is avail-
19 able at the time of the recommendation;

20 (B) the value and relevance of the informa-
21 tion that could result from additional studies;
22 and

23 (C) the cost and feasibility of carrying out
24 those additional studies.

25 (h) REPORTS.—

1 (1) INITIAL REPORT.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date of enactment of this Act, the Na-
4 tional Academies shall submit to the Adminis-
5 trator, the Committee on Environment and
6 Public Works of the Senate, and the Committee
7 on Energy and Commerce of the House of Rep-
8 resentatives an initial report on the activities of
9 the National Academies under the agreement
10 under subsection (b).

11 (B) INCLUSIONS.—The report required
12 under subparagraph (A) shall include—

13 (i)(I) a description of the determina-
14 tions, if any, made under subsection (d);
15 and

16 (II) a full explanation of the scientific
17 evidence and reasoning that led to those
18 determinations; and

19 (ii) any recommendations made under
20 subsection (g).

21 (2) SUBSEQUENT REPORTS.—Not less fre-
22 quently than once every 2 years after the date on
23 which the initial report under paragraph (1) is sub-
24 mitted, the National Academies shall submit to the
25 Administrator, the Committee on Environment and

1 Public Works of the Senate, and the Committee on
2 Energy and Commerce of the House of Representa-
3 tives an update of that report.

4 (i) ADDITIONAL STUDIES.—

5 (1) IN GENERAL.—Beginning on the date that
6 is 2 years after the date that the National Acad-
7 emies completes the review under subsection (c), the
8 Administrator may initiate not more than 5 addi-
9 tional studies with the National Academies—

10 (A) to update the review carried out under
11 subsection (c) based on new evidence; and

12 (B) to address the recommendations made
13 under subsection (g).

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to the Ad-
16 ministrator such sums as are necessary to carry out
17 this subsection.

18 (j) ALTERNATIVE CONTRACTING SCIENTIFIC ORGA-

19 NIZATION.—

20 (1) IN GENERAL.—If the Administrator is un-
21 able to enter into an agreement under subsection (b)
22 with the National Academies within the 60-day pe-
23 riod described in that subsection on terms acceptable
24 to the Administrator, the Administrator shall seek to
25 enter into an agreement for purposes of carrying out

1 this section with another appropriate scientific orga-
2 nization that—

3 (A) is not part of the Federal Government;

4 (B) operates as a not-for-profit entity; and

5 (C) has expertise and objectivity com-
6 parable to that of the National Academies.

7 (2) EFFECT OF ALTERNATIVE ORGANIZA-
8 TION.—If the Administrator enters into an agree-
9 ment with an alternative scientific organization
10 under paragraph (1), any reference in this title to
11 “the National Academies” shall be deemed to be a
12 reference to that alternative scientific organization.

13 **SEC. 102. MANUFACTURING AND USE PHASEOUT PROGRAM.**

14 (a) ANNUAL PERFLUOROALKYL OR
15 POLYFLUOROALKYL SUBSTANCE MANUFACTURER AND
16 USER MONITORING AND REPORTING REQUIREMENTS.—

17 (1) PURPOSE.—The purposes of the amend-
18 ments made by this subsection are—

19 (A) to make available and accessible data
20 to inform a nationwide phaseout of the use and
21 environmental release of perfluoroalkyl or
22 polyfluoroalkyl substances;

23 (B) to put in place a process for that
24 phaseout; and

1 (C) to increase transparency for the public
2 and interested stakeholders with respect to the
3 use, release, and prevalence of perfluoroalkyl or
4 polyfluoroalkyl substances.

5 (2) AMENDMENTS.—Section 8(a)(7) of the
6 Toxic Substances Control Act (15 U.S.C.
7 2607(a)(7)) is amended—

8 (A) by striking “Not later” and inserting
9 the following:

10 “(A) IN GENERAL.—Not later”; and

11 (B) by adding at the end the following:

12 “(B) ANNUAL SUPPLEMENTS.—

13 “(i) DEFINITIONS OF ESSENTIAL USE;
14 MANUFACTURER; PERFLUOROALKYL OR
15 POLYFLUOROALKYL SUBSTANCE; SAFER
16 ALTERNATIVE; USER.—In this subpara-
17 graph, the terms ‘essential use’, ‘manufac-
18 turer’, ‘perfluoroalkyl or polyfluoroalkyl
19 substance’, ‘safer alternative’, and ‘user’
20 have the meanings given those terms in
21 section 2 of the Forever Chemical Regula-
22 tion and Accountability Act of 2024.

23 “(ii) MANUFACTURER AND USER RE-
24 PORT REQUIRED.—Not later than 3 years
25 after the date of enactment of this sub-

1 paragraph but in a manner that does not
2 otherwise delay the implementation of this
3 paragraph (as in effect on the day before
4 the date of enactment of this subpara-
5 graph), the Administrator shall require
6 each manufacturer and user of
7 perfluoroalkyl or polyfluoroalkyl substance
8 to submit a report described in subpara-
9 graph (A) if that manufacturer or user
10 was not required to do so on the day be-
11 fore the date of enactment of this subpara-
12 graph.

13 “(iii) SUPPLEMENTAL REPORTS RE-
14 QUIRED.—Not later than 18 months after
15 the date on which the Administrator pub-
16 lishes the final rule carrying out this sub-
17 paragraph and not less frequently than an-
18 nually thereafter, subject to clause (v),
19 each manufacturer or user of a
20 perfluoroalkyl or polyfluoroalkyl substance
21 shall—

22 “(I) supplement the report re-
23 quired described in subparagraph (A)
24 (including a report submitted pursu-
25 ant to clause (ii)) by—

1 “(aa) including, as applica-
2 ble, any updates to the informa-
3 tion included in the report under
4 that subparagraph; and

5 “(bb) including in the re-
6 port—

7 “(AA) a description of
8 any essential uses of
9 perfluoroalkyl or
10 polyfluoroalkyl substances
11 carried out by the manufac-
12 turer or user;

13 “(BB) any safer alter-
14 natives for uses of
15 perfluoroalkyl or
16 polyfluoroalkyl substances
17 used by the manufacturer or
18 user;

19 “(CC) any environ-
20 mental releases of a
21 perfluoroalkyl or
22 polyfluoroalkyl substance, at
23 any detectable level;

24 “(DD) any use of a
25 perfluoroalkyl or

1 polyfluoroalkyl substance
2 that is required pursuant to
3 Federal law (including regu-
4 lations), Federal standards,
5 or Federal Government
6 specifications; and

7 “(EE) any additional
8 information that the Admin-
9 istrator may require; and

10 “(II) submit the supplemental re-
11 port to the Administrator in such a
12 manner and at such time as the Ad-
13 ministrator requires.

14 “(iv) USE OF REPORTS.—

15 “(I) PUBLICATION.—Not later
16 than 180 days after the date on which
17 the Administrator receives a supple-
18 mental report from a manufacturer or
19 user under clause (iii), the Adminis-
20 trator shall publish the supplemental
21 report for a period of public comment
22 and review of not less than 90 days.

23 “(II) DATA QUALITY.—The Ad-
24 ministrator shall conduct data quality
25 assurance and scientific integrity re-

1 views of supplemental reports received
2 under clause (iii)—

3 “(aa) to ensure the quality
4 of reported data; and

5 “(bb) to provide comment on
6 the validity of the supplemental
7 reports of the manufacturer.

8 “(III) CONFIDENTIAL BUSINESS
9 INFORMATION.—The Administrator
10 shall carry out this clause in accord-
11 ance with section 14.

12 “(v) NO FURTHER REPORTS RE-
13 QUIRED.—

14 “(I) IN GENERAL.—No further
15 supplemental reports under clause (iii)
16 shall be required from a manufacturer
17 or user if the manufacturer or user—

18 “(aa) permanently ceases
19 use of all perfluoroalkyl or
20 polyfluoroalkyl substances; and

21 “(bb) notifies the Adminis-
22 trator in writing that the require-
23 ment under item (aa) has been
24 met.

1 “(II) FINAL REPORT.—Notwith-
2 standing the submission of a notice
3 under subclause (I)(bb), a manufac-
4 turer or user shall submit to the Ad-
5 ministrator a final supplemental re-
6 port under clause (iii) if, at any time
7 during the 1-year period beginning on
8 the date on which the manufacturer
9 or user submitted the previous supple-
10 mental report under that clause, the
11 manufacturer or user used a
12 perfluoroalkyl or polyfluoroalkyl sub-
13 stance.

14 “(III) PUBLIC NOTICE OF CES-
15 SATION.—The Administrator shall
16 issue a public notice describing each
17 notification received under subclause
18 (I)(bb).”.

19 (3) SAVINGS PROVISION.—Nothing in para-
20 graph (2) or the amendments made by paragraph
21 (2) affects the requirements under subparagraph (A)
22 of section 8(a)(7) of the Toxic Substances Control
23 Act (15 U.S.C. 2607(a)(7)) or any timeline estab-
24 lished for the implementation of that section (as in

1 effect on the day before the date of enactment of
2 this Act).

3 (b) PRODUCTION AND CONSUMPTION PHASEOUTS
4 REQUIRED.—

5 (1) GENERAL RULE.—Not later than 10 years
6 after the date of enactment of this Act, manufactur-
7 ers and users shall complete the full phaseout of
8 nonessential uses of perfluoroalkyl or polyfluoroalkyl
9 substances.

10 (2) PLANS REQUIRED.—

11 (A) IN GENERAL.—Not later than 3 years
12 after the date of enactment of this Act, each
13 manufacturer and user shall submit to the Ad-
14 ministrator, in such a manner as the Adminis-
15 trator may require, a plan and schedule for the
16 full phaseout of nonessential uses of
17 perfluoroalkyl and polyfluoroalkyl substances
18 within the 10-year period described in para-
19 graph (1).

20 (B) INCLUSION.—

21 (i) IN GENERAL.—A plan submitted
22 by a manufacturer or user under subpara-
23 graph (A) may include verifiable transfer
24 of perfluoroalkyl or polyfluoroalkyl sub-
25 stance stocks in the possession of the man-

1 manufacturer or user to an accredited research
2 consortium, including Centers of Excel-
3 lence, National Laboratories of the Depart-
4 ment of Energy, institutions of higher edu-
5 cation (as defined in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1001(a))), and other relevant entities, as
8 determined by the Administrator, for the
9 purposes of—

10 (I) research into the destruction,
11 detection, and remediation of
12 perfluoroalkyl or polyfluoroalkyl sub-
13 stances; and

14 (II) other related research.

15 (ii) SAVINGS PROVISION.—Nothing in
16 this subparagraph—

17 (I) affects an obligation of a
18 manufacturer or user to comply with
19 a regulation or requirement associated
20 with the removal, disposal, or destruc-
21 tion of a perfluoroalkyl or
22 polyfluoroalkyl substance; or

23 (II) prohibits a manufacturer or
24 user from using a method of removal,
25 disposal, or destruction of a

1 perfluoroalkyl or polyfluoroalkyl sub-
2 stance in accordance with applicable
3 law.

4 (C) PUBLIC AVAILABILITY.—The Adminis-
5 trator shall make the plans submitted by manu-
6 facturers and users under subparagraph (A)
7 publicly available in accordance with section 14
8 of the Toxic Substances Control Act (15 U.S.C.
9 2614).

10 (3) ACCELERATED SCHEDULE.—

11 (A) IN GENERAL.—The Administrator
12 may, after a period of notice and opportunity
13 for public comment of not less than 180 days,
14 require that the full phaseout of nonessential
15 uses of perfluoroalkyl or polyfluoroalkyl sub-
16 stances required under paragraph (1) occur on
17 a schedule that is more stringent than the
18 schedule required under that paragraph.

19 (B) PETITION.—

20 (i) IN GENERAL.—Any person may
21 petition the Administrator to establish a
22 more stringent schedule under subpara-
23 graph (A).

24 (ii) REQUIREMENTS.—A petition sub-
25 mitted under clause (i) shall—

1 (I) be made at such time, in such
2 manner, and containing such informa-
3 tion as the Administrator shall re-
4 quire; and

5 (II) include a showing by the pe-
6 titioner that there are scientific data
7 with respect to nonessential uses of
8 perfluoroalkyl or polyfluoroalkyl sub-
9 stances to support the petition.

10 (iii) RESPONSE TIMELINE.—

11 (I) IN GENERAL.—If the Admin-
12 istrator receives a petition under
13 clause (i), the Administrator shall—

14 (aa) not later than 180 days
15 after the date on which the Ad-
16 ministrator receives the peti-
17 tion—

18 (AA) make the com-
19 plete petition available to
20 the public; and

21 (BB) when making the
22 petition available pursuant
23 to subitem (AA), propose
24 and seek public comment,
25 for a period of not less than

1 90 days, on the proposal of
2 the Administrator to grant
3 or deny the petition; and

4 (bb) not later than 1 year
5 after the date on which the Ad-
6 ministrator receives the petition,
7 take final action on the petition.

8 (II) REVISED PLANS AND SCHED-
9 ULES.—

10 (aa) IN GENERAL.—If, after
11 receiving public comment with re-
12 spect to a petition received under
13 clause (i), the Administrator
14 grants the petition, each manu-
15 facturer and user shall revise and
16 submit to the Administrator an
17 update to the plan and schedule
18 required under paragraph (2)(A)
19 to reflect the more stringent
20 schedule described in the peti-
21 tion.

22 (bb) REQUIREMENT.—A re-
23 vised plan and schedule under
24 item (aa) shall be submitted in
25 accordance with paragraph (2).

1 (4) ACCELERATED PHASE-OUT IN CERTAIN
2 PRODUCTS.—

3 (A) PHASE-OUT WITHIN 1 YEAR.—

4 (i) IN GENERAL.—Notwithstanding
5 any other provision of this Act but subject
6 to clause (ii), beginning on the date that is
7 1 year after the date of enactment of this
8 Act, no person may sell, offer for sale, or
9 distribute for sale in interstate com-
10 merce—

11 (I) a carpet or rug that contains
12 perfluoroalkyl or polyfluoroalkyl sub-
13 stances;

14 (II) a fabric treatment that con-
15 tains perfluoroalkyl or polyfluoroalkyl
16 substances;

17 (III) food packaging and con-
18 tainers that contains perfluoroalkyl or
19 polyfluoroalkyl substances;

20 (IV) a juvenile product that con-
21 tains perfluoroalkyl or polyfluoroalkyl
22 substances; or

23 (V) an oil or gas product that
24 contains perfluoroalkyl or
25 polyfluoroalkyl substances.

1 (ii) EXCEPTION FOR RESALE.—The
2 prohibition under clause (i) does not apply
3 to the sale or resale of used products de-
4 scribed in subclauses (I), (II), and (IV) of
5 that clause.

6 (B) PHASE-OUT WITHIN 2 YEARS.—

7 (i) IN GENERAL.—Notwithstanding
8 any other provision of this Act but subject
9 to clause (ii), beginning on the date that is
10 2 years after the date of enactment of this
11 Act, no person may sell, offer for sale, or
12 distribute for sale in interstate com-
13 merce—

14 (I) a cosmetic that contains
15 perfluoroalkyl or polyfluoroalkyl sub-
16 stances;

17 (II) an indoor textile furnishing
18 that contains perfluoroalkyl or
19 polyfluoroalkyl substances;

20 (III) indoor upholstered furniture
21 that contains perfluoroalkyl or
22 polyfluoroalkyl substances;

23 (IV) an accessory or handbag
24 that contains perfluoroalkyl or
25 polyfluoroalkyl substances; or

1 (V) except for a product de-
2 scribed in subparagraph (D), indoor
3 and outdoor apparel that contains
4 perfluoroalkyl or polyfluoroalkyl sub-
5 stances.

6 (ii) EXCEPTION FOR RESALE.—The
7 prohibition under clause (i) does not apply
8 to the sale or resale of used products de-
9 scribed in each of subclauses (II) through
10 (V) of that clause.

11 (C) PHASE-OUT WITHIN 4 YEARS.—

12 (i) IN GENERAL.—Notwithstanding
13 any other provision of this Act but subject
14 to clause (ii), beginning on the date that is
15 4 years after the date of enactment of this
16 Act, no person may sell, offer for sale, or
17 distribute for sale in interstate com-
18 merce—

19 (I) an outdoor textile furnishing
20 that contains perfluoroalkyl or
21 polyfluoroalkyl substances; or

22 (II) outdoor upholstered fur-
23 niture that contains perfluoroalkyl or
24 polyfluoroalkyl substances.

1 (ii) EXCEPTION FOR RESALE.—The
2 prohibition under clause (i) does not apply
3 to the sale or resale of used products de-
4 scribed in that clause.

5 (D) PHASEOUT WITHIN 5 YEARS.—

6 (i) IN GENERAL.—Notwithstanding
7 any other provision of this Act but subject
8 to clause (ii), beginning on the date that is
9 5 years after the date of enactment of this
10 Act, no person may sell, offer for sale, or
11 distribute for sale in interstate commerce
12 outdoor apparel for severe wet conditions
13 that contain intentionally used
14 perfluoroalkyl or polyfluoroalkyl sub-
15 stances.

16 (ii) EXCEPTION FOR RESALE.—The
17 prohibition under clause (i) does not apply
18 to the sale or resale of used products de-
19 scribed in that clause.

20 (e) DESIGNATIONS OF NONESSENTIAL AND ESSEN-
21 TIAL USES.—

22 (1) 10-YEAR REQUIREMENT.—Beginning on the
23 date that is 10 years after the date of enactment of
24 this Act—

1 (A) all nonessential uses of a
2 perfluoroalkyl or polyfluoroalkyl substance shall
3 be prohibited; and

4 (B) any use of a perfluoroalkyl or
5 polyfluoroalkyl substance shall be considered a
6 nonessential use unless the Administrator, con-
7 sistent with applicable recommendations or
8 other analysis, if any, under a report under sec-
9 tion 101(h) (including a subsequent report),
10 has designated the use as an essential use
11 under paragraph (2) or (3).

12 (2) PETITION.—

13 (A) IN GENERAL.—A person may submit
14 to the Administrator a petition to designate a
15 use of a perfluoroalkyl or polyfluoroalkyl sub-
16 stance as a nonessential use or an essential use
17 at such time (including on a 1-time, periodic, or
18 continuing basis within such timeframe as the
19 Administrator may require), in such manner,
20 and containing such information as the Admin-
21 istrator may require.

22 (B) BURDEN OF PROOF.—In submitting a
23 petition under subparagraph (A)—

24 (i) the burden of proof shall be on the
25 petitioner to demonstrate that a use of a

1 perfluoroalkyl or polyfluoroalkyl substance
2 is a nonessential use or an essential use;
3 and

4 (ii) the petitioner shall provide any in-
5 formation requested by the Administrator,
6 on a 1-time, periodic, or continuous basis
7 within such timeframe as the Adminis-
8 trator may require, to inform a determina-
9 tion under subparagraph (C).

10 (C) DETERMINATION.—

11 (i) BEST AVAILABLE SCIENCE.—The
12 determination of the Administrator to
13 grant or deny a petition submitted under
14 subparagraph (A) shall be based on—

15 (I) the best available science; and

16 (II) the applicable recommenda-
17 tions or other analysis, if any, under
18 a report under section 101(h) (includ-
19 ing a subsequent report).

20 (ii) TIMELINE.—

21 (I) IN GENERAL.—Subject to
22 subclause (II), the Administrator shall
23 finalize a determination to grant or
24 deny a petition submitted under sub-
25 paragraph (A) by not later than 270

1 days after the date of receipt of the
2 petition.

3 (II) REQUIREMENT.—The Ad-
4 ministrator may not finalize a deter-
5 mination to grant or deny a petition
6 submitted under subparagraph (A) be-
7 fore the date that is 1 year after the
8 date on which the first report under
9 subsection (h) of section 101 is sub-
10 mitted after the date on which the re-
11 view under subsection (c) of that sec-
12 tion is completed.

13 (iii) PUBLIC AVAILABILITY.—

14 (I) IN GENERAL.—In making a
15 determination to grant or deny a peti-
16 tion submitted under subparagraph
17 (A), the Administrator shall—

18 (aa) make all materials sub-
19 mitted with the petition available
20 for public review and comment
21 for a period of not less than 180
22 days; and

23 (bb) consider all public com-
24 ments submitted with respect to

1 the materials made available
2 under item (aa).

3 (II) CONFIDENTIAL BUSINESS
4 INFORMATION.—Subclause (I) shall be
5 carried out in accordance with section
6 14 of the Toxic Substances Control
7 Act (15 U.S.C. 2613).

8 (D) EXPEDITED CONSIDERATION.—The
9 Administrator shall, to the maximum extent
10 practicable, expedite the consideration of peti-
11 tions submitted under subparagraph (A) from a
12 Federal agency.

13 (E) TERMINATION OF PETITION PROC-
14 ESS.—The Administrator shall continue to ac-
15 cept petitions under this paragraph until such
16 time as all perfluoroalkyl or polyfluoroalkyl sub-
17 stances and uses of perfluoroalkyl or
18 polyfluoroalkyl substances are eliminated in ac-
19 cordance with the policy described in section
20 103(a).

21 (3) ALTERNATIVE DESIGNATION PROCESS.—

22 (A) IN GENERAL.—On a continuing basis
23 and in consultation with relevant Federal agen-
24 cies as the Administrator determines necessary,
25 the Administrator may review and, through a

1 public rulemaking, designate as a nonessential
2 use or an essential use a use of a perfluoroalkyl
3 or polyfluoroalkyl substance.

4 (B) REQUIREMENT.—The decision of the
5 Administrator to designate a use of a
6 perfluoroalkyl or polyfluoroalkyl substance as a
7 nonessential use or an essential use under sub-
8 paragraph (A) shall be consistent with—

9 (i) the best available science; and

10 (ii) the applicable recommendations or
11 other analysis, if any, under a report under
12 section 101(h) (including a subsequent re-
13 port).

14 (C) TIMELINE.—

15 (i) REPORT REQUIRED.—The Admin-
16 istrator may not designate a use of a
17 perfluoroalkyl or polyfluoroalkyl substance
18 as a nonessential use or an essential use
19 under subparagraph (A) before the date
20 that is 1 year after the date on which the
21 first report under subsection (h) of section
22 101 is submitted after the date on which
23 the review under subsection (c) of that sec-
24 tion is completed.

1 (ii) PUBLIC REVIEW.—Before designating a use of a perfluoroalkyl or
2 polyfluoroalkyl substance as a nonessential
3 use or an essential use under subparagraph (A), the Administrator shall publish
4 the proposed designation for public review
5 and comment for a period of not less than
6 180 days.
7

8 (iii) FINAL DESIGNATION.—The Administrator shall publicly issue a final designation of a use of a perfluoroalkyl or
9 polyfluoroalkyl substance as a nonessential
10 use or an essential use under subparagraph (A) by not later than 270 days after
11 the date on which the public review and
12 comment period under clause (ii) ends.
13

14 (4) DATA TRANSPARENCY.—The Administrator
15 may, to inform a designation under paragraph (2) or
16 (3), require a manufacturer, user, person who manufactures equipment for a manufacturer or user, person who the Administrator believes may have necessary information to inform a designation under
17 paragraph (2) or (3), or a person subject to the requirements of this title or an amendment made by
18 this title to provide relevant information (on a 1-

1 time, periodic, or continuing basis for such time-
2 frame as the Administrator determines appropriate).

3 (5) REQUIRED PETITIONS.—

4 (A) IN GENERAL.—Stakeholders shall use
5 the petition process under paragraph (2) to
6 identify and list products and processes that
7 use a perfluoroalkyl or polyfluoroalkyl substance
8 that have a use in a product that is required to
9 be used under Federal law (including regula-
10 tions), Federal standards, or Federal Govern-
11 ment specifications.

12 (B) SUBMISSION TO OTHER AGENCIES.—If
13 the Administrator receives a petition under
14 paragraph (2) or begins to carry out the alter-
15 native designation process under paragraph (3)
16 with respect to a use described in subparagraph
17 (A), the Administrator shall, on receipt of the
18 petition, share the petition with the head of the
19 Federal agency that required the use for a re-
20 view and comment period of not less than 30
21 days.

22 (6) REVIEW OF PREVIOUS DESIGNATIONS.—The
23 Administrator may, pursuant to a petition from a
24 petitioner or at the discretion of the Administrator,
25 review the designation of a use of a perfluoroalkyl or

1 polyfluoroalkyl substance as a nonessential use or an
2 essential use and redesignate that use as a non-
3 essential use or an essential use in accordance with
4 the process under which the designation was origi-
5 nally made.

6 (d) ADMINISTRATOR PRIORITIZATION DISCRE-
7 TION.—The Administrator may prioritize the establish-
8 ment of a report under this section or a designation of
9 the use of a class or subclass perfluoroalkyl or
10 polyfluoroalkyl substances as a nonessential use or an es-
11 sential use under subsection (c) in accordance with—

12 (1) the National PFAS Testing Strategy of the
13 Environmental Protection Agency (or a successor
14 strategy); or

15 (2) any other method that is based on the best
16 available science.

17 (e) PROHIBITION OF SALES OF NONESSENTIAL
18 PERFLUOROALKYL OR POLYFLUOROALKYL SUB-
19 STANCES.—

20 (1) IN GENERAL.—Beginning on the date that
21 is 10 years after the date of enactment of this Act,
22 a manufacturer or user shall not engage in the sale
23 of perfluoroalkyl or polyfluoroalkyl substances that
24 remain in the possession of the manufacturer or user
25 on that date for nonessential uses.

1 (2) PERFLUOROALKYL OR POLYFLUOROALKYL
2 SUBSTANCE STOCKS.—The Administrator may ap-
3 prove verifiable transfers of perfluoroalkyl or
4 polyfluoroalkyl substance stocks in the possession of
5 a manufacturer or user to an accredited research
6 consortium, including Centers of Excellence, Na-
7 tional Laboratories of the Department of Energy, in-
8 stitutions of higher education (as defined in section
9 101(a) of the Higher Education Act of 1965 (20
10 U.S.C. 1001(a))), and other relevant entities that
11 contribute to the achievement of the policy described
12 in section 103(a).

13 (3) SAVINGS PROVISION.—Nothing in this sub-
14 section—

15 (A) affects an obligation of a manufacturer
16 or user to comply with a regulation or require-
17 ment associated with the removal, disposal, or
18 destruction of a perfluoroalkyl or
19 polyfluoroalkyl substance; or

20 (B) prohibits a manufacturer or user from
21 using a method of removal, disposal, or destruc-
22 tion of a perfluoroalkyl or polyfluoroalkyl sub-
23 stance in accordance with applicable law.

1 **SEC. 103. UNITED STATES PERFLUOROALKYL OR**
2 **POLYFLUOROALKYL SUBSTANCE POLICY.**

3 (a) GENERAL POLICY.—It is the policy of the United
4 States that, to the maximum extent practicable and as
5 permitted under applicable law—

6 (1) contamination of any environmental media
7 by a perfluoroalkyl or polyfluoroalkyl substance
8 should be remediated to levels that do not present
9 an unreasonable risk to public health and the envi-
10 ronment;

11 (2) the destruction and disposal of
12 perfluoroalkyl or polyfluoroalkyl substances—

13 (A) is considered most essential to the
14 elimination of perfluoroalkyl or polyfluoroalkyl
15 substances, which are also known as “forever
16 chemicals”; and

17 (B) should be prioritized as part of any
18 perfluoroalkyl or polyfluoroalkyl substance re-
19 mediation strategy in a manner that presents
20 the lowest risk of environmental release and the
21 lowest risk to public health and the environ-
22 ment;

23 (3) the use of perfluoroalkyl or polyfluoroalkyl
24 substances in consumer products should be elimi-
25 nated; and

1 (4) in cases in which the use of perfluoroalkyl
2 or polyfluoroalkyl substances is essential, in accord-
3 ance with any applicable report under section 101(h)
4 (including a subsequent report), and no safer alter-
5 native for that use is available, those perfluoroalkyl
6 or polyfluoroalkyl substances should be removed or
7 replaced by chemicals, product substitutes, or alter-
8 native manufacturing processes that reduce overall
9 risk to human health and the environment, including
10 risks due to chronic, acute, and cumulative impacts.

11 (b) FEDERAL PROCUREMENT.—

12 (1) IN GENERAL.—Beginning on the date of en-
13 actment of this Act, the heads of Federal agencies,
14 in coordination with the Administrator and the Ad-
15 ministrator of General Services, shall, to the max-
16 imum extent practicable, eliminate the procurement
17 of products known to contain perfluoroalkyl or
18 polyfluoroalkyl substances.

19 (2) SURVEY.—In carrying out paragraph (1),
20 the heads of Federal agencies may—

21 (A) carry out surveys of the products pro-
22 cured by the Federal agency to determine
23 whether the products contain perfluoroalkyl or
24 polyfluoroalkyl substances; and

1 (B) pause or cease procurement of prod-
2 ucts that have not been identified as not con-
3 taining perfluoroalkyl or polyfluoroalkyl sub-
4 stances within a reasonable timeline that ac-
5 counts for—

6 (i) survey completion and product re-
7 turn; and

8 (ii) identifying and securing safer al-
9 ternatives for the product.

10 (c) BEST AVAILABLE SCIENCE.—A determination
11 that an action complies with the policy described in sub-
12 section (a) or an action taken under subsection (b) shall
13 be based on the best available science.

14 (d) SAVINGS PROVISION.—Nothing in this section af-
15 fects any other duty or obligation under Federal law.

16 **SEC. 104. PERFLUOROALKYL OR POLYFLUOROALKYL SUB-**
17 **STANCE RELEASE PHASEOUT.**

18 (a) IN GENERAL.—Beginning on the date that is 10
19 years after the date of enactment of this Act, it shall be
20 unlawful for any manufacturer or user to release any
21 quantity of perfluoroalkyl or polyfluoroalkyl substance
22 above the threshold of detection of a detection method for
23 perfluoroalkyl or polyfluoroalkyl substances that is vali-
24 dated by the Administrator in a manner that permits that

1 perfluoroalkyl or polyfluoroalkyl substance to enter the en-
2 vironment.

3 (b) RULEMAKING REQUIRED.—

4 (1) IN GENERAL.—Not later than 7 years after
5 the date of enactment of this Act and after a period
6 of notice and opportunity for public comment, the
7 Administrator shall finalize a rule that—

8 (A) establishes a schedule for the phaseout
9 of the releases above the threshold of detection
10 described in subsection (a) by the date de-
11 scribed in that subsection; and

12 (B) establishes applicable detection meth-
13 ods and relevant thresholds.

14 (2) UPDATE.—The Administrator may update,
15 in whole or in part, the schedule required under sub-
16 paragraph (A) of paragraph (1) in accordance with
17 that paragraph.

18 (3) EARLY ADOPTION.—The Administrator
19 may, in accordance with the policy described in sec-
20 tion 103(a) and after a period of notice and oppor-
21 tunity for public comment, finalize a rule before the
22 rule required under paragraph (1) that—

23 (A) establishes a schedule for the phaseout
24 or banning of releases of individual
25 perfluoroalkyl or polyfluoroalkyl substances,

1 mixtures of perfluoroalkyl or polyfluoroalkyl
2 substances, or subclasses of perfluoroalkyl or
3 polyfluoroalkyl substances above the threshold
4 of detection described in subsection (a) by the
5 date described in that subsection; and

6 (B) establishes applicable detection meth-
7 ods and relevant thresholds.

8 (c) SAVINGS PROVISION.—Nothing in this section af-
9 fects any other duty or obligation under any other Federal
10 law.

11 **SEC. 105. USE FOR RESEARCH.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of this title, the Administrator may allow the use and
14 detectable release of perfluoroalkyl or polyfluoroalkyl sub-
15 stances described in subsections (b) and (c) that do not
16 place unreasonable risk on human health or the environ-
17 ment for research, development, testing, and other similar
18 purposes to assist in the achievement of the policy de-
19 scribed in section 103(a).

20 (b) REMAINING STOCKS OF PERFLUOROALKYL OR
21 POLYFLUOROALKYL SUBSTANCES.—

22 (1) IN GENERAL.—A manufacturer or user with
23 remaining stocks of perfluoroalkyl or polyfluoroalkyl
24 substances in the possession of the manufacturer or
25 user following cessation of the manufacture or use of

1 perfluoroalkyl or polyfluoroalkyl substances may
2 enter into an agreement with the Administrator, an
3 accredited research consortium, including Centers of
4 Excellence, National Laboratories of the Department
5 of Energy, institutions of higher education (as de-
6 fined in section 101(a) of the Higher Education Act
7 of 1965 (20 U.S.C. 1001(a))), and other relevant
8 entities, as determined by the Administrator, in
9 order for such stocks to be available for use in ac-
10 cordance with subsection (a).

11 (2) REQUIREMENT.—The Administrator may
12 only enter into an agreement under paragraph (1) if
13 the actions to be carried out under that agreement
14 directly contribute to the achievement of the policy
15 described in section 103(a), as determined by the
16 Administrator.

17 (3) SAVINGS PROVISION.—Nothing in this sub-
18 section—

19 (A) affects an obligation of a manufacturer
20 or user to comply with a regulation or require-
21 ment associated with the removal, disposal, or
22 destruction of a perfluoroalkyl or
23 polyfluoroalkyl substance; or

24 (B) prohibits a manufacturer or user from
25 using a method of removal, disposal, or destruc-

1 tion of a perfluoroalkyl or polyfluoroalkyl sub-
2 stance in accordance with applicable law.

3 (c) PROHIBITION.—It shall be unlawful to develop or
4 produce a perfluoroalkyl or polyfluoroalkyl substance sole-
5 ly for the purposes of activities authorized under sub-
6 section (a) unless the Administrator determines it nec-
7 essary to comply with the policy described in section
8 103(a).

9 **SEC. 106. INSPECTIONS, MONITORING, AND ENTRY.**

10 (a) IN GENERAL.—For the purpose of determining
11 whether a person is in violation of this title or an amend-
12 ment made by this title or for the purposes of carrying
13 out any provision of this title or an amendment made by
14 this title—

15 (1) the Administrator may require any manu-
16 facturer, user, person who manufactures equipment
17 for a manufacturer or user, person who the Adminis-
18 trator believes may have information necessary for
19 the purposes described in this paragraph, or person
20 who is subject to the requirements of this title or an
21 amendment made by this title, on a 1-time, periodic,
22 or continuous basis—

23 (A) to install, use, and maintain such mon-
24 itoring equipment, and use such audit proce-

1 dures or methods, as the Administrator may re-
2 quire;

3 (B) to sample such releases (in accordance
4 with such procedures or methods, at such loca-
5 tions, at such intervals, during such periods,
6 and in such manner as determined by the Ad-
7 ministrator) as the Administrator may require;

8 (C) to keep such records on control equip-
9 ment parameters, production variables, or other
10 equivalent indirect data as the Administrator
11 may require when direct monitoring of releases
12 is impractical;

13 (D) to provide such other information as
14 the Administrator may require; and

15 (E) to provide records and reports within
16 30 days of the date of a request by the Admin-
17 istrator for that record or report; and

18 (2) the Administrator (including an authorized
19 representative of the Administrator), on presentation
20 of the credentials of the Administrator (or author-
21 ized representative of the Administrator) shall—

22 (A) have a right of entry to, on, or through
23 any premises of the person or any premises in
24 which any records required to be maintained
25 under paragraph (1) are located; and

1 (B) at reasonable times, have a right to ac-
2 cess and copy any records, to inspect any moni-
3 toring equipment or method required under
4 paragraph (1), and to sample any releases that
5 the person is required to sample under that
6 paragraph.

7 (b) PUBLIC AVAILABILITY.—Any record, report, or
8 information obtained by the Administrator under sub-
9 section (a) shall, subject to section 14 of the Toxic Sub-
10 stances Control Act (15 U.S.C. 2613), be made available
11 to the public as soon as reasonably practicable.

12 **SEC. 107. ENFORCEMENT.**

13 (a) COMPLIANCE ORDERS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), whenever, on the basis of any informa-
16 tion, the Administrator determines that a person
17 may have violated, or may be in violation of, any re-
18 quirement of this title or an amendment made by
19 this title, the Administrator may—

20 (A) issue an order—

21 (i) assessing a civil penalty for any
22 past or current violation in an amount that
23 the Administrator determines would re-
24 move any economic benefit from the viola-
25 tion;

1 (ii) requiring compliance with that re-
2 quirement, either immediately or within a
3 specified period of time; or

4 (iii) that both assesses a civil penalty
5 in accordance with clause (i) and requires
6 compliance in accordance with clause (ii);
7 or

8 (B) commence a civil action for appro-
9 priate relief, including a temporary or perma-
10 nent injunction, in the United States district
11 court for—

12 (i) the district in which the violation
13 is alleged to have occurred, or is occurring;
14 or

15 (ii) the district in which the defendant
16 resides or in which the principal place of
17 business of the defendant is located.

18 (2) NOTICE TO STATE.—Before issuing an
19 order or commencing an action under paragraph (1)
20 for a violation of a requirement of this title or an
21 amendment made by this title, the Administrator
22 shall give notice to the State in which the violation
23 is alleged to have occurred.

24 (3) SUSPENSION AND REVOCATION.—An order
25 issued pursuant to this subsection—

1 (A) may include a suspension or revocation
2 of any use of a perfluoroalkyl or polyfluoroalkyl
3 substance authorized under this title by the Ad-
4 ministrator or a State; and

5 (B) shall state with reasonable specificity
6 the nature of the violation for which the order
7 was issued.

8 (4) CIVIL PENALTY.—

9 (A) FACTORS.—In assessing a civil penalty
10 under paragraph (1)(A)(i), the Administrator
11 shall take into account, as applicable—

12 (i) the seriousness of the violation;

13 (ii) the full compliance history of the
14 defendant and any good faith efforts to
15 comply;

16 (iii) the size of the business of the de-
17 fendant;

18 (iv) the economic impact of the pen-
19 alty on the business of the defendant;

20 (v) the duration of the violation, as
21 established by credible evidence (including
22 evidence other than the applicable test
23 method);

24 (vi) the amount of penalties previously
25 assessed for the same violation;

1 (vii) the economic benefit of the viola-
2 tion;

3 (viii) the cumulative impacts of—

4 (I) the full compliance history of
5 the defendant and any good faith ef-
6 forts to comply; and

7 (II) other environmental contami-
8 nant exposures in impacted commu-
9 nities and ecosystems; and

10 (ix) any other factor that justice may
11 require.

12 (B) SAVINGS PROVISION.—Nothing in this
13 paragraph affects the existing authority of the
14 Administrator to exercise enforcement discre-
15 tion, including consideration of supplemental
16 environmental projects.

17 (b) VIOLATION OF COMPLIANCE ORDERS.—If a per-
18 son subject to an order issued under subsection (a)(1) fails
19 to take corrective action within the period specified in that
20 order, the Administrator may assess a civil penalty in an
21 amount that the Administrator determines would remove
22 any economic benefit from the violation for each day of
23 continuing violation in accordance with subsection (a)(4).

24 (c) CRIMINAL PENALTIES.—A person who recklessly
25 violates any material condition or requirement of any ap-

1 plicable standard under this title (including regulations)
2 or an amendment made by this title shall, on conviction,
3 be subject to—

4 (1) a fine in an amount that the Administrator
5 determines removes any economic benefit of the vio-
6 lation for each day of continuing violation;

7 (2) imprisonment for a period of not more than
8 5 years; or

9 (3) both a fine under paragraph (1) and impris-
10 onment under paragraph (2).

11 (d) RELATIONSHIP TO OTHER LAWS.—The Adminis-
12 trator shall carry out this title and amendments made by
13 this title in accordance with—

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

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

17 (3) the Federal Water Pollution Control Act
18 (33 U.S.C. 1251 et seq.);

19 (4) the Marine Protection, Research, and Sanc-
20 tuaries Act of 1972 (33 U.S.C. 1401 et seq.);

21 (5) the Safe Drinking Water Act (42 U.S.C.
22 300f et seq.); and

23 (6) the Solid Waste Disposal Act (42 U.S.C.
24 6901 et seq.) (commonly known as the “Resource
25 Conservation and Recovery Act of 1976”).

1 **SEC. 108. CITIZEN SUITS.**

2 (a) CITIZEN SUITS AUTHORIZED.—

3 (1) IN GENERAL.—Except as provided in sub-
4 sections (b) and (c), any person may commence a
5 civil action on their own behalf against—

6 (A) any manufacturer or user subject to
7 the requirements of this title or an amendment
8 made by this title (including a manufacturer,
9 user, the United States, and, to the extent per-
10 mitted by the 11th Amendment of the Constitu-
11 tion of the United States, any other govern-
12 mental instrumentality or agency) that is al-
13 leged to be in violation of any standard, regula-
14 tion, condition, requirement, prohibition, sched-
15 ule, deadline, or order under this title;

16 (B) any manufacturer or user subject to
17 the requirements of this title or an amendment
18 made by this title (including the United States
19 and, to the extent permitted by the 11th
20 Amendment of the Constitution of the United
21 States, any other governmental instrumentality
22 or agency) that is using a perfluoroalkyl or
23 polyfluoroalkyl substance that may present an
24 imminent and substantial endangerment to
25 human health or the environment; or

1 (C) the Administrator, if the Administrator
2 is alleged to have failed to perform any act or
3 duty under this title that is not discretionary.

4 (2) JURISDICTION.—

5 (A) APPROPRIATE COURTS.—

6 (i) VIOLATIONS AND ENDANGERMENT
7 CLAIMS.—An action brought under sub-
8 paragraph (A) or (B) of paragraph (1)
9 shall be brought in the district court for
10 the district in which the alleged violation
11 or endangerment occurred.

12 (ii) CLAIMS AGAINST THE ADMINIS-
13 TRATOR.—An action brought under para-
14 graph (1)(C) may be brought in—

15 (I) the United States district
16 court for the district in which the al-
17 leged violation occurred; or

18 (II) the United States District
19 Court for the District of Columbia.

20 (B) AUTHORITY.—A district court de-
21 scribed in subparagraph (A) shall have jurisdic-
22 tion—

23 (i) with respect to an action described
24 in paragraph (1)(A), to enforce the stand-
25 ard, regulation, condition, requirement,

1 prohibition, schedule, deadline, or order de-
2 scribed in that paragraph;

3 (ii) with respect to an action described
4 in paragraph (1)(B), to order a person de-
5 scribed in that paragraph—

6 (I) to refrain from the use of the
7 perfluoroalkyl or polyfluoroalkyl sub-
8 stance that may be contributing to the
9 imminent and substantial
10 endangerment;

11 (II) to take any action as may be
12 necessary to prevent the imminent
13 and substantial endangerment de-
14 scribed in that paragraph; or

15 (III) to carry out any combina-
16 tion of actions described in subclauses
17 (I) and (II);

18 (iii) with respect to an action de-
19 scribed in paragraph (1)(C), to order the
20 Administrator to perform the act or duty
21 referred to in that paragraph; and

22 (iv) with respect to any action de-
23 scribed in paragraph (1), to apply any ap-
24 propriate civil remedy under this title.

25 (b) ADDITIONAL REQUIREMENTS.—

1 (1) ACTIONS FOR ENFORCEMENT OF REQUIRE-
2 MENTS.—

3 (A) NOTICE OF VIOLATION.—

4 (i) IN GENERAL.—No action may be
5 brought under subsection (a)(1)(A) unless,
6 not less than 60 days before the date on
7 which the action is brought, notice of the
8 violation of the standard, regulation, condi-
9 tion, requirement, prohibition, schedule,
10 deadline, or order for which the action
11 would be brought is provided to—

12 (I) the Administrator;

13 (II) the State in which the al-
14 leged violation occurred; and

15 (III) except as provided in clause
16 (ii), the alleged violator of the applica-
17 ble standard, regulation, condition, re-
18 quirement, prohibition, schedule,
19 deadline, or order.

20 (ii) EXCEPTION.—Notwithstanding
21 clause (i)(III), an action may be brought
22 under subsection (a)(1)(A) immediately
23 after the notice described in that clause is
24 provided to the alleged violator if the ac-
25 tion is for a violation of this title.

1 (B) NO ACTION IF SUIT ONGOING.—No ac-
2 tion may be brought under subsection (a)(1)(A)
3 if the Administrator or a State has commenced
4 and is diligently prosecuting a civil or criminal
5 action in a court of the United States or a
6 State to require compliance with the standard,
7 regulation, condition, requirement, prohibition,
8 schedule, deadline, or order for which the action
9 under subsection (a)(1)(A) would be brought.

10 (C) INTERVENTION AS MATTER OF
11 RIGHT.—In an action under brought under sub-
12 section (a)(1)(A) in a court of the United
13 States, any person may intervene as a matter
14 of right.

15 (2) ACTIONS FOR ENDANGERMENT.—

16 (A) NOTICE OF ENDANGERMENT.—No ac-
17 tion may be brought under subsection (a)(1)(B)
18 unless, not less than 90 days before the date on
19 which the action is brought, notice of the immi-
20 nent and substantial endangerment to human
21 health or the environment is provided to—

22 (i) the Administrator;

23 (ii) the State in which the
24 endangerment may occur; and

1 (iii) the person that is alleged to be
2 contributing to the use of the
3 perfluoroalkyl or polyfluoroalkyl substance
4 causing the endangerment.

5 (B) NO ACTION IF SUIT IS ONGOING.—No
6 action may be commenced under subsection
7 (a)(1)(B) if the Administrator, in order to re-
8 strain or abate acts or conditions that may have
9 contributed or are contributing to the activities
10 which may present the alleged endangerment,
11 has commenced and is diligently acting on an
12 authority provided under an applicable law.

13 (C) INTERVENTION AS MATTER OF
14 RIGHT.—In an action under brought under sub-
15 section (a)(1)(B) in a court of the United
16 States, any person may intervene as a matter
17 of right.

18 (D) NOTICE OF ACTION.—A person bring-
19 ing an action under subsection (a)(1)(B) in a
20 court of the United States shall serve a copy of
21 the complaint on—

22 (i) the Attorney General; and

23 (ii) the Administrator.

24 (3) ACTIONS AGAINST THE ADMINISTRATOR.—

1 (A) NOTICE TO ADMINISTRATOR.—No ac-
2 tion may be brought under subsection (a)(1)(C)
3 unless, not less than 60 days before the date on
4 which the action is brought, the person bringing
5 the action has given notice to the Administrator
6 of the intent to bring the action.

7 (B) FORM.—The Administrator shall pre-
8 scribe the form in which the notice under sub-
9 paragraph (A) shall be provided.

10 (c) COSTS.—

11 (1) ATTORNEY AND EXPERT WITNESS FEES.—
12 A court, in issuing any final order in an action
13 brought pursuant to this section, may award the
14 costs of litigation (including reasonable attorney and
15 expert witness fees) to the prevailing or substantially
16 prevailing party, as the court determines to be ap-
17 propriate.

18 (2) BOND.—A court, in any action brought pur-
19 suant to this section in which a temporary restrain-
20 ing order or preliminary injunction is sought, may
21 require the filing of a bond or equivalent security in
22 accordance with the Federal Rules of Civil Proce-
23 dure.

1 **SEC. 109. IMMINENT HAZARD.**

2 (a) **AUTHORITY OF THE ADMINISTRATOR.**—Notwith-
3 standing any other provision of this title or an amendment
4 made by this title, on receipt of evidence that the use of
5 any perfluoroalkyl or polyfluoroalkyl substance presents
6 an imminent and unreasonable risk of serious or wide-
7 spread injury to public health or environment, without
8 consideration of costs or other nonrisk factors, the Admin-
9 istrator may issue an order to or bring suit against any
10 manufacturer or user subject to the requirements of this
11 title or an amendment made by this title that is deter-
12 mined by the Administrator to be causing the imminent
13 and unreasonable risk—

14 (1) to restrain that manufacturer or user from
15 that use;

16 (2) to order that manufacturer or user to take
17 such other action as may be necessary; or

18 (3) for the purposes described in paragraphs
19 (1) and (2).

20 (b) **VIOLATIONS.**—A manufacturer or user who will-
21 fully violates, or fails or refuses to comply with, any order
22 of the Administrator under subsection (a) may, in an ac-
23 tion brought in the appropriate United States district
24 court to enforce that order, be fined in an amount that
25 the Administrator determines removes any economic ben-

1 efit of noncompliance for each day in which the violation
2 occurs or the failure to comply continues.

3 (c) IMMEDIATE NOTICE.—On receipt of information
4 that there is a perfluoroalkyl or polyfluoroalkyl substance
5 that presents an imminent and substantial endangerment
6 to human health or the environment, the Administrator
7 shall require the violating manufacturer or user, at cost
8 to the violating manufacturer or user—

9 (1) to provide immediate and public notice,
10 within an estimated radius of impact as determined
11 appropriate by the Administrator, to—

12 (A) the appropriate local government agen-
13 cies and public services, including impacted util-
14 ities, including drinking water treatment plants,
15 and public health, law enforcement, and envi-
16 ronmental protection officials; and

17 (B) the community in which the
18 endangerment is occurring, including publicly
19 accessible areas of community congregation, in-
20 cluding community recreation and health cen-
21 ters, public libraries, public schools, government
22 offices, online message boards, listservs, and so-
23 cial media used by members of that community,
24 and not-for-profit community services;

25 (2) to require—

1 (A) immediate and public notice to im-
2 pacted members of the community that is pro-
3 vided across communication media and is easily
4 accessible; and

5 (B) public meetings, in partnership with
6 the Administrator and local authorities and
7 leaders, for direct community engagement to
8 provide health, safety, and additional informa-
9 tion to the community and to field questions
10 and concerns; and

11 (3) to provide regular updates with respect to
12 the endangerment in accordance with the methods
13 described in paragraphs (1) and (2).

14 **SEC. 110. APPLICATION OF FEDERAL, STATE, AND LOCAL**
15 **LAW TO FEDERAL AGENCIES.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED AGENCY.—The term “covered
18 agency” means a department, agency, or instrumen-
19 tality of the executive, legislative, or judicial branch
20 of the Federal Government that—

21 (A) has jurisdiction over a facility that
22 manufactures a perfluoroalkyl or polyfluoroalkyl
23 substance; or

24 (B) is engaged in any activity that results,
25 or may result, in the treatment, disposal, or re-

1 lease of a perfluoroalkyl or polyfluoroalkyl sub-
2 stance into the environment.

3 (2) REASONABLE SERVICE CHARGE.—The term
4 “reasonable service charge”, with respect to a re-
5 quirement under Federal, State, interstate, or local
6 law, includes—

7 (A) fees or charges assessed in connection
8 with enforcement, compliance, and investigation
9 activities with respect to that requirement; and

10 (B) any other nondiscriminatory charge
11 that is assessed in connection with a Federal,
12 State, interstate, or local perfluoroalkyl or
13 polyfluoroalkyl regulatory program.

14 (b) APPLICABILITY OF LAWS.—

15 (1) IN GENERAL.—Each covered agency shall
16 be subject to, and comply with, all Federal, State,
17 interstate, and local laws regulating perfluoroalkyl or
18 polyfluoroalkyl substances, including substantive and
19 procedural requirements, in the same manner and to
20 the same extent as any person that is subject to
21 those requirements, including any requirements for
22 the payment of reasonable service charges.

23 (2) INCLUSIONS.—The Federal, State, inter-
24 state, and local requirements, including substantive

1 and procedural requirements, described in paragraph
2 (1) include—

3 (A) an administrative order; and

4 (B) a civil or administrative penalty or
5 fine, regardless of whether that penalty or fine
6 is—

7 (i) punitive or coercive in nature; or

8 (ii) imposed for isolated, intermittent,
9 or continuing violations.

10 (c) WAIVER OF IMMUNITY.—

11 (1) IN GENERAL.—The United States expressly
12 waives any immunity otherwise applicable to the
13 United States with respect to a Federal, State,
14 interstate, or local requirement described in sub-
15 section (b)(1), including any immunity with respect
16 to injunctive relief, an administrative order, or a
17 civil or administrative penalty or fine described in
18 subsection (b)(2)(B).

19 (2) NO EXEMPTION.—Neither the United
20 States nor an agent, employee, or officer of the
21 United States shall be immune or exempt from any
22 process or sanction of any Federal or State court
23 with respect to the enforcement of any injunctive re-
24 lief described in paragraph (1).

1 (3) NO PERSONAL LIABILITY.—No agent, em-
2 ployee, or officer of the United States shall be per-
3 sonally liable for any civil penalty under any Fed-
4 eral, State, interstate, or local law regulating
5 perfluoroalkyl or polyfluoroalkyl substances with re-
6 spect to any act or omissions that is within the
7 scope of the official duties of the agent, employee, or
8 officer.

9 (4) CRIMINAL LIABILITY.—An agent, employee,
10 or officer of the United States shall be subject to
11 any criminal sanction (including fine or imprison-
12 ment) under any Federal or State law regulating
13 perfluoroalkyl or polyfluoroalkyl substances, but no
14 department, agency, or instrumentality of the Fed-
15 eral Government shall be subject to such a criminal
16 sanction.

17 (d) EXEMPTION.—

18 (1) IN GENERAL.—Subject to paragraph (4),
19 the President may exempt, in direct consultation
20 with the Administrator, any department, agency, or
21 instrumentality of the executive branch of the Fed-
22 eral Government from compliance with a require-
23 ment under a Federal, State, interstate, or local law
24 regulating perfluoroalkyl or polyfluoroalkyl sub-
25 stances if the President determines that the exemp-

1 tion is in the paramount interest of the United
2 States.

3 (2) REQUIREMENTS.—

4 (A) TERM.—An exemption under para-
5 graph (1) shall be for a period of not to exceed
6 1 year.

7 (B) RENEWAL.—The President may, in ac-
8 cordance with paragraph (1), renew an exemp-
9 tion under that paragraph for a period not to
10 exceed 1 year for each renewal.

11 (C) REPORT TO CONGRESS.—Not later
12 than January 31 of each year, the President
13 shall submit to Congress a report that describes
14 all exemptions granted under paragraph (1)
15 during the previous calendar year, including a
16 description of the reason for each exemption.

17 (3) PUBLIC NOTICE OF EXEMPTION.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), the President, the Administrator,
20 and the head of the department, agency, or in-
21 strumentality subject to an exemption under
22 paragraph (1) shall immediately make public
23 the exemption, including any renewal of an ex-
24 emption under paragraph (2)(B).

1 (B) WAIVER OF PUBLIC NOTICE REQUIRE-
2 MENT.—The President, in consultation with the
3 Administrator, may waive the requirement
4 under subparagraph (A) if the President, in
5 consultation with the Administrator, determines
6 that the waiver is in the paramount interest of
7 national security.

8 (4) NO EXEMPTION FOR LACK OF APPROPRIA-
9 TIONS.—The President may not grant an exemption
10 under paragraph (1) due to a lack of appropriation
11 of amounts to comply with a requirement described
12 in that paragraph.

13 **SEC. 111. JUDICIAL REVIEW.**

14 (a) REVIEW OF FINAL REGULATIONS AND CERTAIN
15 PETITIONS.—

16 (1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), any judicial review of a final regulation pro-
18 mulgated pursuant to this title or an amendment
19 made by this title or a denial by the Administrator
20 for a petition for the promulgation, amendment, or
21 repeal of a regulation under this title or an amend-
22 ment made by this title shall be in accordance with
23 this title and any amendments made by this title.

24 (2) LIMITATIONS ON BRINGING CLAIMS.—

1 (A) IN GENERAL.—A petition for the judi-
2 cial review of an action of the Administrator in
3 promulgating any regulation or requirement
4 under this title or an amendment made by this
5 title, or the denial of any petition for the pro-
6 mulgation, amendment, or repeal of a regula-
7 tion under this title or an amendment made by
8 this title, may only be brought—

9 (i) in the United States Court of Ap-
10 peals for the District of Columbia; and

11 (ii) subject to subparagraph (B), not
12 later than 90 days after the date on which
13 the promulgation or denial occurred.

14 (B) EXCEPTION.—A petition described in
15 subparagraph (A) may be brought after the 90-
16 day period described in clause (ii) of that sub-
17 paragraph if the petition is based solely on
18 grounds that arose after the end of that 90-day
19 period.

20 (C) NO REVIEW.—An action of the Admin-
21 istrator with respect to which review could have
22 been obtained under this subsection within the
23 90-day period described in subparagraph
24 (A)(ii), but was not, shall not be subject to ju-
25 dicial review in any civil or criminal proceeding

1 for enforcement of this title or an amendment
2 made by this title.

3 (3) PROCEEDINGS FOR ACTIONS FOR WHICH
4 NOTICE AND COMMENT IS REQUIRED.—

5 (A) IN GENERAL.—With respect to a peti-
6 tion for the judicial review of a determination
7 for which this title or an amendment made by
8 this title requires notice and opportunity for
9 hearing, if the party seeking the judicial review
10 applies to the court for leave to adduce addi-
11 tional evidence, and demonstrates to the satis-
12 faction of the court that the evidence is mate-
13 rial and that there were reasonable grounds for
14 the failure to adduce that evidence in the pro-
15 ceeding before the Administrator, the court may
16 order that—

17 (i) additional evidence (and any rebut-
18 tal evidence) be taken before the Adminis-
19 trator; and

20 (ii) the Administrator adduce that evi-
21 dence in the hearing in such a manner and
22 on such terms and conditions as the court
23 determines to be appropriate.

1 (B) REVISION.—Based on any evidence ad-
2 duced pursuant to subparagraph (A)(ii), the
3 Administrator—

4 (i) may—

5 (I) modify the findings of the Ad-
6 ministrator as to the facts; or

7 (II) make new findings; and

8 (ii) if applicable, shall file with the
9 court—

10 (I) any modified or new findings
11 made; and

12 (II) the recommendation of the
13 Administrator, if any, regarding
14 whether to modify or set aside the de-
15 termination of the Administrator
16 being reviewed.

17 (C) RETURN OF EVIDENCE.—On filing the
18 findings and recommendations required under
19 subparagraph (B)(ii), the Administrator shall
20 return any additional evidence that had been
21 adduced.

22 (b) REVIEW OF OTHER ACTIONS.—

23 (1) IN GENERAL.—Any interested person may,
24 in the court of appeals of the United States for the
25 judicial circuit in which the person resides or trans-

1 acts business, apply for review of the actions of the
2 Administrator in carrying out any mandatory duties
3 required under this title or an amendment made by
4 this title.

5 (2) TIME LIMITATIONS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), an application for review under
8 paragraph (1) shall be made not later than 90
9 days after the date of the applicable issuance,
10 denial, modification, revocation, grant, or with-
11 drawal.

12 (B) EXCEPTION.—An application for re-
13 view under paragraph (1) may be made after
14 the date described in subparagraph (A) only if
15 the application is based solely on grounds that
16 arose after the end of the 90-day period de-
17 scribed in that subparagraph.

18 (3) NO LATER REVIEW.—An action of the Ad-
19 ministrator with respect to which review could have
20 been obtained under paragraph (1) within the 90-
21 day period described in paragraph (2)(B), but was
22 not, shall not be subject to judicial review in any
23 civil or criminal proceeding for enforcement of this
24 title or an amendment made by this title.

1 (4) REQUIREMENT.—A review under paragraph
2 (1) shall be carried out in accordance with chapter
3 7 of title 5, United States Code.

4 (c) STATUTORY OR COMMON LAW RIGHTS NOT RE-
5 STRICTED.—Nothing in this title or an amendment made
6 by this title restricts any right that a person or class of
7 persons may have under statutory or common law to seek
8 enforcement of this title or an amendment made by this
9 title or to seek any other relief (including relief against
10 the Administrator or a State agency).

11 (d) NONRESTRICTION OF OTHER RIGHTS.—Nothing
12 in this title or an amendment made by this title or in any
13 other law of the United States prohibits, excludes, or re-
14 stricts any State, local, or interstate authority from bring-
15 ing any enforcement action or obtaining any judicial rem-
16 edy or sanction in any State or local court with respect
17 to the manufacture or release of perfluoroalkyl or
18 polyfluoroalkyl substances.

19 **SEC. 112. REGULATORY AUTHORITY.**

20 (a) GENERAL AUTHORITY.—The Administrator may
21 promulgate such regulations as are necessary to carry out
22 this title and the amendments made by this title consistent
23 with the policy described in section 103(a).

24 (b) REQUIREMENT.—In carrying out any rulemaking
25 under this title or an amendment made by this title that

1 requires a period of notice and opportunity for public com-
2 ment, that rulemaking shall be carried out in accordance
3 with section 553 of title 5, United States Code.

4 **SEC. 113. FUNDING.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
6 are authorized to be appropriated to the Administrator
7 such sums as may be necessary to carry out this title and
8 the amendments made by this title, except for section
9 101(i), for each of fiscal years 2024 through 2033.

10 (b) **FEE COLLECTION.**—

11 (1) **DEFINITIONS.**—In this subsection:

12 (A) **PETITION FEE.**—The term “petition
13 fee” means the fee established by the Adminis-
14 trator under paragraph (2)(B)(i)(II) to submit
15 a petition to designate a use of a perfluoroalkyl
16 substance as a nonessential use or an essential
17 use under section 102(e).

18 (B) **SMALL MANUFACTURER.**—The term
19 “small manufacturer” has the meaning given
20 the term in section 704.3 of title 40, Code of
21 Federal Regulations (or successor regulations).

22 (C) **SUPPLEMENTAL REPORT FEE.**—The
23 term “supplemental report fee” means the fee
24 established by the Administrator under para-
25 graph (2)(B)(i)(I) to submit a supplemental re-

1 port under subparagraph (B) of section 8(a)(7)
2 of the Toxic Substances Control Act (15 U.S.C.
3 2607(a)(7)).

4 (2) ESTABLISHMENT OF FEES.—

5 (A) WORKLOAD ASSESSMENT ANALYSIS.—

6 Not later than 180 days after the date of enact-
7 ment of this Act, the Administrator shall com-
8 plete a workload assessment analysis with re-
9 spect to the costs expected on the Adminis-
10 trator to carry out this title and the amend-
11 ments made by this title, which may include an
12 examination of the impacts of a reduced fee for
13 small manufacturers under subparagraph (C).

14 (B) RULEMAKING.—

15 (i) IN GENERAL.—Not later than 1
16 year after the date on which the Adminis-
17 trator completes the workload assessment
18 analysis under subparagraph (A), and
19 using that workload assessment analysis,
20 the Administrator shall complete a public
21 and transparent rulemaking to establish
22 the requirements and fees necessary to
23 submit—

24 (I) the supplemental reports
25 under subparagraph (B) of section

1 8(a)(7) of the Toxic Substances Con-
2 trol Act (15 U.S.C. 2607(a)(7)), in-
3 cluding any necessary requirements
4 for supplemental reports under that
5 subparagraph; and

6 (II) a petition to designate a use
7 of a perfluoroalkyl or polyfluoroalkyl
8 substance as a nonessential use or an
9 essential use under section 102(c),
10 which shall include—

11 (aa) a separate fee for each
12 use for which a designation is re-
13 quested in the petition; and

14 (bb) any necessary require-
15 ments for the petition process
16 under that section.

17 (ii) PUBLIC REVIEW AND COMMENT.—

18 The 1-year period described in clause (i)
19 shall include not less than 90 days for pub-
20 lic review and comment on the proposed
21 rulemaking under that clause.

22 (iii) FACTORS.—In determining the
23 amount of the supplemental report fee and
24 the petition fee in the rulemaking required
25 under clause (i), the Administrator—

- 1 (I) shall consider—
- 2 (aa) usage of perfluoroalkyl
- 3 or polyfluoroalkyl substances;
- 4 (bb) the volume of used
- 5 perfluoroalkyl or polyfluoroalkyl
- 6 substances; and
- 7 (cc) the known toxicological
- 8 risks of individual perfluoroalkyl
- 9 or polyfluoroalkyl substances,
- 10 mixtures of perfluoroalkyl or
- 11 polyfluoroalkyl substances, and
- 12 subclasses of perfluoroalkyl or
- 13 polyfluoroalkyl substances, as de-
- 14 termined by sources of informa-
- 15 tion determined relevant by the
- 16 Administrator, including the Na-
- 17 tional PFAS Testing Strategy
- 18 and the Computational Toxi-
- 19 cology Chemicals Dashboard of
- 20 the Environmental Protection
- 21 Agency; and
- 22 (II) may consider the expected
- 23 total annual costs of administering
- 24 the non-discretionary provisions of
- 25 this title, including collecting, proc-

1 essing, reviewing, providing access to,
2 and protecting from disclosure con-
3 fidential business information that is
4 subject to section 14 of the Toxic
5 Substances Control Act (15 U.S.C.
6 2613).

7 (C) SMALL MANUFACTURERS.—The Ad-
8 ministrators may, in the rulemaking required
9 under subparagraph (B)(i), reduce the supple-
10 mental report fee and the petition fee for small
11 manufacturers.

12 (D) TIMELINE; REQUIRED MINIMUM
13 FEES.—

14 (i) IN GENERAL.—The Administrator
15 shall finalize the amount of the supple-
16 mental report fee and the petition fee, in-
17 cluding any reduced fees for small manu-
18 facturers under subparagraph (C), by the
19 date that is not later than 2 years after
20 the date of enactment of this Act.

21 (ii) REQUIRED FEE.—If the Adminis-
22 trator fails to finalize the amount of the
23 supplemental report fee and the petition
24 fee within the 2-year period described in
25 clause (i)—

1 (I) the amount of the supple-
2 mental report fee shall be \$100,000
3 for each supplemental report sub-
4 mitted under subparagraph (B) of
5 section 8(a)(7) of the Toxic Sub-
6 stances Control Act (15 U.S.C.
7 2607(a)(7)), which may be lower for
8 small manufacturers as determined by
9 the Administrator; and

10 (II) the amount of the petition
11 fee shall be \$100,000 for each petition
12 submitted under section 102(c), which
13 may be lower for small manufacturers
14 as determined by the Administrator.

15 (iii) FINALIZATION OF AMOUNTS.—

16 Nothing in this subparagraph requires the
17 Administrator to use the minimum fee
18 amounts imposed by clause (ii) after com-
19 pletion of the rulemaking process required
20 under subparagraph (B), even if that rule-
21 making process is not completed within the
22 2-year period described in clause (i).

23 (3) ADJUSTMENT OF FEE AMOUNTS.—

24 (A) ADJUSTMENT FOR INFLATION.—

1 (i) IN GENERAL.—On the date that is
2 3 years after the date on which the Admin-
3 istrator establishes the amount of the sup-
4 plemental report fee and the petition fee,
5 and every 3 years thereafter, the Adminis-
6 istrator shall adjust the amount of the sup-
7 plemental report fee and the petition fee to
8 reflect changes for the 36-month period
9 ending the preceding November 30 in the
10 Consumer Price Index for All Urban Con-
11 sumers published by the Bureau of Labor
12 Statistic of the Department of Labor.

13 (ii) ADJUSTMENT OF MANDATORY
14 MINIMUMS.—If the minimum fee amounts
15 under paragraph (2)(D)(ii) are in effect,
16 clause (i) shall be applied by substituting
17 “the date on which the Administrator es-
18 tablishes the amount of the supplemental
19 report fee and the petition fee” for “the
20 date on which minimum fee amounts under
21 paragraph (2)(D)(ii) come into effect”
22 until such time as the Administrator com-
23 pletes the rulemaking process required
24 under paragraph (2)(B).

1 (B) ADDITIONAL ADJUSTMENT.—In addi-
2 tion to the adjustment required under subpara-
3 graph (A), the Administrator may, after a pe-
4 riod of notice and opportunity for public com-
5 ment, further adjust the amount of the supple-
6 mental report fee and the petition fee.

7 (4) WAIVER OF FEES.—The Administrator shall
8 waive the petition fee for any petition from a Fed-
9 eral agency or a State agency to designate a use of
10 a perfluoroalkyl substance as a nonessential use or
11 an essential use under section 102(c).

12 (5) FUNDS.—

13 (A) PFAS REPORT ASSESSMENT FUND.—

14 (i) ESTABLISHMENT.—There is estab-
15 lished in the Treasury a fund, to be known
16 as the “PFAS Report Assessment Fund”,
17 to be administered by the Administrator.

18 (ii) DEPOSITS.—Each fiscal year, the
19 Secretary of the Treasury shall deposit
20 into the PFAS Report Assessment Fund
21 an amount equal to all supplemental report
22 fees collected during the previous fiscal
23 year.

24 (iii) CONTENTS.—The PFAS Report
25 Assessment Fund shall consist of—

1 (I) amounts deposited by the
2 Secretary of the Treasury under
3 clause (ii); and

4 (II) any appropriations made by
5 Congress.

6 (iv) USE OF FUNDS.—Amounts in the
7 PFAS Report Assessment Fund may be
8 used, without further appropriation, to
9 carry out subparagraph (B) of section
10 8(a)(7) of the Toxic Substances Control
11 Act (15 U.S.C. 2607(a)(7)).

12 (B) PFAS PETITION ASSESSMENT
13 FUND.—

14 (i) ESTABLISHMENT.—There is estab-
15 lished in the Treasury a fund, to be known
16 as the “PFAS Petition Assessment Fund”,
17 to be administered by the Administrator.

18 (ii) DEPOSITS.—Each fiscal year, the
19 Secretary of the Treasury shall deposit
20 into the PFAS Petition Assessment Fund
21 an amount equal to all petition fees col-
22 lected during the previous fiscal year.

23 (iii) CONTENTS.—The PFAS Petition
24 Assessment Fund shall consist of—

1 (I) amounts deposited by the
2 Secretary of the Treasury under
3 clause (ii); and

4 (II) any appropriations made by
5 Congress.

6 (iv) USE OF FUNDS.—Amounts in the
7 PFAS Petition Assessment Fund may be
8 used, without further appropriation, to
9 carry out section 102(c).

10 (C) INTERFUND TRANSFERS.—The Admin-
11 istrator may, at the discretion of the Adminis-
12 trator and without further appropriation, trans-
13 fer amounts between the PFAS Report Assess-
14 ment Fund and the PFAS Petition Assessment
15 Fund.

16 (6) TERMINATION OF FEES.—The Adminis-
17 trator may terminate collection of the supplemental
18 report fee and the petition fee only after the Admin-
19 istrator determines, using a rulemaking with a pub-
20 lic comment period of not less than 90 days, a
21 science-based reason that the fee program is no
22 longer necessary.

23 **SEC. 114. SEVERABILITY.**

24 If any provision of this title, an amendment made by
25 this title, or the application of that provision or amend-

1 ment to any person or circumstance is held to be unconsti-
2 tutional, the remainder of this title and the amendments
3 made by this title, and the application of the provision or
4 amendment to any other person or circumstance, shall not
5 be affected.

6 **SEC. 115. RETENTION OF STATE AUTHORITY.**

7 (a) GENERAL POLICY.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), beginning on the effective date of the reg-
10 ulations to carry out this title or an amendment
11 made by this title, no State or political subdivision
12 of a State may impose any requirement that is less
13 stringent than the requirements under this title (in-
14 cluding regulations) or an amendment made by this
15 title with respect to the same matters that are regu-
16 lated under this title (including regulations) or
17 amendment.

18 (2) EXCEPTION.—If the application of any re-
19 quirement under this title (including regulations) or
20 an amendment made by this title is postponed or en-
21 joined by action of a court, a State or political sub-
22 division of a State may impose requirements de-
23 scribed in paragraph (1) until such time as the re-
24 quirements under this title (including amendments
25 made by this title) take effect.

1 (b) SAVINGS PROVISION.—Nothing in this title or an
 2 amendment made by this title prohibits a State or political
 3 subdivision of a State from imposing requirements that
 4 are more stringent than those imposed by this title (in-
 5 cluding regulations) or an amendment made by this title.

6 **TITLE II—OTHER MATTERS**
 7 **WITH RESPECT TO**
 8 **PERFLUOROALKYL OR**
 9 **POLYFLUOROALKYL SUB-**
 10 **STANCES**

11 **SEC. 201. CENTERS OF EXCELLENCE FOR ASSESSING**
 12 **PERFLUOROALKYL AND POLYFLUOROALKYL**
 13 **SUBSTANCES IN WATER SOURCES AND**
 14 **PERFLUOROALKYL AND POLYFLUOROALKYL**
 15 **SUBSTANCE REMEDIATION SOLUTIONS.**

16 (a) PURPOSE.—The purpose of this section is to dedi-
 17 cate resources to advancing, and expanding access to,
 18 perfluoroalkyl or polyfluoroalkyl substance detection and
 19 remediation science, research, and technologies through
 20 Centers of Excellence for Assessing Perfluoroalkyl and
 21 Polyfluoroalkyl Substances in Water Sources and
 22 Perfluoroalkyl and Polyfluoroalkyl Substance Remediation
 23 Solutions.

24 (b) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the congressional defense committees
5 (as defined in section 101(a) of title 10, United
6 States Code);

7 (B) the Committee on Environment and
8 Public Works, the Committee on Energy and
9 Natural Resources, and the Committee on Vet-
10 erans’ Affairs of the Senate; and

11 (C) the Committee on Energy and Com-
12 merce, the Committee on Natural Resources,
13 the Committee on Science, Space, and Tech-
14 nology, and the Committee on Veterans’ Affairs
15 of the House of Representatives.

16 (2) CENTER.—The term “Center” means the
17 Center of Excellence for Assessing Perfluoroalkyl
18 and Polyfluoroalkyl Substances in Water Sources
19 and Perfluoroalkyl and Polyfluoroalkyl Substance
20 Remediation Solutions established under subsection
21 (c)(1)(A).

22 (3) CENTERS.—The term “Centers” means—

23 (A) the Center; and

24 (B) the Rural Center.

1 (4) ELIGIBLE RESEARCH UNIVERSITY.—The
2 term “eligible research university” means an institu-
3 tion of higher education (as defined in section
4 101(a) of the Higher Education Act of 1965 (20
5 U.S.C. 1001(a))) that—

6 (A) has annual research expenditures of
7 not less than \$750,000,000; and

8 (B) is located near a population center of
9 not fewer than 5,000,000 individuals.

10 (5) ELIGIBLE RURAL UNIVERSITY.—The term
11 “eligible rural university” means an institution of
12 higher education that—

13 (A) is located in a State described in sec-
14 tion 1703(d)(1)(C)(iii)(I) of title 38, United
15 States Code; and

16 (B) is a member of the National Security
17 Innovation Network in the Rocky Mountain Re-
18 gion.

19 (6) EPA METHOD 533.—The term “EPA Meth-
20 od 533” means the method described in the docu-
21 ment of the Environmental Protection Agency enti-
22 tled “Method 533: Determination of Per- and
23 Polyfluoroalkyl Substances in Drinking Water by
24 Isotope Dilution Anion Exchange Solid Phase Ex-

1 traction and Liquid Chromatography/Tandem mass
2 Spectrometry” (or a successor document).

3 (7) EPA METHOD 537.1.—The term “EPA
4 Method 537.1” means the method described in the
5 document of the Environmental Protection Agency
6 entitled “Determination of Selected Per- and
7 Polyfluorinated Alkyl Substances in Drinking Water
8 by Solid Phase Extraction and Liquid Chroma-
9 tography/Tandem Mass Spectrometry (LC/MS/MS)”
10 (or a successor document).

11 (8) NATIONAL LABORATORY.—The term “Na-
12 tional Laboratory” has the meaning given the term
13 in section 2 of the Energy Policy Act of 2005 (42
14 U.S.C. 15801).

15 (9) RURAL CENTER.—The term “Rural Center”
16 means the Rural Center of Excellence for Assessing
17 Perfluoroalkyl and Polyfluoroalkyl Substances in
18 Water Sources and Perfluoroalkyl and
19 Polyfluoroalkyl Substance Remediation Solutions es-
20 tablished under subsection (c)(1)(B).

21 (c) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Administrator shall—

23 (A)(i) select from among the applications
24 submitted under paragraph (2)(A) an eligible
25 research university and a National Laboratory

1 applying jointly for the establishment of a cen-
2 ter, to be known as the “Center of Excellence
3 for Assessing Perfluoroalkyl and Polyfluoroalkyl
4 Substances in Water Sources and
5 Perfluoroalkyl and Polyfluoroalkyl Substance
6 Remediation Solutions”, which shall be a bi-in-
7 stitutional collaboration between the eligible re-
8 search university and National Laboratory co-
9 applicants; and

10 (ii) guide and assist the eligible research
11 university and National Laboratory in the es-
12 tablishment of that center; and

13 (B)(i) select from among the applications
14 submitted under paragraph (2)(B) an eligible
15 rural university for the establishment of an ad-
16 ditional center, to be known as the “Rural Cen-
17 ter of Excellence for Assessing Perfluoroalkyl
18 and Polyfluoroalkyl Substances in Water
19 Sources and Perfluoroalkyl and Polyfluoroalkyl
20 Substance Remediation Solutions”; and

21 (ii) guide and assist the eligible rural uni-
22 versity in the establishment of that center.

23 (2) APPLICATIONS.—

24 (A) CENTER.—

1 (i) IN GENERAL.—An eligible research
2 university and National Laboratory desir-
3 ing to establish the Center shall jointly
4 submit to the Administrator an application
5 at such time, in such manner, and con-
6 taining such information as the Adminis-
7 trator may require.

8 (ii) CRITERIA.—In evaluating applica-
9 tions submitted under clause (i), the Ad-
10 ministrator shall only consider applications
11 that—

12 (I) include evidence of an existing
13 partnership between the co-applicants
14 that is dedicated to supporting and
15 expanding shared scientific goals with
16 a clear pathway to collaborating on
17 furthering science and research relat-
18 ing to perfluoroalkyl or polyfluoroalkyl
19 substances;

20 (II) demonstrate a history of col-
21 laboration between the co-applicants
22 on the advancement of shared re-
23 search capabilities, including instru-
24 mentation and research infrastructure

1 relating to perfluoroalkyl or
2 polyfluoroalkyl substances;

3 (III) indicate that the co-appli-
4 cants have the capacity to expand
5 education and research opportunities
6 for undergraduate and graduate stu-
7 dents to prepare a generation of ex-
8 perts in sciences relating to
9 perfluoroalkyl or polyfluoroalkyl sub-
10 stances;

11 (IV) demonstrate that the Na-
12 tional Laboratory co-applicant is
13 equipped to scale up newly discovered
14 materials and methods for
15 perfluoroalkyl or polyfluoroalkyl sub-
16 stance detection and perfluoroalkyl or
17 polyfluoroalkyl substance removal
18 processes for low-risk, cost-effective,
19 and validated commercialization; and

20 (V) identify 1 or more staff mem-
21 bers of the eligible research university
22 co-applicant and 1 or more staff mem-
23 bers of the National Laboratory co-
24 applicant who—

1 (aa) have expertise in
2 sciences relevant to perfluoroalkyl
3 or polyfluoroalkyl substance de-
4 tection and remediation; and

5 (bb) have been jointly se-
6 lected, and will be jointly ap-
7 pointed, by the co-applicants to
8 lead, and carry out the purposes
9 of, the Center.

10 (B) RURAL CENTER.—An eligible rural
11 university desiring to establish the Rural Center
12 shall submit to the Administrator an applica-
13 tion at such time, in such manner, and con-
14 taining such information as the Administrator
15 may require.

16 (3) TIMING.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the Centers shall be established not
19 later than 1 year after the date of enactment of
20 this Act.

21 (B) DELAY.—If the Administrator deter-
22 mines that a delay in the establishment of 1 or
23 both of the Centers is necessary, the Adminis-
24 trator—

1 (i) not later than the date described in
2 subparagraph (A), shall submit a notifica-
3 tion to the appropriate committees of Con-
4 gress explaining the necessity of the delay;
5 and

6 (ii) shall ensure that the 1 or more
7 Centers for which a delay is necessary are
8 established not later than 3 years after the
9 date of enactment of this Act.

10 (4) REQUIREMENT.—The Administrator shall
11 carry out subparagraphs (A) and (B) of paragraph
12 (1)—

13 (A) in coordination with the Secretary of
14 Energy, as the Administrator determines to be
15 appropriate; and

16 (B) in consultation with the Strategic En-
17 vironmental Research and Development Pro-
18 gram and the Environmental Security Tech-
19 nology Certification Program of the Depart-
20 ment of Defense.

21 (d) DUTIES AND CAPABILITIES OF THE CENTERS.—

22 (1) IN GENERAL.—The Centers shall develop
23 and maintain—

24 (A) capabilities for measuring, using meth-
25 ods certified by the Environmental Protection

1 Agency, perfluoroalkyl or polyfluoroalkyl sub-
2 stance contamination in drinking water, ground
3 water, and any other relevant environmental,
4 municipal, industrial, or residential water sam-
5 ples; and

6 (B) capabilities for—

7 (i) evaluating emerging perfluoroalkyl
8 or polyfluoroalkyl substance removal and
9 destruction technologies and methods; and

10 (ii) benchmarking those technologies
11 and methods relative to existing tech-
12 nologies and methods.

13 (2) REQUIREMENTS.—

14 (A) IN GENERAL.—In carrying out para-
15 graph (1), the Centers shall, at a minimum—

16 (i) develop instruments and personnel
17 capable of analyzing perfluoroalkyl or
18 polyfluoroalkyl substance contamination in
19 water using EPA method 533, EPA meth-
20 od 537.1, any future method or updated
21 method, or any other relevant method for
22 detecting perfluoroalkyl or polyfluoroalkyl
23 substances in water;

24 (ii) develop and maintain capabilities
25 for evaluating the removal of perfluoroalkyl

1 or polyfluoroalkyl substances from water
2 using newly developed adsorbents or mem-
3 branes;

4 (iii) develop and maintain capabilities
5 to evaluate the degradation of
6 perfluoroalkyl or polyfluoroalkyl substances
7 in water or other media;

8 (iv) make the capabilities and instru-
9 ments developed under clauses (i) through
10 (iii) available to researchers throughout the
11 regions in which the Centers are located;
12 and

13 (v) make reliable perfluoroalkyl or
14 polyfluoroalkyl substance measurement ca-
15 pabilities and instruments available to mu-
16 nicipalities and individuals in the region in
17 which the Centers are located at reason-
18 able cost.

19 (B) OPEN-ACCESS RESEARCH.—The Cen-
20 ters shall provide open access to the research
21 findings of the Centers.

22 (e) COORDINATION WITH OTHER FEDERAL AGEN-
23 CIES.—The Administrator may, as the Administrator de-
24 termines to be necessary, use staff and other resources
25 from other Federal agencies in carrying out this section.

1 (f) REPORTS.—

2 (1) REPORT ON ESTABLISHMENT OF CEN-
3 TER.—With respect to each of the Center and the
4 Rural Center, not later than 1 year after the date
5 on which the center is established under subsection
6 (c), the Administrator, in coordination with that cen-
7 ter, shall submit to the appropriate committees of
8 Congress a report describing—

9 (A) the establishment of that center; and

10 (B) the activities of that center since the
11 date on which that center was established.

12 (2) ANNUAL REPORTS.—With respect to each
13 of the Center and the Rural Center, not later than
14 1 year after the date on which the report under
15 paragraph (1) for that center is submitted, and an-
16 nually thereafter until the date on which that center
17 is terminated under subsection (g), the Adminis-
18 trator, in coordination with that center, shall submit
19 to the appropriate committees of Congress a report
20 describing—

21 (A) the activities of that center during the
22 year covered by the report; and

23 (B) any policy, research, or funding rec-
24 ommendations relating to the purposes or ac-
25 tivities of that center.

1 (g) TERMINATION.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the Centers shall terminate on October 1, 2033.

4 (2) EXTENSION.—If the Administrator, in con-
5 sultation with the Centers, determines that the con-
6 tinued operation of 1 or both of the Centers beyond
7 the date described in paragraph (1) is necessary to
8 advance science and technologies to address
9 perfluoroalkyl or polyfluoroalkyl substance contami-
10 nation—

11 (A) the Administrator shall submit to the
12 appropriate committees of Congress—

13 (i) a notification of that determina-
14 tion; and

15 (ii) a description of the funding nec-
16 essary for the applicable 1 or more Centers
17 to continue in operation and fulfill their
18 purpose; and

19 (B) subject to the availability of funds,
20 may extend the duration of the applicable 1 or
21 more Centers for such time as the Adminis-
22 trator determines to be appropriate.

23 (h) FUNDING.—

24 (1) IN GENERAL.—Of the amounts authorized
25 to be appropriated to the Department of Defense for

1 fiscal year 2024 for the Strategic Environmental Re-
2 search and Development Program and the Environ-
3 mental Security Technology Certification Program of
4 the Department of Defense, \$25,000,000 shall be
5 made available to the Administrator to carry out
6 this section, to remain available until September 30,
7 2033.

8 (2) ADMINISTRATIVE COSTS.—Not more than 4
9 percent of the amounts made available to the Ad-
10 ministrator under paragraph (1) shall be used by the
11 Administrator for the administrative costs of car-
12 rying out this section.

13 **SEC. 202. ACTIONS UNDER STATE LAW FOR DAMAGES**
14 **FROM EXPOSURE TO HAZARDOUS SUB-**
15 **STANCES.**

16 Section 309 of the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9658) is amended—

19 (1) in subsection (a)—

20 (A) in the subsection heading, by inserting
21 “AND STATUTES OF REPOSE” after “LIMITA-
22 TIONS”;

23 (B) in paragraph (1)—

1 (i) in the paragraph heading, by in-
2 serting “OF LIMITATIONS” after “STAT-
3 UTES”; and

4 (ii) by inserting “statute of” after
5 “applicable”;

6 (C) by redesignating paragraphs (2) and
7 (3) as paragraphs (3) and (4), respectively;

8 (D) by inserting after paragraph (1) the
9 following:

10 “(2) EXCEPTION TO STATE STATUTES OF
11 REPOSE.—In the case of any action brought under
12 State law for personal injury, or property damages,
13 which are caused or contributed to by exposure to
14 any hazardous substance, or pollutant or contami-
15 nant, released into the environment from a facility,
16 if the applicable statute of repose period for such ac-
17 tion (as specified in the State statute of repose or
18 under common law) provides a commencement date
19 which is earlier than the federally required com-
20 mencement date, such period shall commence at the
21 federally required commencement date in lieu of the
22 date specified in such State statute.”; and

23 (E) in paragraph (3) (as so redesign-
24 nated)—

1 (i) by striking “paragraph (1)” and
2 inserting “paragraphs (1) and (2)”; and

3 (ii) by inserting “or statute of repose”
4 after “statute of limitations”; and

5 (2) in subsection (b)—

6 (A) in paragraph (2)—

7 (i) in the paragraph heading, by in-
8 sserting “STATUTE OF” after “APPLICA-
9 BLE”; and

10 (ii) by inserting “statute of” after
11 “applicable”;

12 (B) by redesignating paragraphs (3) and
13 (4) as paragraphs (4) and (5), respectively;

14 (C) by inserting after paragraph (2) the
15 following:

16 “(3) APPLICABLE STATUTE OF REPOSE PE-
17 RIOD.—The term ‘applicable statute of repose pe-
18 riod’ means the period specified in a statute of
19 repose during which a civil action referred to in sub-
20 section (a)(2) may be brought.”;

21 (D) in paragraph (4) (as so redesi-
22 gnated)—

23 (i) by inserting “or statute of repose”
24 after “statute of limitations”; and

1 (ii) by striking “applicable limitations
2 period” and inserting “applicable statute
3 of limitations period or applicable statute
4 of repose period, respectively”; and

5 (E) in paragraph (5) (as so redesign-
6 nated)—

7 (i) in subparagraph (A), by striking
8 “subsection (a)(1)” and inserting “para-
9 graph (1) or (2) of subsection (a)”; and

10 (ii) in subparagraph (B)—

11 (I) by redesignating clauses (i)
12 and (ii) as subclauses (I) and (II), re-
13 spectively, and indenting appro-
14 priately;

15 (II) in the matter preceding sub-
16 clause (I) (as so redesignated), by
17 striking “In the case” and inserting
18 the following:

19 “(i) MINORS AND INCOMPETENTS.—
20 In the case”; and

21 (III) by adding at the end the
22 following:

23 “(ii) NEWLY DESIGNATED HAZ-
24 ARDOUS SUBSTANCES.—In the case of a
25 contaminant of emerging concern, pollut-

1 ant, chemical, waste, or other substance
2 that is designated as a hazardous sub-
3 stance on or after August 1, 2022, the
4 term ‘federally required commencement
5 date’ means the latter of—

6 “(I) the date on which that con-
7 taminant of emerging concern, pollut-
8 ant, chemical, waste, or other sub-
9 stance is designated as a hazardous
10 substance; and

11 “(II) the date on which the plain-
12 tiff knew (or reasonably should have
13 known) that the personal injury or
14 property damages referred to in para-
15 graph (1) or (2) of subsection (a)
16 were caused or contributed to by that
17 contaminant of emerging concern, pol-
18 lutant, chemical, waste, or other sub-
19 stance.”.

20 **SEC. 203. BANKRUPTCY PROVISION RELATING TO PER-**
21 **SISTENT, BIOACCUMULATIVE, AND TOXIC**
22 **CHEMICALS DEFENDANTS AND DEBTORS.**

23 (a) IN GENERAL.—Title III of the Comprehensive
24 Environmental Response, Compensation, and Liability Act

1 of 1980 (42 U.S.C. 9651 et seq.) is amended by adding
2 at the end the following:

3 **“SEC. 313. SPECIAL PROVISION RELATING TO PERSISTENT,**
4 **BIOACCUMULATIVE, AND TOXIC CHEMICALS**
5 **DEFENDANTS AND DEBTORS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) CLAIM; DEBTOR; ENTITY; PETITION.—The
8 terms ‘claim’, ‘debtor’, ‘entity’, and ‘petition’ have
9 the meanings given those terms in section 101 of
10 title 11, United States Code.

11 “(2) ESTATE.—The term ‘estate’ means an es-
12 tate of a debtor described in section 541 of title 11,
13 United States Code.

14 “(3) NONDEBTOR ENTITY.—The term ‘non-
15 debtor entity’ means an entity that is not a debtor
16 or an estate.

17 “(4) PBT CLAIM.—The term ‘PBT claim’
18 means a claim based on, arising from, or attrib-
19 utable to the presence of, or exposure to—

20 “(A) a perfluoroalkyl or polyfluoroalkyl
21 substance; or

22 “(B) any persistent, bioaccumulative, and
23 toxic chemical, as designated under section 6(h)
24 of the Toxic Substances Control Act (15 U.S.C.
25 2605(h)).

1 “(b) AUTOMATIC STAY.—The filing of a petition does
2 not operate as a stay under section 362(a) of title 11,
3 United States Code, of the commencement or continu-
4 ation, including the issuance or employment of process,
5 of a judicial, administrative, or other action or proceeding
6 against a nondebtor entity, or any act to obtain or recover
7 property of a nondebtor entity, on account of or with re-
8 spect to a PBT claim against the nondebtor entity, the
9 debtor, or the estate (including a claim or cause of action
10 against the nondebtor entity that is property of the debtor
11 or the estate).”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), this section and the amendment made by
15 this section—

16 (A) shall take effect on the date of enact-
17 ment of this Act; and

18 (B) shall apply to any case under title 11,
19 United States Code, that is—

20 (i) pending as of the date of enact-
21 ment of this Act; or

22 (ii) commenced or reopened on or
23 after the date of enactment of this Act.

24 (2) VALIDITY OF FINAL ORDERS.—Nothing in
25 this section, or the amendment made by this section,

1 shall affect the validity of any final judgment, order,
2 or decree entered before the date of enactment of
3 this Act.

○