

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for perfluoroalkyl and polyfluoroalkyl substances release disclosure, detection, and safe drinking water assistance.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1790

To authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. CAPITO (for herself, Mr. CARPER, and Mr. BARRASSO)

Viz:

- 1 In section 318(a), add at the end the following:
- 2 (3) OTHER AUTHORITY.—In addition to the re-
- 3 quirements under paragraph (1), when otherwise au-
- 4 thorized to expend funds for the purpose of address-
- 5 ing ground or surface water contaminated by a
- 6 perfluorinated compound, the Secretary of Defense
- 7 may, to expend those funds, enter into a grant
- 8 agreement, cooperative agreement, or contract
- 9 with—

- 1 (A) the local water authority with jurisdic-
2 tion over the contamination site, including—
- 3 (i) a public water system (as defined
4 in section 1401 of the Safe Drinking
5 Water Act (42 U.S.C. 300f)); and
- 6 (ii) a publicly owned treatment works
7 (as defined in section 212 of the Federal
8 Water Pollution Control Act (33 U.S.C.
9 1292)); or
- 10 (B) a State, local, or Tribal government.

11 At the end of division A, add the following:

12 **TITLE XVII—PFAS RELEASE DIS-**
13 **CLOSURE, DETECTION, AND**
14 **SAFE DRINKING WATER AS-**
15 **SISTANCE**

16 **SEC. 1701. DEFINITION OF ADMINISTRATOR.**

17 In this title, the term “Administrator” means the Ad-
18 ministrator of the Environmental Protection Agency.

19 **Subtitle A—PFAS Release**
20 **Disclosure**

21 **SEC. 1711. ADDITIONS TO TOXICS RELEASE INVENTORY.**

22 (a) DEFINITIONS.—In this section:

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

4 (2) TOXICS RELEASE INVENTORY.—The term
5 “toxics release inventory” means the toxics release
6 inventory under section 313(c) of the Emergency
7 Planning and Community Right-To-Know Act of
8 1986 (42 U.S.C. 11023(e)).

9 (b) IMMEDIATE INCLUSION.—

10 (1) IN GENERAL.—Subject to subsection (e),
11 beginning January 1 of the calendar year following
12 the date of enactment of this Act, the following
13 chemicals shall be deemed to be included in the
14 toxics release inventory:

15 (A) Perfluorooctanoic acid (commonly re-
16 ferred to as “PFOA”) (Chemical Abstracts
17 Service No. 335–67–1).

18 (B) The salt associated with the chemical
19 described in subparagraph (A) (Chemical Ab-
20 stracts Service No. 3825–26–1).

21 (C) Perfluorooctane sulfonic acid (com-
22 monly referred to as “PFOS”) (Chemical Ab-
23 stracts Service No. 1763–23–1).

24 (D) The salts associated with the chemical
25 described in subparagraph (C) (Chemical Ab-

1 stract Service Nos. 45298–90–6, 29457–72–5,
2 56773–42–3, 29081–56–9, 4021–47–0,
3 111873–33–7, and 91036–71–4).

4 (E) A perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances that is—

7 (i) listed as an active chemical sub-
8 stance in the February 2019 update to the
9 inventory under section 8(b)(1) of the
10 Toxic Substances Control Act (15 U.S.C.
11 2607(b)(1)); and

12 (ii) on the date of enactment of this
13 Act, subject to the provisions of—

14 (I) section 721.9582 of title 40,
15 Code of Federal Regulations; or

16 (II) section 721.10536 of title
17 40, Code of Federal Regulations.

18 (2) THRESHOLD FOR REPORTING.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the threshold for reporting the
21 chemicals described in paragraph (1) under sec-
22 tion 313(f)(1) of the Emergency Planning and
23 Community Right-To-Know Act of 1986 (42
24 U.S.C. 11023(f)(1)) is 100 pounds.

1 (B) REVISIONS.—Not later than 5 years
2 after the date of enactment of this Act, the Ad-
3 ministrator shall—

4 (i) determine whether revision of the
5 threshold under subparagraph (A) is war-
6 ranted; and

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

13 (c) INCLUSION FOLLOWING ASSESSMENT.—

14 (1) IN GENERAL.—Subject to subsection (e), a
15 perfluoroalkyl or polyfluoroalkyl substance or class
16 of perfluoroalkyl or polyfluoroalkyl substances shall
17 be automatically included in the toxics release inven-
18 tory beginning January 1 of the calendar year after
19 any of the following dates:

20 (A) ESTABLISHMENT OF TOXICITY
21 VALUE.—The date on which the Administrator
22 establishes a toxicity value for the
23 perfluoroalkyl or polyfluoroalkyl substance or
24 class of perfluoroalkyl or polyfluoroalkyl sub-
25 stances.

1 (B) SIGNIFICANT NEW USE RULE.—The
2 date on which the Administrator finalizes a sig-
3 nificant new use rule under subsection (a)(2) of
4 section 5 of the Toxic Substances Control Act
5 (15 U.S.C. 2604), except a significant new use
6 rule promulgated in connection with an order
7 issued under subsection (e) of that section, for
8 the perfluoroalkyl or polyfluoroalkyl substance
9 or class of perfluoroalkyl or polyfluoroalkyl sub-
10 stances.

11 (C) ADDITION TO EXISTING SIGNIFICANT
12 NEW USE RULE.—The date on which the
13 perfluoroalkyl or polyfluoroalkyl substance or
14 class of perfluoroalkyl or polyfluoroalkyl sub-
15 stances is added to a list of substances covered
16 by a significant new use rule previously promul-
17 gated under subsection (a)(2) of section 5 of
18 the Toxic Substances Control Act (15 U.S.C.
19 2604), except a significant new use rule pro-
20 mulgated in connection with an order issued
21 under subsection (e) of that section.

22 (D) ADDITION AS ACTIVE CHEMICAL SUB-
23 STANCE.—The date on which the perfluoroalkyl
24 or polyfluoroalkyl substance or class of
25 perfluoroalkyl or polyfluoroalkyl substances that

1 is on a list of substances covered by a signifi-
2 cant new use rule under subsection (a)(2) of
3 section 5 of the Toxic Substances Control Act
4 (15 U.S.C. 2604), except a significant new use
5 rule promulgated in connection with an order
6 issued under subsection (e) of that section, is—

7 (i) added to the inventory under sub-
8 section (b)(1) of section 8 of the Toxic
9 Substances Control Act (15 U.S.C. 2607)
10 and designated as an active chemical sub-
11 stance under subsection (b)(5)(A) of that
12 section; or

13 (ii) designated as an active chemical
14 substance on the inventory in accordance
15 with subsection (b)(5)(B) of that section.

16 (2) THRESHOLD FOR REPORTING.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the threshold for reporting under
19 section 313(f)(1) of the Emergency Planning
20 and Community Right-To-Know Act of 1986
21 (42 U.S.C. 11203(f)(1)) the substances and
22 classes of substances included in the toxics re-
23 lease inventory under paragraph (1) is 100
24 pounds.

1 (B) REVISIONS.—Not later than 5 years
2 after the date of enactment of this Act, the Ad-
3 ministrator shall—

4 (i) determine whether revision of the
5 thresholds under subparagraph (A) is war-
6 ranted; and

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

13 (d) INCLUSION FOLLOWING DETERMINATION.—

14 (1) IN GENERAL.—To the extent not already
15 subject to subsection (b), not later than 2 years
16 after the date of enactment of this Act, the Adminis-
17 trator shall determine whether the substances and
18 classes of substances described in paragraph (2)
19 meet the criteria described in section 313(d)(2) of
20 the Emergency Planning and Community Right-To-
21 Know Act of 1986 (42 U.S.C. 11023(d)(2)) for in-
22 clusion in the toxics release inventory.

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

1 and classes of perfluoroalkyl and polyfluoroalkyl sub-
2 stances, including—

3 (A) hexafluoropropylene oxide dimer acid
4 (Chemical Abstracts Service No. 13252-13-6);

5 (B) the compounds associated with the
6 chemical described in subparagraph (A) (Chem-
7 ical Abstracts Service Nos. 62037-80-3 and
8 2062-98-8);

9 (C) perfluoro[(2-pentafluoroethoxy-
10 ethoxy)acetic acid] ammonium salt (Chemical
11 Abstracts Service No. 908020-52-0);

12 (D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
13 hexafluoro)-2-(trifluoromethoxy) propanoyl fluo-
14 ride (Chemical Abstracts Service No. 2479-75-
15 6);

16 (E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-
17 hexafluoro)-2-(trifluoromethoxy) propionic acid
18 (Chemical Abstracts Service No. 2479-73-4);

19 (F) 3H-perfluoro-3-[(3-methoxy-propoxy)
20 propanoic acid] (Chemical Abstracts Service
21 No. 919005-14-4);

22 (G) the salts associated with the chemical
23 described in subparagraph (F) (Chemical Ab-
24 stracts Service Nos. 958445-44-8, 1087271-
25 46-2, and NOCAS__892452);

1 (H) 1-octanesulfonic acid

2 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium
3 salt (Chemical Abstracts Service No. 59587-
4 38-1);

5 (I) perfluorobutanesulfonic acid (Chemical
6 Abstracts Service No. 375-73-5);

7 (J) 1-Butanesulfonic acid,
8 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt
9 (Chemical Abstracts Service No. 29420-49-3);

10 (K) the component associated with the
11 chemical described in subparagraph (J) (Chem-
12 ical Abstracts Service No. 45187-15-3);

13 (L) heptafluorobutyric acid (Chemical Ab-
14 stracts Service No. 375-22-4);

15 (M) perfluorohexanoic acid (Chemical Ab-
16 stracts Service No. 307-24-4);

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

22 (O) a perfluoroalkyl and polyfluoroalkyl
23 substance or class of perfluoroalkyl or
24 polyfluoroalkyl substances other than the
25 chemicals described in subparagraphs (A)

1 through (N) that is used to manufacture
2 fluoropolymers, as determined by the Adminis-
3 trator.

4 (3) ADDITION TO TOXICS RELEASE INVEN-
5 TORY.—Subject to subsection (e), if the Adminis-
6 trator determines under paragraph (1) that a sub-
7 stance or a class of substances described in para-
8 graph (2) meets the criteria described in section
9 313(d)(2) of the Emergency Planning and Commu-
10 nity Right-To-Know Act of 1986 (42 U.S.C.
11 11023(d)(2)), the Administrator shall revise the
12 toxics release inventory to include that substance or
13 class of substances not later than 2 years after the
14 date on which the Administrator makes the deter-
15 mination.

16 (e) CONFIDENTIAL BUSINESS INFORMATION.—

17 (1) IN GENERAL.—Prior to including on the
18 toxics release inventory pursuant to subsection
19 (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or
20 polyfluoroalkyl substance or class of perfluoroalkyl
21 or polyfluoroalkyl substances the chemical identity of
22 which is subject to a claim of a person of protection
23 from disclosure under subsection (a) of section 552
24 of title 5, United States Code, pursuant to sub-

1 section (b)(4) of that section, the Administrator
2 shall—

3 (A) review that claim of protection from
4 disclosure; and

5 (B) require that person to reassert and
6 substantiate or resubstantiate that claim in ac-
7 cordance with section 14(f) of the Toxic Sub-
8 stances Control Act (15 U.S.C. 2613(f)).

9 (2) NONDISCLOSURE OF PROTECTION INFORMA-
10 TION.—If the Administrator determines that the
11 chemical identity of a perfluoroalkyl or
12 polyfluoroalkyl substance or class of perfluoroalkyl
13 or polyfluoroalkyl substances qualifies for protection
14 from disclosure under paragraph (1), the Adminis-
15 trator shall include the substance or class of sub-
16 stances, as applicable, on the toxics release inventory
17 in a manner that does not disclose the protected in-
18 formation.

19 (f) EMERGENCY PLANNING AND COMMUNITY RIGHT-
20 TO-KNOW ACT OF 1986.—Section 313(c) of the Emer-
21 gency Planning and Community Right-To-Know Act of
22 1986 (42 U.S.C. 11023(c)) is amended—

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

1 “(II) perfluorooctane sulfonic
2 acid (commonly referred to as
3 ‘PFOS’).

4 “(ii) ALTERNATIVE PROCEDURES.—

5 “(I) IN GENERAL.—Not later
6 than 1 year after the validation by the
7 Administrator of an equally effective
8 quality control and testing procedure
9 to ensure compliance with that na-
10 tional primary drinking water regula-
11 tion to measure the levels described in
12 subclause (II) or other methods to de-
13 tect and monitor perfluoroalkyl and
14 polyfluoroalkyl substances in drinking
15 water, the Administrator shall add the
16 procedure or method as an alternative
17 to the quality control and testing pro-
18 cedure described in that national pri-
19 mary drinking water regulation by
20 publishing the procedure or method in
21 the Federal Register.

22 “(II) LEVELS DESCRIBED.—The
23 levels referred to in subclause (I)
24 are—

1 “(aa) the level of a
2 perfluoroalkyl or polyfluoroalkyl
3 substance;

4 “(bb) the total levels of
5 perfluoroalkyl and polyfluoroalkyl
6 substances; and

7 “(cc) the total levels of or-
8 ganic fluorine.

9 “(iii) INCLUSIONS.—The Adminis-
10 trator may include a perfluoroalkyl or
11 polyfluoroalkyl substance or class of
12 perfluoroalkyl or polyfluoroalkyl substances
13 on—

14 “(I) the list of contaminants for
15 consideration of regulation under
16 paragraph (1)(B)(i); and

17 “(II) the list of unregulated con-
18 taminants to be monitored under sec-
19 tion 1445(a)(2)(B)(i).

20 “(iv) MONITORING.—When estab-
21 lishing monitoring requirements for public
22 water systems as part of a national pri-
23 mary drinking water regulation under
24 clause (i) or clause (vi)(II), the Adminis-
25 trator shall tailor the monitoring require-

1 ments for public water systems that do not
2 detect or are reliably and consistently
3 below the maximum contaminant level (as
4 defined in section 1418(b)(2)(B)) for the
5 perfluoroalkyl or polyfluoroalkyl substance
6 or class of perfluoroalkyl or polyfluoroalkyl
7 substances subject to the national primary
8 drinking water regulation.

9 “(v) HEALTH RISK REDUCTION AND
10 COST ANALYSIS.—In meeting the require-
11 ments of paragraph (3)(C), the Adminis-
12 trator may rely on information available to
13 the Administrator with respect to 1 or
14 more specific perfluoroalkyl or
15 polyfluoroalkyl substances to extrapolate
16 reasoned conclusions regarding the health
17 risks and effects of a class of
18 perfluoroalkyl or polyfluoroalkyl substances
19 of which the specific perfluoroalkyl or
20 polyfluoroalkyl substances are a part.

21 “(vi) REGULATION OF ADDITIONAL
22 SUBSTANCES.—

23 “(I) DETERMINATION.—The Ad-
24 ministrators shall make a determina-
25 tion under paragraph (1)(A), using

1 the criteria described in clauses (i)
2 through (iii) of that paragraph,
3 whether to include a perfluoroalkyl or
4 polyfluoroalkyl substance or class of
5 perfluoroalkyl or polyfluoroalkyl sub-
6 stances in the national primary drink-
7 ing water regulation under clause (i)
8 not later than 18 months after the
9 later of—

10 “(aa) the date on which the
11 perfluoroalkyl or polyfluoroalkyl
12 substance or class of
13 perfluoroalkyl or polyfluoroalkyl
14 substances is listed on the list of
15 contaminants for consideration of
16 regulation under paragraph
17 (1)(B)(i); and

18 “(bb) the date on which—

19 “(AA) the Adminis-
20 trator has received the re-
21 sults of monitoring under
22 section 1445(a)(2)(B) for
23 the perfluoroalkyl or
24 polyfluoroalkyl substance or

1 class of perfluoroalkyl or
2 polyfluoroalkyl substance; or
3 “(BB) the Adminis-
4 trator has received finished
5 water data or finished water
6 monitoring surveys for the
7 perfluoroalkyl or
8 polyfluoroalkyl substance or
9 class of perfluoroalkyl or
10 polyfluoroalkyl substances
11 from a Federal or State
12 agency that the Adminis-
13 trator determines to be suf-
14 ficient to make a determina-
15 tion under paragraph
16 (1)(A).

17 “(II) PRIMARY DRINKING WATER
18 REGULATIONS.—

19 “(aa) IN GENERAL.—For
20 each perfluoroalkyl or
21 polyfluoroalkyl substance or class
22 of perfluoroalkyl or
23 polyfluoroalkyl substances that
24 the Administrator determines to

1 regulate under subclause (I), the
2 Administrator—

3 “(AA) not later than 18
4 months after the date on
5 which the Administrator
6 makes the determination,
7 shall propose a national pri-
8 mary drinking water regula-
9 tion for the perfluoroalkyl or
10 polyfluoroalkyl substance or
11 class of perfluoroalkyl or
12 polyfluoroalkyl substances;
13 and

14 “(BB) may publish the
15 proposed national primary
16 drinking water regulation
17 described in subitem (AA)
18 concurrently with the publi-
19 cation of the determination
20 to regulate the
21 perfluoroalkyl or
22 polyfluoroalkyl substance or
23 class of perfluoroalkyl or
24 polyfluoroalkyl substances.

25 “(bb) DEADLINE.—

1 polyfluoroalkyl substance or class of
2 perfluoroalkyl or polyfluoroalkyl sub-
3 stances not later than 1 year after the
4 later of—

5 “(aa) the date on which the
6 Administrator finalizes a toxicity
7 value for the perfluoroalkyl or
8 polyfluoroalkyl substance or class
9 of perfluoroalkyl or
10 polyfluoroalkyl substances; and

11 “(bb) the date on which the
12 Administrator validates an effec-
13 tive quality control and testing
14 procedure for the perfluoroalkyl
15 or polyfluoroalkyl substance or
16 class of perfluoroalkyl or
17 polyfluoroalkyl substance, if such
18 a procedure did not exist on the
19 date on which the toxicity value
20 described in item (aa) was final-
21 ized.

22 “(II) WAIVER.—The Adminis-
23 trator may waive the requirements of
24 subclause (I) with respect to a
25 perfluoroalkyl or polyfluoroalkyl sub-

1 stance or class of perfluoroalkyl and
2 polyfluoroalkyl substances if the Ad-
3 ministrator determines that there is a
4 substantial likelihood that the
5 perfluoroalkyl or polyfluoroalkyl sub-
6 stance or class of perfluoroalkyl or
7 polyfluoroalkyl substances will not
8 occur in drinking water.”.

9 **SEC. 1722. MONITORING AND DETECTION.**

10 (a) MONITORING PROGRAM FOR UNREGULATED
11 CONTAMINANTS.—

12 (1) IN GENERAL.—The Administrator shall in-
13 clude each substance described in paragraph (2) in
14 the fifth publication of the list of unregulated con-
15 taminants to be monitored under section
16 1445(a)(2)(B)(i) of the Safe Drinking Water Act
17 (42 U.S.C. 300j-4(a)(2)(B)(i)).

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

22 (A) for which a method to measure the
23 level in drinking water has been validated by
24 the Administrator; and

1 (B) that are not subject to a national pri-
2 mary drinking water regulation under clause (i)
3 or (vi)(II) of subparagraph (D) of section
4 1412(b)(2) of the Safe Drinking Water Act (42
5 U.S.C. 300g-1(b)(2)).

6 (3) EXCEPTION.—The perfluoroalkyl and
7 polyfluoroalkyl substances and classes of
8 perfluoroalkyl and polyfluoroalkyl substances in-
9 cluded in the list of unregulated contaminants to be
10 monitored under section 1445(a)(2)(B)(i) of the
11 Safe Drinking Water Act (42 U.S.C. 300j-
12 4(a)(2)(B)(i)) under paragraph (1) shall not count
13 towards the limit of 30 unregulated contaminants to
14 be monitored by public water systems under that
15 section.

16 (b) APPLICABILITY.—

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

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

21 (B) subject to paragraph (2) and the avail-
22 ability of appropriations, require public water
23 systems serving not fewer than 3,300 and not
24 more than 10,000 persons to monitor for the
25 substances described in subsection (a)(2); and

1 (C) subject to paragraph (2) and the avail-
2 ability of appropriations, ensure that only a
3 representative sample of public water systems
4 serving fewer than 3,300 persons are required
5 to monitor for the substances described in sub-
6 section (a)(2).

7 (2) REQUIREMENT.—If the Administrator de-
8 termines that there is not sufficient laboratory ca-
9 pacity to carry out the monitoring required under
10 subparagraphs (B) and (C) of paragraph (1), the
11 Administrator may waive the monitoring require-
12 ments in those subparagraphs.

13 (3) FUNDS.—The Administrator shall pay the
14 reasonable cost of such testing and laboratory anal-
15 ysis as is necessary to carry out the monitoring re-
16 quired under paragraph (1) from—

17 (A) funds made available under subsection
18 (a)(2)(H) or (j)(5) of section 1445 of the Safe
19 Drinking Water Act (42 U.S.C. 300j-4); or

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

22 **SEC. 1723. ENFORCEMENT.**

23 Notwithstanding any other provision of law, the Ad-
24 ministrator may not impose financial penalties for the vio-
25 lation of a national primary drinking water regulation (as

1 defined in section 1401 of the Safe Drinking Water Act
2 (42 U.S.C. 300f)) with respect to a perfluoroalkyl or
3 polyfluoroalkyl substance or class of perfluoroalkyl or
4 polyfluoroalkyl substances for which a national primary
5 drinking water regulation has been promulgated under
6 clause (i) or (vi) of subparagraph (D) of section
7 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C.
8 300g–1(b)(2)) earlier than the date that is 5 years after
9 the date on which the Administrator promulgates the na-
10 tional primary drinking water regulation.

11 **SEC. 1724. DRINKING WATER STATE REVOLVING FUNDS.**

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

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

16 “(G) EMERGING CONTAMINANTS.—

17 “(i) IN GENERAL.—Subject to clause
18 (ii), amounts deposited under subsection
19 (t) in a State loan fund established under
20 this section may be used to provide grants
21 for the purpose of addressing emerging
22 contaminants, with a focus on
23 perfluoroalkyl and polyfluoroalkyl sub-
24 stances.

25 “(ii) REQUIREMENTS.—

1 “(I) SMALL AND DISADVAN-
2 TAGED COMMUNITIES.—Not less than
3 25 percent of the amounts described
4 in clause (i) shall be used to provide
5 grants to—

6 “(aa) disadvantaged commu-
7 nities (as defined in subsection
8 (d)(3)); or

9 “(bb) public water systems
10 serving fewer than 25,000 per-
11 sons.

12 “(II) PRIORITIES.—In selecting
13 the recipient of a grant using amounts
14 described in clause (i), a State shall
15 use the priorities described in sub-
16 section (b)(3)(A).”;

17 (2) in subsection (m)(1), in the matter pre-
18 ceding subparagraph (A), by striking “this section”
19 and inserting “this section, except for subsections
20 (a)(2)(G) and (t)”;

21 (3) by adding at the end the following:

22 “(t) EMERGING CONTAMINANTS.—

23 “(1) IN GENERAL.—Amounts made available
24 under this subsection shall be allotted to a State as
25 if allotted under subsection (a)(1)(D) as a capital-

1 ization grant, for deposit into the State loan fund of
2 the State, for the purposes described in subsection
3 (a)(2)(G).

4 “(2) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to carry out
6 this subsection \$100,000,000 for each of fiscal years
7 2020 through 2024, to remain available until ex-
8 pended.”.

9 **Subtitle C—PFAS Detection**

10 **SEC. 1731. DEFINITIONS.**

11 In this subtitle:

12 (1) DIRECTOR.—The term “Director” means
13 the Director of the United States Geological Survey.

14 (2) PERFLUORINATED COMPOUND.—

15 (A) IN GENERAL.—The term
16 “perfluorinated compound” means a
17 perfluoroalkyl substance or a polyfluoroalkyl
18 substance that is manmade with at least 1 fully
19 fluorinated carbon atom.

20 (B) DEFINITIONS.—In this definition:

21 (i) FULLY FLUORINATED CARBON
22 ATOM.—The term “fully fluorinated carbon
23 atom” means a carbon atom on which all
24 the hydrogen substituents have been re-
25 placed by fluorine.

1 (ii) NONFLUORINATED CARBON
2 ATOM.—The term “nonfluorinated carbon
3 atom” means a carbon atom on which no
4 hydrogen substituents have been replaced
5 by fluorine.

6 (iii) PARTIALLY FLUORINATED CAR-
7 BON ATOM.—The term “partially
8 fluorinated carbon atom” means a carbon
9 atom on which some, but not all, of the hy-
10 drogen substituents have been replaced by
11 fluorine.

12 (iv) PERFLUOROALKYL SUBSTANCE.—
13 The term “perfluoroalkyl substance”
14 means a manmade chemical of which all of
15 the carbon atoms are fully fluorinated car-
16 bon atoms.

17 (v) POLYFLUOROALKYL SUB-
18 STANCE.—The term “polyfluoroalkyl sub-
19 stance” means a manmade chemical con-
20 taining a mix of fully fluorinated carbon
21 atoms, partially fluorinated carbon atoms,
22 and nonfluorinated carbon atoms.

1 **SEC. 1732. PERFORMANCE STANDARD FOR THE DETECTION**
2 **OF PERFLUORINATED COMPOUNDS.**

3 (a) IN GENERAL.—The Director shall establish a per-
4 formance standard for the detection of perfluorinated
5 compounds.

6 (b) EMPHASIS.—

7 (1) IN GENERAL.—In developing the perform-
8 ance standard under subsection (a), the Director
9 shall emphasize the ability to detect as many
10 perfluorinated compounds present in the environ-
11 ment as possible using analytical methods that—

12 (A) achieve limits of quantitation (as de-
13 fined in the document of the United States Ge-
14 ological Survey entitled “Analytical Methods for
15 Chemical Analysis of Geologic and Other Mate-
16 rials, U.S. Geological Survey” and dated 2002);
17 and

18 (B) are as sensitive as is feasible and prac-
19 ticable.

20 (2) REQUIREMENT.—In developing the per-
21 formance standard under subsection (a), the Direc-
22 tor may—

23 (A) develop quality assurance and quality
24 control measures to ensure accurate sampling
25 and testing;

1 (B) develop a training program with re-
2 spect to the appropriate method of sample col-
3 lection and analysis of perfluorinated com-
4 pounds; and

5 (C) coordinate with the Administrator, in-
6 cluding, if appropriate, coordinating to develop
7 media-specific, validated analytical methods to
8 detect individual and different perfluorinated
9 compounds simultaneously.

10 **SEC. 1733. NATIONWIDE SAMPLING.**

11 (a) IN GENERAL.—The Director shall carry out a na-
12 tionwide sampling to determine the concentration of
13 perfluorinated compounds in estuaries, lakes, streams,
14 springs, wells, wetlands, rivers, aquifers, and soil using the
15 performance standard developed under section 1732(a).

16 (b) REQUIREMENTS.—In carrying out the sampling
17 under subsection (a), the Director shall—

18 (1) first carry out the sampling at sources of
19 drinking water near locations with known or sus-
20 pected releases of perfluorinated compounds;

21 (2) when carrying out sampling of sources of
22 drinking water under paragraph (1), carry out the
23 sampling prior to any treatment of the water;

24 (3) survey for ecological exposure to
25 perfluorinated compounds, with a priority in deter-

1 mining direct human exposure through drinking
2 water; and

3 (4) consult with—

4 (A) States to determine areas that are a
5 priority for sampling; and

6 (B) the Administrator—

7 (i) to enhance coverage of the sam-
8 pling; and

9 (ii) to avoid unnecessary duplication.

10 (c) REPORT.—Not later than 90 days after the com-
11 pletion of the sampling under subsection (a), the Director
12 shall prepare a report describing the results of the sam-
13 pling and submit the report to—

14 (1) the Committee on Environment and Public
15 Works and the Committee on Energy and Natural
16 Resources of the Senate;

17 (2) the Committee on Energy and Commerce of
18 the House of Representatives;

19 (3) the Senators of each State in which the Di-
20 rector carried out the sampling; and

21 (4) each Member of the House of Representa-
22 tives that represents a district in which the Director
23 carried out the sampling.

1 **SEC. 1734. DATA USAGE.**

2 (a) IN GENERAL.—The Director shall provide the
3 sampling data collected under section 1733 to—

4 (1) the Administrator of the Environmental
5 Protection Agency; and

6 (2) other Federal and State regulatory agencies
7 on request.

8 (b) USAGE.—The sampling data provided under sub-
9 section (a) shall be used to inform and enhance assess-
10 ments of exposure, likely health and environmental im-
11 pacts, and remediation priorities.

12 **SEC. 1735. COLLABORATION.**

13 In carrying out this subtitle, the Director shall col-
14 laborate with—

15 (1) appropriate Federal and State regulators;

16 (2) institutions of higher education;

17 (3) research institutions; and

18 (4) other expert stakeholders.

19 **SEC. 1736. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Direc-
21 tor to carry out this subtitle—

22 (1) \$5,000,000 for fiscal year 2020; and

23 (2) \$10,000,000 for each of fiscal years 2021
24 through 2024.

1 **Subtitle D—Safe Drinking Water**
2 **Assistance**

3 **SEC. 1741. DEFINITIONS.**

4 In this subtitle:

5 (1) **CONTAMINANT.**—The term “contaminant”
6 means any physical, chemical, biological, or radio-
7 logical substance or matter in water.

8 (2) **CONTAMINANT OF EMERGING CONCERN;**
9 **EMERGING CONTAMINANT.**—The terms “contami-
10 nant of emerging concern” and “emerging contami-
11 nant” mean a contaminant—

12 (A) for which the Administrator has not
13 promulgated a national primary drinking water
14 regulation; and

15 (B) that may have an adverse effect on the
16 health of individuals.

17 (3) **FEDERAL RESEARCH STRATEGY.**—The term
18 “Federal research strategy” means the coordinated
19 cross-agency plan for addressing critical research
20 gaps related to detecting, assessing exposure to, and
21 identifying the adverse health effects of emerging
22 contaminants in drinking water developed by the Of-
23 fice of Science and Technology Policy in response to
24 the report of the Committee on Appropriations of

1 the Senate accompanying S. 1662 of the 115th Con-
2 gress (S. Rept. 115–139).

3 (4) TECHNICAL ASSISTANCE AND SUPPORT.—

4 The term “technical assistance and support” in-
5 cludes—

6 (A) assistance with—

7 (i) identifying appropriate analytical
8 methods for the detection of contaminants;

9 (ii) understanding the strengths and
10 limitations of the analytical methods de-
11 scribed in clause (i);

12 (iii) troubleshooting the analytical
13 methods described in clause (i);

14 (B) providing advice on laboratory certifi-
15 cation program elements;

16 (C) interpreting sample analysis results;

17 (D) providing training with respect to
18 proper analytical techniques;

19 (E) identifying appropriate technology for
20 the treatment of contaminants; and

21 (F) analyzing samples, if—

22 (i) the analysis cannot be otherwise
23 obtained in a practicable manner other-
24 wise; and

1 (ii) the capability and capacity to per-
2 form the analysis is available at a Federal
3 facility.

4 (5) WORKING GROUP.—The term “Working
5 Group” means the Working Group established under
6 section 1742(b)(1).

7 **SEC. 1742. RESEARCH AND COORDINATION PLAN FOR EN-**
8 **HANCED RESPONSE ON EMERGING CONTAMI-**
9 **NANTS.**

10 (a) IN GENERAL.—The Administrator shall—

11 (1) review Federal efforts—

12 (A) to identify, monitor, and assist in the
13 development of treatment methods for emerging
14 contaminants; and

15 (B) to assist States in responding to the
16 human health risks posed by contaminants of
17 emerging concern; and

18 (2) in collaboration with owners and operators
19 of public water systems, States, and other interested
20 stakeholders, establish a strategic plan for improving
21 the Federal efforts referred to in paragraph (1).

22 (b) INTERAGENCY WORKING GROUP ON EMERGING
23 CONTAMINANTS.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Adminis-

1 trator and the Secretary of Health and Human
2 Services shall jointly establish a Working Group to
3 coordinate the activities of the Federal Government
4 to identify and analyze the public health effects of
5 drinking water contaminants of emerging concern.

6 (2) MEMBERSHIP.—The Working Group shall
7 include representatives of the following:

8 (A) The Environmental Protection Agency,
9 appointed by the Administrator.

10 (B) The following agencies, appointed by
11 the Secretary of Health and Human Services:

12 (i) The National Institutes of Health.

13 (ii) The Centers for Disease Control
14 and Prevention.

15 (iii) The Agency for Toxic Substances
16 and Disease Registry.

17 (C) The United States Geological Survey,
18 appointed by the Secretary of the Interior.

19 (D) Any other Federal agency the assist-
20 ance of which the Administrator determines to
21 be necessary to carry out this subsection, ap-
22 pointed by the head of the respective agency.

23 (3) EXISTING WORKING GROUP.—The Adminis-
24 trator may expand or modify the duties of an exist-

1 ing working group to perform the duties of the
2 Working Group under this subsection.

3 (c) NATIONAL EMERGING CONTAMINANT RESEARCH
4 INITIATIVE.—

5 (1) FEDERAL RESEARCH STRATEGY.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Director of the Office of Science and Tech-
9 nology Policy (referred to in this subsection as
10 the “Director”) shall coordinate with the heads
11 of the agencies described in subparagraph (C)
12 to establish a research initiative, to be known as
13 the “National Emerging Contaminant Research
14 Initiative”, that shall—

15 (i) use the Federal research strategy
16 to improve the identification, analysis,
17 monitoring, and treatment methods of con-
18 taminants of emerging concern; and

19 (ii) develop any necessary program,
20 policy, or budget to support the implemen-
21 tation of the Federal research strategy, in-
22 cluding mechanisms for joint agency review
23 of research proposals, for interagency co-
24 funding of research activities, and for in-
25 formation sharing across agencies.

1 (B) RESEARCH ON EMERGING CONTAMI-
2 NANTS.—In carrying out subparagraph (A), the
3 Director shall—

4 (i) take into consideration consensus
5 conclusions from peer-reviewed, pertinent
6 research on emerging contaminants; and

7 (ii) in consultation with the Adminis-
8 trator, identify priority emerging contami-
9 nants for research emphasis.

10 (C) FEDERAL PARTICIPATION.—The agen-
11 cies referred to in subparagraph (A) include—

12 (i) the National Science Foundation;

13 (ii) the National Institutes of Health;

14 (iii) the Environmental Protection
15 Agency;

16 (iv) the National Institute of Stand-
17 ards and Technology;

18 (v) the United States Geological Sur-
19 vey; and

20 (vi) any other Federal agency that
21 contributes to research in water quality,
22 environmental exposures, and public
23 health, as determined by the Director.

24 (D) PARTICIPATION FROM ADDITIONAL
25 ENTITIES.—In carrying out subparagraph (A),

1 the Director shall consult with nongovernmental
2 organizations, State and local governments, and
3 science and research institutions determined by
4 the Director to have scientific or material inter-
5 est in the National Emerging Contaminant Re-
6 search Initiative.

7 (2) IMPLEMENTATION OF RESEARCH REC-
8 OMMENDATIONS.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date on which the Director and heads
11 of the agencies described in paragraph (1)(C)
12 establish the National Emerging Contaminant
13 Research Initiative under paragraph (1)(A), the
14 head of each agency described in paragraph
15 (1)(C) shall—

16 (i) issue a solicitation for research
17 proposals consistent with the Federal re-
18 search strategy; and

19 (ii) make grants to applicants that
20 submit research proposals selected by the
21 National Emerging Contaminant Research
22 Initiative in accordance with subparagraph
23 (B).

24 (B) SELECTION OF RESEARCH PRO-
25 POSALS.—The National Emerging Contaminant

1 Research Initiative shall select research pro-
2 posals to receive grants under this paragraph
3 on the basis of merit, using criteria identified
4 by the Director, including the likelihood that
5 the proposed research will result in significant
6 progress toward achieving the objectives identi-
7 fied in the Federal research strategy.

8 (C) ELIGIBLE ENTITIES.—Any entity or
9 group of 2 or more entities may submit to the
10 head of each agency described in paragraph
11 (1)(C) a research proposal in response to the
12 solicitation for research proposals described in
13 subparagraph (A)(i), including—

- 14 (i) State and local agencies;
15 (ii) public institutions, including pub-
16 lic institutions of higher education;
17 (iii) private corporations; and
18 (iv) nonprofit organizations.

19 (d) FEDERAL TECHNICAL ASSISTANCE AND SUP-
20 PORT FOR STATES.—

21 (1) STUDY.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, the Ad-
24 ministrators shall conduct a study on actions the
25 Administrator can take to increase technical as-

1 sistance and support for States with respect to
2 emerging contaminants in drinking water sam-
3 ples.

4 (B) CONTENTS OF STUDY.—In carrying
5 out the study described in subparagraph (A),
6 the Administrator shall identify—

7 (i) methods and effective treatment
8 options to increase technical assistance and
9 support with respect to emerging contami-
10 nants to States, including identifying op-
11 portunities for States to improve commu-
12 nication with various audiences about the
13 risks associated with emerging contami-
14 nants;

15 (ii) means to facilitate access to quali-
16 fied contract testing laboratory facilities
17 that conduct analyses for emerging con-
18 taminants; and

19 (iii) actions to be carried out at exist-
20 ing Federal laboratory facilities, including
21 the research facilities of the Administrator,
22 to provide technical assistance and support
23 for States that require testing facilities for
24 emerging contaminants.

1 (C) AVAILABILITY OF ANALYTICAL RE-
2 SOURCES.—In carrying out the study described
3 in subparagraph (A), the Administrator shall
4 consider—

5 (i) the availability of—

6 (I) Federal and non-Federal lab-
7 oratory capacity; and

8 (II) validated methods to detect
9 and analyze contaminants; and

10 (ii) other factors determined to be ap-
11 propriate by the Administrator.

12 (2) REPORT.—Not later than 18 months after
13 the date of enactment of this Act, the Administrator
14 shall submit to Congress a report describing the re-
15 sults of the study described in paragraph (1).

16 (3) PROGRAM TO PROVIDE FEDERAL ASSIST-
17 ANCE TO STATES.—

18 (A) IN GENERAL.—Not later than 3 years
19 after the date of enactment of this Act, based
20 on the findings in the report described in para-
21 graph (2), the Administrator shall develop a
22 program to provide technical assistance and
23 support to eligible States for the testing and
24 analysis of emerging contaminants.

25 (B) APPLICATION.—

1 (i) IN GENERAL.—To be eligible for
2 technical assistance and support under this
3 paragraph, a State shall submit to the Ad-
4 ministrator an application at such time, in
5 such manner, and containing such infor-
6 mation as the Administrator may require.

7 (ii) CRITERIA.—The Administrator
8 shall evaluate an application for technical
9 assistance and support under this para-
10 graph on the basis of merit using criteria
11 identified by the Administrator, includ-
12 ing—

13 (I) the laboratory facilities avail-
14 able to the State;

15 (II) the availability and applica-
16 bility of existing analytical methodolo-
17 gies;

18 (III) the potency and severity of
19 the emerging contaminant, if known;
20 and

21 (IV) the prevalence and mag-
22 nitude of the emerging contaminant.

23 (iii) PRIORITIZATION.—In selecting
24 States to receive technical assistance and

1 support under this paragraph, the Admin-
2 istrator—

3 (I) shall give priority to States
4 with affected areas primarily in finan-
5 cially distressed communities;

6 (II) may—

7 (aa) waive the application
8 process in an emergency situa-
9 tion; and

10 (bb) require an abbreviated
11 application process for the con-
12 tinuation of work specified in a
13 previously approved application
14 that continues to meet the cri-
15 teria described in clause (ii); and

16 (III) shall consider the relative
17 expertise and availability of—

18 (aa) Federal and non-Fed-
19 eral laboratory capacity available
20 to the State;

21 (bb) analytical resources
22 available to the State; and

23 (cc) other types of technical
24 assistance available to the State.

1 (C) DATABASE OF AVAILABLE RE-
2 SOURCES.—The Administrator shall establish
3 and maintain a database of resources available
4 through the program developed under subpara-
5 graph (A) to assist States with testing for
6 emerging contaminants that—

7 (i) is—

8 (I) available to States and stake-
9 holder groups determined by the Ad-
10 ministrator to have scientific or mate-
11 rial interest in emerging contami-
12 nants, including—

13 (aa) drinking water and
14 wastewater utilities;

15 (bb) laboratories;

16 (cc) Federal and State emer-
17 gency responders;

18 (dd) State primacy agencies;

19 (ee) public health agencies;

20 and

21 (ff) water associations;

22 (II) searchable; and

23 (III) accessible through the
24 website of the Administrator; and

25 (ii) includes a description of—

1 (I) qualified contract testing lab-
2 oratory facilities that conduct analyses
3 for emerging contaminants; and

4 (II) the resources available in
5 Federal laboratory facilities to test for
6 emerging contaminants.

7 (D) WATER CONTAMINANT INFORMATION
8 TOOL.—The Administrator shall integrate the
9 database established under subparagraph (C)
10 into the Water Contaminant Information Tool
11 of the Environmental Protection Agency.

12 (4) FUNDING.—Of the amounts available to the
13 Administrator, the Administrator may use not more
14 than \$15,000,000 in a fiscal year to carry out this
15 subsection.

16 (e) REPORT.—Not less frequently than once every 2
17 years until 2029, the Administrator shall submit to Con-
18 gress a report that describes the progress made in car-
19 rying out this subtitle.

20 (f) EFFECT.—Nothing in this section modifies any
21 obligation of a State, local government, or Indian Tribe
22 with respect to treatment methods for, or testing or moni-
23 toring of, drinking water.

1 **Subtitle E—Miscellaneous**

2 **SEC. 1751. PFAS DATA CALL.**

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

6 “(7) PFAS DATA.—Not later than January 1,
7 2023, the Administrator shall promulgate a rule in
8 accordance with this subsection requiring each per-
9 son who has manufactured a chemical substance
10 that is a perfluoroalkyl or polyfluoroalkyl substance
11 in any year since January 1, 2006, to submit to the
12 Administrator a report that includes, for each year
13 since January 1, 2006, the information described in
14 paragraph (2).”.

15 **SEC. 1752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN**
16 **PFAS.**

17 Not later than June 22, 2020, the Administrator
18 shall take final action on the significant new use rule pro-
19 posed by the Administrator under the Toxic Substances
20 Control Act (15 U.S.C. 2601 et seq.) in the proposed rule
21 entitled “Long-Chain Perfluoroalkyl Carboxylate and
22 Perfluoroalkyl Sulfonate Chemical Substances; Significant
23 New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

1 **SEC. 1753. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator shall
4 publish interim guidance on the destruction and disposal
5 of perfluoroalkyl and polyfluoroalkyl substances and mate-
6 rials containing perfluoroalkyl and polyfluoroalkyl sub-
7 stances, including—

8 (1) aqueous film-forming foam;

9 (2) soil and biosolids;

10 (3) textiles treated with perfluoroalkyl and
11 polyfluoroalkyl substances; and

12 (4) spent filters, membranes, and other waste
13 from water treatment.

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

16 (1) take into consideration—

17 (A) the potential for releases of
18 perfluoroalkyl and polyfluoroalkyl substances
19 during destruction or disposal, including
20 through volatilization, air dispersion, or leach-
21 ate; and

22 (B) potentially vulnerable populations liv-
23 ing near likely destruction or disposal sites; and

24 (2) provide guidance on testing and monitoring
25 air, effluent, and soil near potential destruction or

1 disposal sites for releases described in paragraph
2 (1)(A).

3 (c) REVISIONS.—The Administrator shall publish re-
4 visions to the interim guidance under subsection (a) as
5 the Administrator determines to be appropriate, but not
6 less frequently than once every 3 years.

7 **SEC. 1754. PFAS RESEARCH AND DEVELOPMENT.**

8 (a) IN GENERAL.—The Administrator, acting
9 through the Assistant Administrator for the Office of Re-
10 search and Development, shall—

11 (1)(A) further examine the effects of
12 perfluoroalkyl and polyfluoroalkyl substances on
13 human health and the environment; and

14 (B) make publicly available information relating
15 to the findings under subparagraph (A);

16 (2) develop a process for prioritizing which
17 perfluoroalkyl and polyfluoroalkyl substances, or
18 classes of perfluoroalkyl and polyfluoroalkyl sub-
19 stances, should be subject to additional research or
20 regulatory efforts that is based on—

21 (A) the potential for human exposure to
22 the substances or classes of substances;

23 (B) the potential toxicity of the substances
24 or classes of substances; and

1 (C) information available about the sub-
2 stances or classes of substances;

3 (3) develop new tools to characterize and iden-
4 tify perfluoroalkyl and polyfluoroalkyl substances in
5 the environment, including in drinking water, waste-
6 water, surface water, groundwater, solids, and the
7 air;

8 (4) evaluate approaches for the remediation of
9 contamination by perfluoroalkyl and polyfluoroalkyl
10 substances in the environment; and

11 (5) develop and implement new tools and mate-
12 rials to communicate with the public about
13 perfluoroalkyl and polyfluoroalkyl substances.

14 (b) FUNDING.—There is authorized to be appro-
15 priated to the Administrator to carry out this section
16 \$15,000,000 for each of fiscal years 2020 through 2024.