

116TH CONGRESS
1ST SESSION

H. R. 2600

To regulate per- and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2019

Ms. DEAN (for herself, Mrs. DINGELL, Mr. CISNEROS, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To regulate per- and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Toxic PFAS Control
5 Act”.

6 **SEC. 2. REGULATION OF PERFLUOROALKYL AND**
7 **POLYFLUOROALKYL SUBSTANCES.**

8 (a) IN GENERAL.—Section 6 of the Toxic Substances
9 Control Act (15 U.S.C. 2605) is amended by adding at
10 the end the following:

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

3 “(1) PROHIBITIONS.—Except as provided in
4 subsection (g)—

5 “(A) beginning on the date that is 6
6 months after the date of enactment of this sub-
7 section—

8 “(i) no person may manufacture any
9 new chemical substance that is a
10 perfluoroalkyl or polyfluoroalkyl substance;
11 and

12 “(ii) no person may manufacture or
13 process any chemical substance that is a
14 perfluoroalkyl or polyfluoroalkyl substance
15 for a use that is a significant new use with
16 respect to which the Administrator has
17 issued a final or proposed determination in
18 accordance with section 5(a)(2);

19 “(B) beginning on the date that is 2 years
20 after the date of enactment of this subsection,
21 no person may manufacture any chemical sub-
22 stance that is a perfluoroalkyl or polyfluoroalkyl
23 substance; and

24 “(C) beginning on the date that is 3 years
25 after the date of enactment of this subsection,

1 no person may process or distribute in com-
2 merce any chemical substance that is a
3 perfluoroalkyl or polyfluoroalkyl substance.

4 “(2) REGULATION.—Notwithstanding sub-
5 sections (a) through (d), not later than 6 months
6 after the date of enactment of this subsection, the
7 Administrator shall promulgate a rule that—

8 “(A) prescribes the manner or method of
9 disposal of any chemical substance that is a
10 perfluoroalkyl or polyfluoroalkyl substance, or
11 of any article containing such a chemical sub-
12 stance, by a manufacturer or processor or by
13 any other person who uses or disposes of such
14 a chemical substance, and that—

15 “(i) does not require any person to
16 take any action which would be in violation
17 of any law or requirement of, or in effect
18 for, a State or political subdivision; and

19 “(ii) requires each person subject to it
20 to notify each State and political subdivi-
21 sion in which a required disposal may
22 occur of such disposal;

23 “(B) requires that any such chemical sub-
24 stance, or article containing such a chemical
25 substance, be marked with clear and adequate

1 minimum warnings, and instructions with re-
2 spect to its processing, use, distribution in com-
3 merce, or disposal or with respect to any com-
4 bination of such activities, including require-
5 ments for the form and content of such warn-
6 ings and instructions;

7 “(C) requires any person manufacturing or
8 processing any amount of such a chemical sub-
9 stance to report such manufacture or proc-
10 essing pursuant to section 8, notwithstanding
11 subsection (a)(1) of such section; and

12 “(D) requires any person manufacturing
13 any such chemical substance—

14 “(i) to accept for disposal in accord-
15 ance with subparagraph (A) any such
16 chemical substance that has not been proc-
17 essed;

18 “(ii) to replace or repurchase such
19 chemical substance as elected by the per-
20 son to whom the requirement is directed;
21 and

22 “(iii) to give notice of the require-
23 ments of this subparagraph to the public,
24 processors and distributors in commerce of
25 such chemical substance and, to the extent

1 reasonably ascertainable, to other persons
2 in possession of such chemical substance or
3 exposed to such chemical substance.”.

4 (b) EXEMPTIONS.—Section 6(g) of the Toxic Sub-
5 stances Control Act (15 U.S.C. 2605(g)) is amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by inserting “, or a requirement
8 of subsection (k),” after “subsection (a) rule”; and

9 (2) in paragraph (3), by adding at the end the
10 following: “An exemption under this subsection from
11 a requirement of subsection (k) may be for a period
12 that is not longer than 1 year.”.

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