To require the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “PFAS Testing Act of 2021”.

SEC. 2. TESTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.
(a) Testing Requirements.—Section 4(a) of the Toxic Substances Control Act (15 U.S.C. 2603(a)) is amended by adding at the end the following:
“(5) Perfluoroalkyl and polyfluoroalkyl substances order.—Notwithstanding paragraphs (1) through (4), not later than 60 days after the date of enactment of this paragraph, the Administrator shall, by order, require that comprehensive toxicity testing be conducted on all chemical substances that are perfluoroalkyl and polyfluoroalkyl substances.”.

(b) Persons subject to order.—Section 4(b)(3) of the Toxic Substances Control Act (15 U.S.C. 2603(b)(3)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B) or (C)” and inserting “subparagraph (B), (C), or (D)”;

(2) by adding at the end the following:

“(D) An order under subsection (a)(5) shall require the development of information by any person who manufactures or processes, or intends to manufacture or process, a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.”.

(c) Perfluoroalkyl and polyfluoroalkyl substances.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended by adding at the end the following:
“(i) PERFLUOROALKYL AND POLYFLUOROALKYL

SUBSTANCES.—

“(1) TESTING REQUIREMENT ORDER.—

“(A) PROTOCOLS AND METHODOLOGIES.—

In determining the protocols and methodologies to be included pursuant to subsection (b)(1) in an order under subsection (a)(5), the Administrator shall allow for protocols and methodologies that test chemical substances that are perfluoroalkyl and polyfluoroalkyl substances as a class.

“(B) PERIOD.—In determining the period to be included pursuant to subsection (b)(1) in an order under subsection (a)(5), the Administrator shall ensure that the period is as short as possible while allowing for completion of the required testing.

“(2) EXEMPTIONS.—Notwithstanding subsection (c)(2)(A), the Administrator may only make a determination under subsection (c)(2)(B) that submission of information on a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance required by an order under subsection (a)(5) would be duplicative of information that has been submitted to the Administrator in accordance with such order,
or which is being developed pursuant to such order,
if the information concerns the chemical substance
with the same specific chemical identity as the chem-
ical substance for which the application for an ex-
emption is submitted.”.

SEC. 3. REPORTING AND RETENTION OF INFORMATION.

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

“(7) Perfluoroalkyl and
polyfluoroalkyl substances.—

“(A) Submission of information.—Not-
withstanding any other requirement of law, not
later than 60 days after the date of enactment
of this paragraph, each person who manufac-
tures or processes a chemical substance that is
a perfluoroalkyl or polyfluoroalkyl substance
shall submit to the Administrator—

“(i) all records of significant adverse
reactions to health or the environment al-
leged to have been caused by such chemical
substances; and

“(ii) all health and safety studies re-
lated to such chemical substances of which
the person is aware.
“(B) Availability.—Not later than 4 months after the date of enactment of this paragraph, the Administrator shall make studies submitted under subparagraph (A)(ii) available to the public.”