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

IN THE SENATE OF THE UNITED STATES

JULY 21, 2021

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

A BILL

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

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Protect Drinking Water from PFAS Act of 2021”.

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SEC. 2. MAXIMUM CONTAMINANT LEVELS.

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

“(16) Perfluoroalkyl and polyfluoroalkyl substances.—

“(A) Required regulations.—Not later than 2 years after the date of enactment of the Protect Drinking Water from PFAS Act of 2021, the Administrator shall publish a maximum contaminant level and promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, including, at a minimum—

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

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

“(B) Monitoring.—In establishing monitoring requirements under the national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances under subparagraph (A), the Administrator shall—

“(i) consider options for tailoring monitoring requirements for public water systems that do not detect, or are reliably...
and consistently below the maximum contaminant level for, those substances; and

“(ii) prioritize the use of existing authorities to provide technical assistance and funding to help small, rural, or disadvantaged public water systems to comply with the national primary drinking water regulation.

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

“(D) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C) with respect to the national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances under subparagraph (A), the Administrator may rely on information available to the Administrator with respect to 1 or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions with respect to the health risks and effects of a class of
perfluoroalkyl or polyfluoroalkyl substances of
which the specific perfluoroalkyl or
polyfluoroalkyl substances are a part, including
by using techniques described in—

“(i) the document of the Environmental Protection Agency entitled ‘Generalized Read-Across (GenRA)’ (or a successor document); and

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

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