

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 535) TO REQUIRE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO DESIGNATE PER- AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS SUBSTANCES UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

JANUARY 7, 2020.—Referred to the House Calendar and ordered to be printed

Ms. SCANLON, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 779]

The Committee on Rules, having had under consideration House Resolution 779, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 535, the PFAS Action Act of 2019, under a structured rule. The resolution provides one hour of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-45, modified by the amendment printed in Part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in Part B of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 535 includes waivers of the following:

- Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.
- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.
- Section 425 of the Congressional Budget Act, which prohibits consideration of (1) any legislation referred by a committee until the committee publishes the CBO's statement on the direct costs of Federal mandates and (2) any legislation that would increase the direct costs of Federal intergovernmental mandates beyond \$50,000,000 (adjusted for inflation) unless the legislation provides for new budget authority or the legislation appropriates sufficient funds to cover the new costs.

Although the resolution waives all points of order against provisions in H.R. 535, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 225

Motion by Mr. Cole to report an open rule. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 226

Motion by Mr. Burgess to amend the rule to H.R. 535 to make in order amendment #39, offered by Rep. Shimkus (IL), which strikes Section 2 through Section 18 of the bill, and replaces it with a provision mandating that EPA establish national primary drinking water regulations for PFOA and PFOS within 2 years, as well as expedite the setting of such regulations for other PFAS chemicals. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 227

Motion by Ms. Scanlon to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Yea	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Mr. DeSaulnier	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 535 IN PART A CONSIDERED AS ADOPTED

1. Pallone (NJ): Makes technical changes in recognition of the fact that several sections of the bill have already been enacted into law and creates an exemption from liability for federally required uses of PFAS at airports, so long as such use follows FAA standards and guidance.

SUMMARY OF THE AMENDMENTS TO H.R. 535 IN PART B MADE IN ORDER

1. Woodall (GA), DeSaulnier (CA): Amends Section 18 to ensure the FAA and State and local building code inspectors and fire marshals are at the guidance-making table. This will result in a broader collaborative dialogue that includes the risks posed by the use of foam suppression systems in aviation hangars. (10 minutes)

2. Burgess (TX): Strikes Section 2, which directs the EPA to designate PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act. (10 minutes)

3. Shimkus (IL): Replaces section 5 of the Rules Committee Print with the same language except for the deletion of subparagraph (E) Health Protection, and subparagraph (H) Health Advisory. (10 minutes)

4. Hudson (NC), Rouzer (NC): Directs the EPA to investigate methods to prevent contamination by GenX of surface waters, including source waters used for drinking water purposes. (10 minutes)

5. Hudson (NC), Rouzer (NC): Clarifies that communities impacted by contamination of the chemical GenX are eligible for grants under this section. (10 minutes)

6. Balderson (OH): Prevents implementation of the underlying bill until after the EPA Administrator certifies that its own PFAS Action Plan is completed. (10 minutes)

7. Delgado (NY), Pappas (NH), Rouda (CA), Fitzpatrick (PA), Cisneros (CA), Kildee (MI): Makes it illegal for an industrial facility to introduce PFAS into a sewage treatment system without first disclosing information about that substance. (10 minutes)

8. Pingree (ME), Spanberger (VA): Expands EPA's Safer Choice Program to include carpets, rugs, clothing, and upholstered furniture that do not contain PFAS. (10 minutes)

9. Kildee (MI), Kind (WI), Gallagher (WI): Creates a tool on EPA's website to help people understand testing results for their well water and connect them to local health and government resources and authorizes \$1 million to be appropriated for fiscal year 2021 to carry this out. (10 minutes)

10. Lawrence (MD): Requires the EPA to make publicly available on its website, the results of a determination under subsection 2(b) no later than 60 days after such determination is made. (10 minutes)

11. Rice, Kathleen (NY), King, Peter (NY), Fitzpatrick (PA), Grijalva (AZ), Suozzi (NY), Cisneros (CA), Stevens (MI): Increases authorization of appropriations for the PFAS Infrastructure Grant Program by 25 percent and designates the increase for reimbursing affected community water systems that have previously implemented eligible treatment technologies. (10 minutes)

12. Brown (MD): Requires the Administrator of the Environmental Protection Agency to develop a national risk-communication strategy to inform the public about the hazards of PFAS substances. (10 minutes)

13. Pappas (NH), Rouda (CA), Delgado (NY), Fitzpatrick (PA), Kuster (NH), Cisneros (CA), Kildee (MI): Requires the Administrator of the Environmental Protection Agency to review and develop effluent standards, pretreatment standards, and water quality criteria for PFAS under the Federal Water Pollution Control Act. Authorizes \$100,000,000 in federal grants for each of the fiscal years 2021 through 2025, to publicly owned treatment works to implement pretreatment standards. (10 minutes)

14. Plaskett (VI): Makes U.S. territories eligible for additional Safe Drinking Water Act funding to address emerging contaminants including PFAS. (10 minutes)

15. Brindisi (NY), Gallagher (WI), Reed (NY): Requires the EPA, within 180 days, to issue a final rule listing PFOS and PFOA as hazardous air pollutants under the Clean Air Act, while ensuring that EPA has access to the needed science before making regulatory decisions on other PFAS chemicals, to harmonize with other Comprehensive Environmental Response, Compensation, and Liability Act provisions in the bill. (10 minutes)

16. Kim (NJ): Requires the EPA Administrator to offer for public comment those technologies deemed as effective at removing detectable amounts of PFAS from drinking water. (10 minutes)

17. Golden (ME): Directs the EPA Administrator, in consultation with the U.S. Fire Administration, to submit an annual report to Congress on the effectiveness of the guidance required under Section 18 of the bill. The report shall include recommendations for congressional actions that the Administrator determines appro-

priate to assist efforts to reduce exposure to PFAS by firefighters and other first responders. (10 minutes)

18. Axne (IA): Authorizes the PFAS Infrastructure Grant Program for an additional three years. (10 minutes)

19. Tlaib (MI), Ocasio-Cortez (NY), Barragán (CA): Adds the term “disproportionately exposed communities” to “disadvantaged communities.” Disproportionately exposed communities are defined as those in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth. (10 minutes)

20. Malinowski (NJ): Adds stain resistant, water resistant, and grease resistant coatings that are not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act to the list of products eligible for a voluntary label indicating an absence of PFAS. (10 minutes)

21. Levin, Andy (MI): Requires within 5 years a study of EPA actions under CERCLA to clean up PFAS contamination sites. (10 minutes)

22. Slotkin (MI): Requires the Administrator of the Environmental Protection Agency (EPA), in consultation with other relevant government agencies, to report to Congress on efforts to identify viable alternatives to firefighting foam and other related equipment containing PFAS. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 535 CONSIDERED AS ADOPTED

Page 2, after line 15, insert the following:

(c) AIRPORT SPONSORS.—

(1) IN GENERAL.—No sponsor, including a sponsor of the civilian portion of a joint-use airport or a shared-use airport (as such terms are defined in section 139.5 of title 14, Code of Federal Regulations (or a successor regulation)), shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the use of aqueous film forming foam agent, if such use was—

(A) required by the Federal Aviation Administration for compliance with part 139 of title 14, Code of Federal Regulations; and

(B) carried out in accordance with Federal Aviation Administration standards and guidance on the use of such substance.

(2) SPONSOR DEFINED.—In this subsection, the term “sponsor” has the meaning given such term in section 47102 of title 49, United States Code.

In section 7, strike “clause (i) or (vi) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2))” and insert “section 1412(b)(16) of the Safe Drinking Water Act”.

In section 13, in the matter proposed to be added as section 1459E of the Safe Drinking Water Act, insert after subsection (d) the following:

“(e) NO INCREASED BONDING AUTHORITY.—Amounts awarded to affected community water systems under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.”

In section 16, in the section header, insert “**UNSAFE**” before “**WASTE INCINERATION**”.

In section 17, in the section header, strike “**POTS, PANS, AND COOKING UTENSILS**” and insert “**PFAS-FREE PRODUCTS**”.

In section 17(a), in the subsection header, strike “POTS, PANS, AND COOKING UTENSILS” and insert “PFAS-FREE PRODUCTS”.

In section 17(a)(2), strike “voluntary label available” and insert “a voluntary label that is available”.

In section 18(b), insert “and other related equipment” after “used in firefighting foam”.

Strike sections 6, 8, 9, 10, 11, 12, and 14.

PART B—TEXT OF AMENDMENTS TO H.R. 535 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOODALL OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 47, line 7, insert “, Federal Aviation Administration,” after “U.S. Fire Administration”.

Page 47, line 8, insert “and representatives of State and local building and fire code enforcement jurisdictions” after “departments or agencies”.

Page 47, line 9, insert “, or contact with,” after “use of”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURGESS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 2.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHIMKUS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 5 and insert the following:

SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

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) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation in accordance with this subsection for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

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

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

“(B) ALTERNATIVE PROCEDURES.—

“(i) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking water regulation promulgated under subparagraph (A) to measure the levels described in clause (ii) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401(1)(D).

“(ii) LEVELS DESCRIBED.—The levels referred to in clause (i) are—

“(I) the level of a perfluoroalkyl or polyfluoroalkyl substance;

“(II) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(III) the total levels of organic fluorine.

“(C) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance on—

“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (F)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance subject to the national primary drinking water regulation.

“(E) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), 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 regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(F) REGULATION OF ADDITIONAL SUBSTANCES.—

“(i) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the cri-

teria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under subparagraph (A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be of a quality sufficient to make a determination under paragraph (1)(A).

“(ii) PRIMARY DRINKING WATER REGULATIONS.—

“(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

“(aa) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) may publish the proposed national primary drinking water regulation described in item (aa) concurrently with the publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(II) DEADLINE.—

“(aa) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under clause (i)(I) and subject to item (bb), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(bb) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under item (aa) by not more than 6 months.”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUDSON OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following:

SEC. 19. INVESTIGATION OF PREVENTION OF CONTAMINATION BY GENX.

The Administrator of the Environmental Protection Agency shall investigate methods and means to prevent contamination by GenX of surface waters, including source waters used for drinking water purposes.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUDSON OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, line 20, insert “, including the chemical GenX” after “carbon atom”.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BALDERSON OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following:

SEC. 19. EFFECTIVE DATE.

This Act and the amendments made by this Act shall not take effect until the date that the Administrator of the Environmental Protection Agency certifies that the Environmental Protection Agency has completed the actions described in the document titled “EPA’s Per- and Polyfluoroalkyl Substances (PFAS) Action Plan” and dated February, 2019.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELGADO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. ____ . DISCLOSURE OF INTRODUCTIONS OF PFAS.

(a) IN GENERAL.—The introduction of any perfluoroalkyl or polyfluoroalkyl substance by the owner or operator of an industrial source shall be unlawful unless such owner or operator first notifies the owner or operator of the applicable treatment works of—

(1) the identity and quantity of such substance;

(2) whether such substance is susceptible to treatment by such treatment works; and

(3) whether such substance would interfere with the operation of the treatment works.

(b) VIOLATIONS.—A violation of this section shall be treated in the same manner as a violation of a regulation promulgated under

subsection 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b)).

(c) DEFINITIONS.—In this section:

(1) INTRODUCTION.—The term “introduction” means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(2) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PINGREE OF MAINE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, line 12, strike “or cooking utensil” and insert “cooking utensil, carpet, or rug, clothing, or upholstered furniture”.

Page 46, beginning on line 14, strike “or cooking utensil” and insert “cooking utensil, carpet, rug, clothing, or upholstered furniture”.

Page 46, beginning on line 17, strike “or cooking utensil” and insert “cooking utensil, carpet, rug, clothing, or upholstered furniture”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end, add the following section:

SEC. 19. HOUSEHOLD WELL WATER TESTING WEBSITE.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a website containing information relating to the testing of household well water.

(b) CONTENTS.—The Administrator shall include on the website established under subsection (a) the following:

(1) Information on how to get groundwater that is the source for a household water well tested by a well inspector who is certified by a qualified third party.

(2) A list of laboratories that analyze water samples and are certified by a State or the Administrator.

(3) State-specific information, developed in coordination with each State, on naturally occurring and human-induced contaminants.

(4) Information that, using accepted risk communication techniques, clearly communicates whether a test result value exceeds a level determined by the Administrator or the State to pose a health risk.

(5) Information on treatment options, including information relating to water treatment systems certified by the National Science Foundation or the American National Standards Institute, and people who are qualified to install such systems.

(6) A directory of whom to contact to report a test result value that exceeds a level determined by the Administrator or the State to pose a health risk.

(7) Information on financial assistance that is available for homeowners to support water treatment, including grants under section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) and State resources.

(8) Any other information the Administrator considers appropriate.

(c) COORDINATION.—The Administrator shall coordinate with the Secretary of Health and Human Services, the Secretary of Agriculture, and appropriate State agencies in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2021.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAWRENCE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2, add the following:

(c) PUBLIC AVAILABILITY.—Not later than 60 days after making a determination under subsection (b), the Administrator of the Environmental Protection Agency shall make the results of such determination publicly available on the website of the Environmental Protection Agency.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICE OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, lines 1 through 4, amend subsection (e) to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than \$125,000,000 for each of fiscal years 2020 and 2021.

“(2) SPECIAL RULE.—Of the amounts authorized to be appropriated by paragraph (1), \$25,000,000 are authorized to be appropriated for each of fiscal years 2020 and 2021 for grants under subsection (a) to pay for capital costs associated with the implementation of eligible treatment technologies during the period beginning on October 1, 2014, and ending on the date of enactment of this section.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the committee print, insert the following new section:

SEC. 19. RISK-COMMUNICATION STRATEGY.

The Administrator of the Environmental Protection Agency shall develop a risk-communication strategy to inform the public about the hazards or potential hazards of perfluoroalkyl and polyfluoroalkyl substances, or categories of perfluoroalkyl and polyfluoroalkyl substances, by—

- (1) disseminating information about the risks or potential risks posed by such substances or categories in land, air, water (including drinking water), and products;
- (2) notifying the public about exposure pathways and mitigation measures through outreach and educational resources; and
- (3) consulting with States that have demonstrated effective risk-communication strategies for best practices in developing a national risk-communication strategy.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAPPAS OF NEW HAMPSHIRE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

SEC. —. CLEAN WATER ACT EFFLUENT STANDARDS, PRETREATMENT STANDARDS, AND WATER QUALITY CRITERIA FOR PFAS.

(a) REVIEW AND REGULATION OF SUBSTANCES AND SOURCES.—

(1) REVIEW.—

(A) IN GENERAL.—As soon as practicable, but not later than September 30, 2021, and biennially thereafter, the Administrator shall publish in the Federal Register a plan under subsection (m) of section 304 of the Federal Water Pollution Control Act (33 U.S.C. 1314) that contains the results of a review, conducted in accordance with such section, of the introduction or discharge of perfluoroalkyl and polyfluoroalkyl substances from classes and categories of point sources (other than publicly owned treatment works).

(B) INCLUSIONS.—The Administrator shall include in each plan published pursuant to subparagraph (A)—

(i) information on potential introduction or discharges of perfluoroalkyl and polyfluoroalkyl substances;

(ii) any information gaps on such introduction or discharges and the process by which the Administrator will address such gaps;

(iii) for each measurable perfluoroalkyl and polyfluoroalkyl substance that is not on the list of toxic pollutants described in section 307(a) of the Federal Water Pollution Control Act, a determination, in accordance with the requirements of such section, whether or not to add the substance to such list; and

(iv) a determination, in accordance with the requirements of the Federal Water Pollution Control Act, whether or not to establish effluent limitations and pretreatment standards for the introduction or discharge of each substance described in clause (iii) that the Administrator determines under such clause not to add to such list and for which the Administrator has not developed such limitations or standards.

(2) REGULATION.—Based on the results of each review conducted under paragraph (1) and in accordance with the requirements of the Federal Water Pollution Control Act, the Administrator shall—

(A) in accordance with the plan published under paragraph (1), as soon as practicable—

(i) for each measurable perfluoroalkyl and polyfluoroalkyl substance that the Administrator determines under paragraph (1)(B)(iii) to add to the list of toxic pollutants described in section 307(a) of such Act, initiate the process for adding the substance to such list; and

(ii) for each measurable perfluoroalkyl and polyfluoroalkyl substance that the Administrator determines under paragraph (1)(B)(iv) to establish effluent limitations and pretreatment standards, establish such effluent limitations and pretreatment standards (which limitations and standards may be established by substance or by class or category of substances); and

(B) not later than 2 years after the date on which each plan is published under paragraph (1), publish human health water quality criteria for measurable perfluoroalkyl and polyfluoroalkyl substances and classes and categories of perfluoroalkyl and polyfluoroalkyl substances for which the Administrator has not published such criteria.

(b) DEADLINES FOR COVERED PERFLUOROALKYL SUBSTANCES.—

(1) WATER QUALITY CRITERIA.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish in the Federal Register human health water quality criteria for each covered perfluoroalkyl substance.

(2) EFFLUENT LIMITATIONS AND PRETREATMENT STANDARDS FOR PRIORITY INDUSTRY CATEGORIES.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations and pretreatment standards for the introduction or discharge of each covered perfluoroalkyl substance.

(c) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS.—

(1) IN GENERAL.—The Administrator shall award grants, in amounts not to exceed \$100,000, to owners and operators of publicly owned treatment works, to be used for the implementation of a pretreatment standard developed by the Administrator for a perfluoroalkyl or polyfluoroalkyl substance.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED PERFLUOROALKYL SUBSTANCE.—The term “covered perfluoroalkyl substance” means perfluorooctanoic acid,

perfluorooctane sulfonic acid, or a salt associated with perfluorooctanoic acid or perfluorooctane sulfonic acid.

(3) EFFLUENT LIMITATION.—The term “effluent limitation” means an effluent limitation under section 301(b) of the Federal Water Pollution Control Act (33 U.S.C. 1311).

(4) INTRODUCTION.—The term “introduction” means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(5) MEASURABLE.—The term “measurable” means, with respect to a chemical substance or class or category of chemical substances, capable of being measured using—

(A) test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314);

(B) applicable protocols and methodologies required pursuant to section 4(a) of the Toxic Substances Control Act (15 U.S.C. 2603); or

(C) any other analytical method developed by the Administrator for detecting pollutants, as such term is defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(6) PRETREATMENT STANDARD.—The term “pretreatment standard” means a pretreatment standard under section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(7) PRIORITY INDUSTRY CATEGORY.—The term “priority industry category” means the following point source categories:

(A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations.

(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations.

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations.

(8) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(9) WATER QUALITY CRITERIA.—The term “water quality criteria” means criteria for water quality under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314).

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PLASKETT OF VIRGIN ISLANDS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the committee print, add the following new section:

SEC. 19. ASSISTANCE TO TERRITORIES FOR ADDRESSING EMERGING CONTAMINANTS, WITH A FOCUS ON PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

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

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ASSISTANCE TO TERRITORIES.—Of the amounts made available under this subsection, the Administrator may use funds to provide grants to the Virgin Islands, the Common-

wealth of the Northern Mariana Islands, American Samoa, and Guam for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRINDISI OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 15(a) to read as follows:

(a) LISTING.—

(1) INITIAL LISTING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a final rule adding perfluorooctanoic acid and its salts, and perfluorooctanesulfonic acid and its salts, to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(2) ADDITIONAL LISTINGS.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to issue, in accordance with section 112 of the Clean Air Act (42 U.S.C. 7412), any final rules adding perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances listed pursuant to paragraph (1), to the list of hazardous air pollutants under section 112(b) of such Act.

In section 15(b), strike “the final rule” and insert “any final rule”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIM OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, line 12, insert “, after providing an opportunity for public comment,” after “the Administrator”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOLDEN OF MAINE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 47, after line 15, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(b) ANNUAL REPORT.—Not later than two years after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the head of the U.S. Fire Administration, shall submit to Congress a report on the effectiveness of the guidance issued under subsection (a). Such report shall include recommendations for congressional actions that the Administrator determines appropriate to assist efforts to reduce exposure to PFAS by firefighters and the other persons described in subsection (a).

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AXNE OF IOWA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 37, line 4, strike “2021” and insert “2024”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TLAIB OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, line 18, after “a disadvantaged community” insert “or a disproportionately exposed community”.

Page 37, after line 13, insert the following new paragraph:

“(3) DISPROPORTIONATELY EXPOSED COMMUNITY.—The term ‘disproportionately exposed community’ means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth.”.

Page 37, line 14, strike “(3)” and insert “(4)”.

Page 37, line 18, strike “(4)” and insert “(5)”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALINOWSKI OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 46, line 12, strike “or cooking utensil” and insert “cooking utensil, or stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act”.

Page 46, beginning on line 14, strike “or cooking utensil” and insert “cooking utensil, or stain resistant, water resistant, or grease resistant not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act”.

Page 46, beginning on line 17, strike “or cooking utensil” and insert “cooking utensil, or stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act”.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEVIN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 15, insert the following new subsection:

(c) REVIEW.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the appropriate congressional committees a report containing a review of actions by the Environmental Protection Agency to clean up contamination of the substances designated pursuant to subsection (a).

(2) MATTERS INCLUDED.— The report under paragraph (1) shall include an assessment of cleanup progress and effectiveness, including the following:

(A) The number of sites where the Environmental Protection Agency has acted to remediate contamination of the substances designated pursuant to subsection (a).

(B) Which types of chemicals relating to such substances were present at each site and the extent to which each site was contaminated.

(C) An analysis of discrepancies in cleanup between Federal and non-Federal contamination sites.

(D) Any other elements the Administrator may determine necessary.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on the Environment and Public Works of the Senate.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLOTKIN OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 47, after line 15, insert the following:

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration and other relevant Federal departments or agencies, shall report to Congress on the efforts of the Environmental Protection Agency and other relevant Federal departments and agencies to identify viable alternatives to firefighting foam and other related equipment containing any PFAS.

